



**Legislative Assembly
of Ontario**

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**Official Report
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(Hansard)**

**Journal
des débats
(Hansard)**

Thursday 20 April 2000

Jeudi 20 avril 2000

Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

Clerk
Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY
OF ONTARIO

Thursday 20 April 2000

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Jeudi 20 avril 2000

*The House met at 1000.
Prayers.*

PRIVATE MEMBERS' PUBLIC BUSINESS

FUNERAL DIRECTORS
AND ESTABLISHMENTS
AMENDMENT ACT
(FUNERAL SERVICES), 2000
LOI DE 2000 MODIFIANT
LA LOI SUR LES DIRECTEURS
DE SERVICES FUNÉRAIRES
ET LES ÉTABLISSEMENTS FUNÉRAIRES
(SERVICES FUNÉRAIRES)

Mr Sergio moved second reading of the following bill:

Bill 54, An Act to amend the Funeral Directors and Establishments Act with respect to funeral services /
Projet de loi 54, Loi modifiant la Loi sur les directeurs de services funéraires et les établissements funéraires à l'égard des services funéraires.

Mr Mario Sergio (York West): As I begin to address the content of my private member's bill, let me say that this is not a very exotic topic, but nonetheless it is of the utmost importance. It requires, it protects, it ensures that every neighbourhood, every community is protected from unlicensed, unsupervised, unregulated, uninspected and unscrupulous funeral establishments.

The Funeral Directors and Establishments Act regulates the body governing autonomously, if you will, licensing funeral establishments. It is a well-run and respected profession. My comments and my bill deal strictly and directly with the licensing of the funeral homes themselves, not with monetary issues, not with the economics of the business. I won't touch that at all. I know there is a lot of commotion out there. It is a big business. I won't venture into dealing in uncharted waters.

But the act is silent when it comes to establishments calling themselves funeral centres, funeral parlours, visiting centres or visiting assembly halls. The act does not address this particular problem. Churches are not part of that as they are non-profit organizations. Therefore, churches will continue to do last rites or funeral masses, as they have been doing all along.

My intention with this bill is to close this loophole, to close the gap. It is to bring an amendment to the Funeral

Directors and Establishments Act whereby any funeral establishment is licensed; be it a funeral centre or a funeral or a visiting centre, they must be licensed. It is important that any funeral centre, any funeral home or any funeral establishment is indeed licensed, adheres to the ethics of the profession, to the standards of the profession, is subject to all licence requirements and is inspected on a regulation basis.

In the time of bereavement, the general public should not be questioning whether a funeral establishment is a funeral home or a funeral centre or a visiting centre. I believe the public should not be expected to know the difference. At the same time, the last thing a consumer wants to face at the most delicate of times is that the services are being bungled by a shabby operator.

We have to move on. This is an area a lot of people have concerns about, where the peace and quiet of every community, every neighbourhood, is at stake. What I intend to do with my bill is to make sure that the profession continues to operate in a professional way, adhering to standards and ethics, that neighbourhoods are protected at the same time and that any funeral establishment, called by any other name, is fully licensed, adheres to all laws and is subject to all conditions, standards and inspections from all levels of government.

I was quite encouraged by a letter I got from the Minister of Consumer and Commercial Relations, from which I'd like to read a quote. This is in answer to a letter I sent to him. It says, "I share your interest in ensuring that consumers are afforded a high level of consumer protection by ensuring that funeral services are regulated and that industry practitioners are held to a set of high business standards." I want no more and no less, exactly that. This is not a partisan political issue. My bill is to clean up something that over the years the act has neglected to look at.

The Red Tape Commission, I believe, is now a permanent commission. While I'm very encouraged by the comments of the minister and I hope he will support my bill and help us and help me move it along to the next step, I have to say that the Red Tape Commission has not met—with all their good intentions, and I'm sure they have a lot on their plate—since prior to the last provincial election, since last spring. So with all their good intentions, that commission is moving at less than a snail's pace. This is an issue that we are responsible, as members elected at large by the public, for dealing with, to bring peace and quiet to every community and let our people know that when they call, we answer their call.

When we go to the Red Tape Commission, I have to say, yes, I would love to see my bill move ahead, but at this stage I am neither greedy nor presumptuous to say I'm asking my colleagues, the members in the House, for second and third reading today, although I would love to; I'm saying that if there are other areas to look at to make the bill better, to make the present act better, then let's move it along to the next step, to the next stage, where everyone concerned—funeral directors and establishments and other interested parties such as churches and the public in general—will have an opportunity to come forward and express their views. But it's something we cannot shove under the rug. Communities are waiting for us to act, because it is a serious problem.

The public believes that it is not acceptable, that it is not proper that a body has been prepared, embalmed, whatever you may want to call it, in a particular place and then transported to another, unlicensed location. That is not acceptable.

The intent of my bill is to do exactly that, so that there is no skirting of the law here, so that the public gets what it's entitled to get, and that is ensuring protection from the unscrupulous operator. I won't delve into the municipalities area either, and if the local municipality through its zoning and planning requirements allows a funeral home, so be it. We, as provincial legislators, want to deal with licensing those particular establishments. That is the main intent of my private member's bill. When people, when the community, when the public wave a red flag, it's up to us as legislators to act, to move into the action, if you will, listen to them, respond to their concern and act. That is why we are here, to legislate when concerns are brought to our attention.

In concluding, because 10 minutes fly away very easily, I'm saying to the members of the House that this is not a political issue, that it's not political partisanship here, that it is something that affects everyone in the House and every community, every neighbourhood in Ontario. I'm saying, let's move it along. Let's go to the next step and hear from people who perhaps will bring forward other concerns with respect to the contacts, the operation of the funeral homes and establishments in general.

I would like to see, and I think the members of the House would like to see, everyone have the opportunity to come forward to the public hearing process of the various committees we have at our disposal and have an opportunity to address those meetings and bring to us any other concerns.

1010

Mr John O'Toole (Durham): It's my privilege to respond to the member from York West, Mr Sergio, on his Bill 54 amendments to the Funeral Directors and Establishments Act. He has made a number of points and as the parliamentary assistant I'm going to respond in a formal sense here, but I will also veer off the script a bit and personalize the concern. In many respects I completely appreciate and understand the initiative Mr Sergio is taking.

Bill 54 proposes to add a new section to the Funeral Directors and Establishments Act. The proposed amendments would prohibit anyone from holding bereavement ceremonies on a for-profit basis, aside from a licensed funeral establishment; a cemetery or a crematorium that has been approved under the Cemeteries Act; a location at which bereavement ceremonies are held four or fewer times per year; and small communities within the province where failure to allow services to be provided would prove a hardship to the local population.

The Ministry of Consumer and Commercial Relations has responsibility for cemeteries and funeral legislation in Ontario. As PA, it's my duty to comment on and respond to this particular proposal as it has been put forward in Bill 54, and the ministry has found that it does not truly represent the best interests of the people of the province at this time.

However, that being said, at the request of the ministry, the Red Tape Commission was asked to review and for some time has been reviewing this issue. In fact, it's been an issue since the last time changes were made in the 1990s. Mr Gary Stewart, MPP for Peterborough, and Marcel Beaubien were asked in the previous government to conduct consultations. I can assure you that Mr Stewart, as a former funeral director, is fully aware of the issues and of how controversial this issue really is. I think it's important for us to be talking about it today. Mr Bob Wood and Frank Sheehan, who co-chaired the Red Tape Commission, are in the process of consultations with stakeholders in the group, and a number of issues in the death care sector are important.

The Minister of Consumer and Commercial Relations, the Honourable Bob Runciman, has requested the commission to review the rules governing the sector and provide him with recommendations. The commission has already engaged in consultations, as has been said by Mr Sergio, with the stakeholders in the bereavement sector, including cemetery owners, funeral service providers, industry associations, monument builders and some community organizations.

It may seem strange to think of funeral services as a changing industry but in fact it is changing. For example, an increasing number of people are opting for cremations. Also, the increasingly multicultural nature of our society in Ontario has introduced a variety of new and somewhat different traditions to the business area.

The issue that Bill 54 attempts to address is often referred to as the visitation centre issue, where we have a visitation centre on an existing cemetery providing a lot of the services the traditional funeral home provided.

Within my riding of Durham I personally consulted with Cory Kuipers, who operates a funeral home; Mr Paul Morris, Morris funeral home in Bowmanville; Carl Goode from Newcastle Funeral Home; Myles Oriordan of Wagg Funeral Home in Port Perry; as well as Mr Harry Rath, who has long been known as an important contributor, presently employed by Lowen Group, but who has worked in the private and not-for-profit sector as well, a very knowledgeable individual. I sat with him and

understood some of the dynamics and the importance of being patient and having balanced change at this time.

I understand that visitation centres are not clearly addressed in the existing legislation, and that does present a loophole and indeed the problem from which arises this particular Bill 54. This has contributed to the controversy between cemeteries and funeral providers.

Besides the other issues of the for-profit and not-for-profit, the churches and the rest of it, it gets a little confusing, for who's really hiding and who's really paying taxes? Is the playing field level, or the cemetery plot level, so to speak. It is due to this controversy that the Red Tape Commission has become involved in consulting with all the stakeholders to try and find a solution that works for everyone.

However, visitation centres represent only one issue, and there are many others, as I said before. When the Red Tape Commission has completed its review of the issues, they are expected to provide suggestions on how to improve legislation governing the bereavement sector. However, we must ensure that any changes we make will fully benefit the people they are intended to help, and the way to do this isn't by dealing with the legislation in a piecemeal fashion, as perhaps is done here.

I might say, without being critical, there is a section in there that I need to have explained to me because, as it's currently written and structured, it just doesn't make any sense at all. Again, not being a lawyer, I'm quite surprised by the language in the proposed legislation.

First, and most important, we have to make sure the legislation will protect the consumer's ability to receive bereavement services in a professional and caring manner, which has been the tradition they've been accustomed to and expect in the future, remembering that often these purchases are being made at the most difficult time in their individual lives, their families' lives, and at the most vulnerable time in their lives—often elderly people dealing in a difficult time, difficult situation. Pre-arranged funerals are a big part of the business. Life insurance policies now are being sold with pre-sold funeral arrangements. These are creating the necessity to make amendments to the legislation. We also want to ensure that the new legislation will address the major issues that will face the death care industry well into the new millennium.

For that reason, I'm unfortunately unable to support Bill 54 and urge the assembly to reject the private member's bill, not for any personal reasons but to pressure the government to continue its consultations, bringing forward an improved piece of legislation addressing this very controversial issue.

Mr Bruce Crozier (Essex): I'll be sharing this time with the members for Prince Edward-Hastings and Elgin-Middlesex-London.

I'm pleased to stand this morning to support my colleague from York West in this private member's bill which will amend the Funeral Directors and Establishments Act with respect to funeral services.

It has been said, and perhaps will be said again, that certainly funerals—the conducting of funerals, the offering of funeral services—are most definitely a business. But it's a business and a service that's provided to citizens of Ontario when they are at their most vulnerable. It's a very solemn business. It's a very solemn process that is gone through.

You know, there are a number of bills that are put before this Legislature that we have varying views on, and in fact not all of them touch everybody in society. But it's a natural fact that when it comes to funerals, at some point in time all of us will be involved and it will touch all of our lives.

What the member for York West has pointed out is that we have a problem. It's been suggested, and I suspect it's been suggested in a positive way, that the government be pressured to have legislation that will do what this member's bill is going to do, as well as some others.

1020

It's also been pointed out by the member for York West, the sponsor of this bill, that we don't know when the Red Tape Commission will handle this. We don't know when it will become a priority on the government's agenda. That's what private members' business is for. It's for individual members of the Legislature to bring matters before us that maybe aren't of an emergent nature when it comes to the government. What we're asking you to do is support this. If the government chooses at a later date to further amend the funeral directors act, well, then, fine. So be it. That will be done in its time.

The member for York West is coming to the assistance, if you like, of many vulnerable people in the province. He's coming to their assistance at a time when they might not necessarily receive the service that they think they are entitled to receive and that they are paying for. I believe it's part of the government's responsibility—this is no doubt agreed by all—that there are times when the consumer does have to be protected. I can't think of any time that would be better to look at protection than when someone is bereaving, when they've lost a loved one, a family member, and when they need to know that those they are dealing with are fully licensed, fully trained to carry out the service they're going to provide.

I, along with many of the government members, want government to intercede in our lives as little as possible. But I don't see this as an intrusion, quite frankly. I see it as an aid to citizens in our society. I would hope that other members of the government side take this into consideration when, later this morning, we vote on this piece of legislation. As is often said even about government legislation, it's not perfect but it's a step in the right direction. What we're saying this morning, in support of my colleague from York West, is that there may be more that should be done. We may find that there is more that should be done to protect the consumer. But this is a step in the right direction. Therefore, I don't think that just because there may be more to be done is a reason to defeat this bill. In fact, since it's a step in the right direction, I think that's all the more reason it should be supported.

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): I am very pleased to join in the debate with respect to the bill before us, Bill 54, which is entitled An Act to amend the Funeral Directors and Establishments Act with respect to funeral services.

I just want to comment on the bill. It's not a very long bill, but I think the general intent of my friend's piece of legislation is aimed at something that happened within his riding.

The funeral and cemetery sectors in Ontario, as you know, Mr Speaker, face a great many challenges in the years to come. We want to be certain that any legislative reform that continues to help the death care industry develop responsibly is complete and responsible. Bill 54 doesn't achieve that.

One of the provisions of Bill 54 would limit some locations to holding only four or fewer funeral ceremonies each year. This proposed amendment could restrict the holding of bereavement ceremonies and rites at Legion halls, community centres and other local establishments, which would clearly not be in the interests of many Ontario communities. And why four? I would add that the member from Peterborough says also churches, that this would limit it to churches also in terms of holding ceremonies. I would say, why four ceremonies per year?

How would you feel if you were told you couldn't grant your war veteran uncle's dying wish to hold a service at the Legion because there had already been four funerals there this year? I know that from personal experience, having had my uncle, who was a war veteran and president of the Legion, pass away just recently.

This government is committed to ensuring that Ontario's death care legislation remains current. The last changes to the act were over a decade ago. The current act takes into account the tendency towards pre-purchase of bereavement services and the provision of non-traditional funerals and basic low-cost funerals. It also protects consumers by providing an opportunity to cancel prepaid services, which helps ensure that consumers aren't talked into something grander than they would normally have purchased. It also allows flexibility if the consumer needs or wants change. Although the current legislation provides many benefits to consumers and businesses, new issues are arising, and the Red Tape Commission's review of Ontario's bereavement legislation will lead the path to the future.

Any new legislation must respond to the realities of a new, electronically driven marketplace. In the marketplace of the new millennium, the corporations, both for-profit and not-for-profit, involved in the death care industry are very different and much more sophisticated than those of the past. Any new legislation that regulates and guides them must be carefully developed, with a thorough understanding of the wishes of all stakeholders, including the interests of consumers across the province as well as the death care industry itself. The approach taken by the Red Tape Commission in its review of the

bereavement sector is the type that would yield effective legislation.

I understand the member's interest in this piece of legislation. I understand his reasons, certainly arising out of a single situation in his own riding, which is unfortunate. But my big concern on this bill, as I've indicated earlier, is limiting to some locations the holding of four or fewer funeral ceremonies each year. As I said, the proposed amendment could restrict the holding of bereavement ceremonies and rights at Legion halls, community centres, churches and other local establishments, which would clearly not be in the interest of many Ontario communities. Certainly as a member who represents a rural component, Bradford-West Gwillimbury and Innisfil, that just doesn't sit well with my constituents, I can tell you. We are very community oriented and you find that ceremonies are held in churches and Legions.

I can't support this legislation for the reasons I have provided.

Mr Ernie Parsons (Prince Edward-Hastings): I'm pleased to rise and support this bill. I too have read it; it is not very lengthy. In the community I come from, I have attended funerals in homes, churches, schools and Legions. This does not preclude that. The key word in this bill is that it is "for-profit." I have not been present at any of those where it has been a for-profit function. I am pleased that it discontinues allowing that, because rural communities value the opportunity to have a funeral in a place that is special to the family and to the deceased.

As an individual—and I draw on my own life's memories—I was in grade 13 when my mother passed away. I think I can reflect the feeling that everyone goes through when they lose a loved one, and that is that life seemed to stop for a little while. I have some memories, but not complete memories, of that event. I know from my siblings and from my father that it was a time of distress and a time when we relied on others. We had a faith and a belief that the funeral home was licensed and would do the right thing, would show the proper respect, would follow the regulations, and that happened. Because of that, the memory I have is that we focused on the loss of our mother rather than difficulties with the funeral industry, because there were none. We knew that this particular home was following the law as it existed.

This past January I lost my father. This has been a little bit of a different experience because my father donated his body to medical science, to a university. There was no funeral home involved, and there was no funeral as such. That brought out different emotions—the first emotion of pride. My father was a strong believer in his country and served for six years during the Second World War. He was strongly committed to his community, strongly committed to bettering others. I have a great deal of admiration and respect for him. I believe that the donation of his body to the university was the right thing to do, and I'm proud of him for that.

1030

But it also invoked in me the emotions of, how was his body being handled, is it being treated with dignity and is

it being treated with respect? I know it is. I have every confidence it is. But it still bothers me that it is other than the traditional, and I needed the assurance of exactly what would happen and what would follow and that there would ultimately be a funeral. For survivors after the loss of a loved one, it is their last opportunity to show their love and respect for the person they have lost. They need to have the assurance that the funeral home they're dealing with is going to do the right thing. The right things don't necessarily always happen automatically. The right things happen because of professionalism, because people have had the training, because people know the regulations, because there is governance and there is inspection and regulation. I believe that mandates that the funeral industry needs to be undertaken by professionals who are licensed and follow the law.

If we go to the possibility that could happen, as inferred by this bill, that for-profit organizations can set up and operate a facility for funerals that is not a funeral home, if they do not take the appropriate action, if they make a mistake, if they learn what to do off a learning curve, saying, "We'll make a few mistakes, but eventually we'll get it right," there are absolutely horrid memories for the family that is left. The family needs to have the assurance of absolutely no worries or no concerns. They need to focus on their loss. They need to have absolute confidence in it.

That's all this bill does. Maybe a review of the act will change it in years to come, but each and every day there is a family that could potentially fall victim to inappropriate treatment or an inappropriate ceremony.

The member for York West has brought this forward not for one specific incident. I believe we need to learn from experience and say that we need to ensure that the people in Ontario, both the deceased and the remaining family and friends, have every assurance that things will be done the right way. This is important.

Mr Rosario Marchese (Trinity-Spadina): I've got to tell you, I'm not an expert on these matters. I bring no expertise, and I've got to admit—

Mr R. Gary Stewart (Peterborough): Sit down.

Interjection.

Mr Marchese: No, you're quite right. He's asking me to therefore sit down. But I've got to tell you, I stay away from funeral homes as often as I can, because I'm afraid. So my expertise is experiential to the extent that I have to go every now and then, but that's about it.

On this matter, I have some knowledge but not in great detail. Mr Sergio says the facility that opened up in his community is the first to use a legal loophole and operate without a licence, and it's because of this that it's here. I also know that my former colleague M. George Mammoliti, who has since joined the Liberal Party, people should know that—God bless, I've got no problem with that. He's actively involved in this particular matter and has been for quite a number of years.

Mr Sergio: As a local councillor.

Mr Marchese: As a local councillor, of course. He has led people to believe that he could have stopped this

operation from existing and/or operating. My only problem is that this operation was able to get a permit under the zoning bylaws at the time—it's my understanding, Mr Sergio—was able to get this operation established under the zoning rules of the day, meaning three years ago or so. Then what happened was that they were able to slap on what's called an interim control bylaw that simply says, "Hold on here, you can't go any further."

So this fellow, Mr Marchi, the brother of Sergio Marchi, the former Liberal minister, is having to go to all sorts of different places—the OMB. They said, "No, it's not our problem here," at the Ontario Municipal Board, "You've got to go to the courts to settle this."

Eventually, I suspect the city is going to have to foot the bill to pay this guy's costs, on the assumption I make that he properly got the zoning bylaw three years ago. I know no more than this. I thought I would put it on the record because this is a matter that obviously has been dragged on for years. The public perhaps was led to believe this could be stopped. Mr Marchi was under the impression that he could build under the zoning bylaws, and now he's in court. They're all in court: the public, politicians, Mr Marchi. At the end of the day someone is going to pay, and it's very likely going to be the public that will end up paying for this particular problem.

On this bill, again, I bring no expertise to it. My only concern is this: The reason for having a licensed establishment is to make sure you properly embalm bodies, probably for public health purposes. That's why you license them. I suspect there could be other reasons. So if you have a licensed establishment embalm and then send the body to another place for visitation, what's wrong with that? Does that other operation have to be licensed? It doesn't seem to me that they have to be licensed in that way for visitation purposes.

My only concern, and the only reason I want to support this bill, is that the little funeral home establishment person who embalms and does the visitations in his centre is not able to compete against someone who has an established, licensed place and is able, because he has the means, to send the body elsewhere for visitation and get more business for himself.

I forget the term Mr Tascona used. Frances, what is that term?

Mr Tascona: Sounds like a disclaimer.

Mr Marchese: No, It's a term used for people making money on the—

The Acting Speaker (Mr Michael A. Brown): Through the Speaker, please.

Ms Frances Lankin (Beaches-East York): Death care industry?

Mr Marchese: Death care industry, yes. What a frightening thought. Imagine making money out of the dead, but it is an industry. That's why he calls it the death care industry. Is that a term that people use in the industry? I wouldn't do that. I wouldn't use that term, because it's not something you want to promote publicly, right, that you're making money out of the dead? Of course, they are.

So only at the level of protecting the little guy against the bigger guy who's got the bucks would be my motivation to support this bill, and for no other reason. There have been other explanations or opinions offered by the member from Durham who, it seemed to me, had other good issues to bring forth. Again, I assume they're going to bring forth a bill to deal with crematoriums and funeral homes, because there is a whole vast array of issues that flow from that.

I would be quite interested in supporting the bill, sending it to committee for discussion. Perhaps it will encourage the government to bring forth a bill, sooner rather than later, because it may be a matter of public interest, obviously. But that's what I would do, Mr Sergio. I would support you to bring this bill forward for discussion in committee, and if the government has other concerns, they will bring them there. It will give us an opportunity to have funeral directors come to committee to discuss their issues and their concerns, and perhaps we can hear more about the death care industry. I would like to learn a little more about that and other related issues.

1040

Mrs Brenda Elliott (Guelph-Wellington): I'm pleased with the opportunity today to speak to private member's Bill 54. As we have heard, the challenges that face funeral and cemetery sectors here in Ontario are varied and complex. As my colleague the parliamentary assistant to the Minister of Consumer and Commercial Relations has said, and I agree, this means that our approach to any reform of the Funeral Directors and Establishments Act, and for that matter all of Ontario's death care legislation, must be comprehensive. It must include a thorough review of both consumer and business interests.

In my view, this is a very delicate topic. It seems like an unusual topic to be discussing in the Legislature, but it's an important topic. It's important that we ensure that the public can purchase cemetery and funeral services with confidence. In the decisions that are made in trying times of people's lives, it's very important that whatever law is in place is accurate and comprehensive.

I'd like to speak more specifically about the implications of Bill 54, introduced by the member for York West. This bill proposes that for-profit organizations must abide by the rules he wishes to establish. However, not-for-profit organizations would be exempt. Without a comprehensive review, we would be concerned about ensuring all providers of bereavement services would have equal access to the market.

The Ministry of Consumer and Commercial Relations has requested, as has been said, that the Red Tape Commission review a number of issues surrounding the cemetery and funeral sector with a view to ensuring that Ontario's death care legislation remains both current and consistent with the needs and wants of consumers. Whether or not exactly the same rules should apply to for-profit as to non-profit funeral service providers is still to be determined, but I do know that when the Red Tape

Commission completes its review of all the issues, they will all have been carefully considered.

Because Bill 54 doesn't provide equal access to the marketplace, this legislation would result in an uneven playing field in the bereavement industry, which clearly works to the detriment of both consumers and businesses. Also, I think a broader public consultation would be vital for the development of effective legislation before any regulatory changes are undertaken.

Another concern is that if Bill 54 were adopted, some areas of the province, at the discretion of the Lieutenant Governor in Council, would be exempt from its provisions. This would be planned for areas with small populations, and hence fewer services available. The result would be a mishmash of regionalized rules with no consistency, and that, in my view, is not in the best interests of the consumers for whom we are concerned.

I am not saying that change is not or will not be needed. I have spoken to some of my constituents on this matter in Guelph-Wellington and they have expressed a need for concern and change. But without careful and full consideration, we could end up providing ineffective regulation that would be a disservice to all.

I look forward to the opportunity to ensure that legislation continues to be supportive of the future needs of consumers. I would like to compliment the member across the way for his proposal for a solution to the situation that clearly does require some redress. Unfortunately, private member's Bill 54 is not the mechanism that I view as the appropriate way in which this can be delivered. Regrettably, I too will be unable to support this legislation as it has been presented to the House today.

Mr Steve Peters (Elgin-Middlesex-London): I would like to commend the member for York West for his initiative with this piece of legislation. I'd also like to thank Jim Cardinal of Cardinal Funeral Homes for the input he has provided to me regarding this issue.

As a society, we have always treated the issue of death with respect and dignity. For over 150 years in this province, funeral homes have played a vital role in dealing with the issue of death and making sure that those services are provided for families. We've come a long way from the days of the furniture store and the funeral director running out of the same shop. We've evolved into a very sophisticated industry, an industry that's of extreme importance to citizens of Ontario. In fact, there are over 500 funeral establishments all across Ontario that are making sure that proper care is given to families at this most important time.

We know too that funeral homes and the public are protected by legislation and by the Board of Funeral Services. This is what it's all about: protection for the consumers. The industry has seen a great deal of change over the years. We've seen the rise of casket stores, Internet services, and cemeteries providing more and more services.

Visitation centres too have been part of the industry. We know that visitation centres have played an important role. In the Acting Speaker's own northern Ontario,

visitation centre have been an important part of the funeral industry. But the key to that is that those visitation centres have been owned and operated by licensed funeral directors. That's the concern with what is in front of us and what is taking place in the province today.

It needs to be understood by the members that funeral homes are licensed. We know they have a proper facility. We know funeral homes meet all health and safety regulations. Funeral homes undergo regular inspections. We know too that when a family comes into a funeral home, they are going to be dealing with a staff person who has not only been educated and trained in dealing with families at a time of grief within the family, but has the proper care and training in dealing with a body. We know too that when you go into a funeral home today, you have price lists available to you so you know every service you're getting and what the costs of those services are.

The concern over the visitation centres and the funeral centres is that these centres aren't licensed. We know there is no guarantee that there is regular inspection of these centres taking place. There is no guarantee that when a family comes in, they're going to be dealing with an individual who has received the proper education and the proper training.

There is a health issue involved in this too. Within a funeral home we know there is always the possibility that something can go wrong with an embalmed body. There are natural biological processes that can take place. At least in a funeral home, we have a guarantee that if something were to happen, we have those facilities right there to look after that body. But there is no guarantee that that is taking place in a visitation centre. It could be a very traumatic experience for a family member or for somebody who is at a funeral home for a visitation to not know and not have those safety provisions in the background.

Why this amendment? There is a public perception out there that these visitation funeral centres are licensed, and they are not. The public has this perception that they're dealing with educated and trained individuals and individuals who have full knowledge and understanding of the grieving process and the death process. That is not happening.

This is all about consumer protection. It's about protection to ensure that the consumer is well served. It is a concern about improper marketing techniques that can be and possibly are being used by some of these visitation centres. This is a very important time for people, and this could be intrusive into their lives. There is concern about commission selling. I think those are issues that we need to worry about.

Quite frankly, these visitation centres are not playing by the same rules as funeral homes, and we can't allow that to happen. Every one of us in this Legislature owes that to the public, to ensure they are getting licensed and trained people and the best service. We must deal with this amendment. People are most vulnerable at a time of death, and we cannot allow any unscrupulous, unedu-

cated or untrained individual to take advantage of those vulnerabilities that may exist.

We need the support of all this House to ensure that we close those loopholes that exist and make sure the citizens of Ontario are getting the best care and the best-educated and best-trained individuals at a time of death.

The Acting Speaker: Further debate?

The member for York West has two minutes to reply.

Mr Sergio: I want to thank my colleagues, all the members of the House, for speaking on my private member's bill.

Let me quickly address a couple of extra points here. I especially appreciate the comments of the members for Durham and Guelph-Wellington, where they recognized the serious problems that exist, and especially the member for Guelph-Wellington, who said that public consultation is vital for the process. The member for Durham says that we have to put pressure on the government. Well, this is the way to put pressure on the government, to move to the next step and make it public, give the public in general an opportunity to come forward with anything they know they want with respect to the Funeral Directors and Establishments Act, and there is a lot out there.

I take those concerns, but let's move on, let's bring it into the open, let's have public hearings, and let's make the act a better one for the general public, the practitioners, the directors and the consumers.

Ontario and Prince Edward Island are the only two provinces in Canada that do not allow a licensed funeral home on a cemetery property; 40 of 50 US states allow that as well.

I think the time is right to move ahead with making changes to the Funeral Directors and Establishments Act. While I take the concerns of your members with an open mind, I would like to see, indeed, that we move along and we put pressure on the government. I have to say, members, that since last spring the Red Tape Commission has not met once. It's time that we move on and give the general public, the practitioners and the consumers the needed protection that they deserve. I hope to have all your support.

1050

DISCLOSURE OF INTEREST

Mr Brad Clark (Stoney Creek): I move that, in the opinion of this House, the government should (i) amend the Local Government Disclosure of Interest Act, 1994, by repealing clause (c) of subsection (1) of section 4 and substituting in its place, the following: (c) shall not use his or her office to seek to influence a decision made by another person to further the member's private interest; and (ii) proclaim the Local Government Disclosure of Interest Act, 1994, in force.

The Acting Speaker (Mr Michael A. Brown): Mr Clark has moved ballot item number 18. The member has up to 10 minutes to make his presentation.

Mr Clark: This is going to be an interesting situation in that we're dealing with an act that was part of an omnibus bill back in 1994. What's interesting is that it has passed third reading, but it hasn't been proclaimed into law. It has not been repealed, but it has been amended. It was amended when we were dealing with the same-sex benefits.

This particular bill, the Local Government Disclosure of Interest Act, is something that wouldn't come as a surprise to any members in the House that I would be very keenly interested in it in that I have continually over the years advocated that there needs to be more accountability in municipal government. I have continually advocated over the years, for example, that there's a need for value-for-dollar audits at the municipal level to hold municipal councils accountable for their tax spending, how they're spending the money, where they're spending the money.

I have argued over the years that there needs to be some type of enforcement for in camera meetings; that when a municipal council decides to go in camera—and we know the specific reasons as to when they're allowed to go in camera—if they somehow take a liberal interpretation of that, there should be a penalty upon the members who decide to go in camera illegally or take that liberal interpretation. It should come as no surprise that I have also argued over the years that municipal councillors should declare gifts that they may receive. In the course of doing their jobs, from time to time they receive gifts. They should be disclosed as well as the disclosure of income.

The Local Government Disclosure of Interest Act preamble states pretty clearly, "The purpose of this act is to preserve the integrity and accountability of local government decision-making." It does it through a number of areas.

It clearly defines what the pecuniary interest is for a member of a council. It states very clearly when they have a pecuniary interest. That means, in terms of income that they're receiving, if there's some financial benefit that they have. It states which members of their families might have that pecuniary interest; in this case, the spouse and any child who is under 18 years of age. You very clearly see that they've set out when the pecuniary interests would be there. That's a part of the act.

It also sets out the exceptions, because there can be exceptions. Someone may be receiving an honorarium from some charitable organization. That should be an exception to the rule. But I think it's important that, considering the fact that we have now moved into these mega-cities, these amalgamations that we now have—not that I supported it—at the same time, the salaries have increased for councillors. Councillors in some cities are making significant salaries. Although they may still argue that they're part-time, they are making significant salaries.

We have seen anecdotal evidence where a member of a council may be working for another body, in fact could be a lobbyist or a lobby group and lobbying municipal

councils, as well as sitting on a municipal council. So there's clear concern from a number of my constituents that there is an opportunity right now where individuals may find themselves in conflict.

Our job as legislators is to make sure that there are such standards. I point back to John Carver, who set up the Carver model of governance. You want to set clear standards so that the individuals know how far to the left to go, how far to the right to go. They know exactly what their standards are and what their limitations and expectations are. That's vitally important.

I don't know what's going to happen today in terms of this resolution. I could be the only guy standing here at the end of the day voting in favour of it. I know that. But, you know, I think it's vitally important that members in this House speak to the issue of accountability in municipal politics, speak to the issue of all of the things that they're concerned about, whether it's a declaration of gifts, a declaration of income, in camera meetings, value-for-dollar audits. It's vitally important, if the government decides they're not going to proclaim this thing, that they do something else. They have to do something. They have to set a level playing field. I hear from constituents in my community time and time again that it's vitally important.

I know there's a difference between urban municipalities and suburban municipalities and I hear from my colleagues that in a suburban municipality they may not have the same situation. I had one fellow state to me: "In the rural communities we don't need full disclosure because everybody knows everyone in the rural community. They already know everything that's going on in the rural community." If that's the case, then why would they be upset about full disclosure? If everyone already knows everything and knows how much money the members are making in that community, then why would they be upset about full disclosure?

I would encourage the members in this House to support the resolution. We know it's not binding but we have to send a message it's time to put some accountability in municipal politics. That's why I would encourage all of the members to help us out in that regard.

Mr Dominic Agostino (Hamilton East): I rise today to speak to this bill from my colleague from Stoney Creek. It's one of those few occasions we're probably going to agree during the time we've had here so far.

It's important for us to look at the issue of accountability because the role of municipal government has changed dramatically over the years and the responsibilities of municipal government have changed dramatically. I do believe there is room for improvement in how we now deal with the issues of conflict and disclosure, in many ways. From my experience on municipal council, councils have a tremendous amount of power to make decisions that influence a lot of people, particularly from a financial point of view. Some decisions that council members make in regard to zoning changes, land use or planning are significant decisions that can go a long way in not only shaping the future of a community, but there's

the potential for conflict, the potential for abuse. I think you have to put a transparent system in place for that to happen.

This bill, I believe, is a step in that direction and certainly I will support it.

Ms Frances Lankin (Beaches-East York): The history of this issue is pretty interesting when you think that the bill that the member's resolution suggests should be amended was actually passed in 1994. It was part of Bill 163. That bill was a broad bill. It included a number of things, including major amendments to the Planning Act, which were looking at tightening up the way in which planning decisions were made, bringing major environmental considerations to the table there. We've seen most of that wiped out by the current government.

But the other provisions in there had to do with municipal conflict of interest. At that time there had been many examples in various municipalities in the province and, in fact, some people who had ended up in situations in court with charges about abuse of their office. But there weren't clear guidelines and it was in many ways unfair to municipal politicians or people seeking municipal office not to know what the rules would be and it was unfair to the public not to have very clear and concise and public rules of accountability.

As we see, time has passed and this very important section of Bill 163 has never been proclaimed. It was passed in November 1994. As you know, in June of the following year there was an election. Governments changed and we've had another election since then and this piece of the legislation remains in limbo, remains unproclaimed.

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In some ways I'm not surprised, because at that time the Conservative Party in opposition and, I may add, the Liberal Party in opposition opposed this bill, for a lot of reasons. But there were people who spoke very directly to the concerns they had over the conflict-of-interest rules. In fact, if I may, I might cite one such member, a member of the now government, Bill Murdoch, who on June 20, 1994, said:

"We have a lot of concerns about this bill in rural Ontario. This fall, we're going to have municipal elections. We want good people to run for our municipalities. We need good people out there. Municipal government is the closest government to the people, there's no doubt, far closer than anyone here is and we certainly need those people to run. But under Bill 163 I'm afraid we're going to have a hard time getting the good people to run. In some municipalities they hardly make any money at all and they're going to make them disclose what they make in their business at home or what their wives make in their business or what their kids make."

Mr Murdoch, clearly speaking on behalf of a certain constituency out there, suggesting that good people won't run if they have to be fiscally accountable in terms of disclosing finances and any conflict of interest, if they have to be accountable in terms of the rules of declaring their conflict when an item comes before them and

accountable in terms of their actions and their behaviour with respect to trying to influence a decision, the subject of which they may have a conflict of interest.

The clause that the member's resolution seeks to amend is under subsection 4(1), a broad section that says, "If a member has a pecuniary interest," a financial interest, "in any matter and is or will be present at a meeting at any time at which the matter is subject of consideration, the member," and it goes on to set out things that they have to do in terms of disclosure, in terms of absenting themselves from the discussion. But clause (c), which this resolution seeks to amend reads, "shall not, at any time, attempt, either on his or her own behalf or while acting for, by or through another person, to influence the voting on any such matter or influence employees or persons interested in a contract with the council or board in respect of the matter."

The amendment that's proposed in the resolution, while I will be supporting the member's resolution, actually waters this down. It says, "(c) shall not use his or her office to seek to influence a decision made by another person to further the member's private interest."

The key words in that to me are that they "shall not use his or her office," as opposed to, under the current clause (c), "shall not, at any time, attempt, either on his or her own behalf," or for another person.

So the clause that's there is actually tougher in that it affects your entire behaviour. The proposed resolution suggests that you can't use your office. In other words, you can't pay for mailings out of your office or have your staff involved or conduct such activities of influence from your office. It may not be the member's intent, but I see it as watering down.

However, having said that, the fact that this section remains in limbo and has never been proclaimed is of great concern to me. As the member indicated in his introductory remarks to this resolution, we need this protection for the public now more than ever. As we have seen, not just the massive amalgamations of municipalities which have taken place are continuing to occur, we've also seen a tremendous downloading from the provincial government on to municipal governments and the scope and extent of business that they carry out has dramatically increased. So the member is right when he says that the world of municipal politics and the world of municipal governance has changed, and now more than ever we need clear conflict-of-interest rules.

I'm appalled that the government which stands so often and claims to be a government that cares about conflict of interest, that's brought in a lobbyist registry, that's done all of this sort of stuff, would allow this section to remain unproclaimed.

At the municipal government level we, as the public, as taxpayers, deserve no less protection from conflict of interest and backroom dealings than we do at a provincial or federal level. The issues are as important, they are as grand in terms of their scope and in terms of their impact and they are as large in terms of their financial where-

withal out there in the community to have an impact on people's businesses and on transactions.

I think the resolution is worthy of support because, in particular, it calls on the government to proclaim this section of the legislation. I believe the previous Rae government, which brought forward this legislation, was definitely on the right track in bringing public accountability at the municipal level with disclosure and conflict-of-interest rules. I think it is a shame the current Harris government—even though I realize they oppose the legislation—has not proclaimed this section and I think it is—I can't use the word because I know you'll rule me out of order. But it's interesting that on the one hand they speak to the public as defenders of accountability and of protectors against conflict of interest, and yet on the other hand they leave unproclaimed such an important section of legislation that would affect those issues directly at the municipal level.

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): I'm pleased to join in the debate commenced by Mr Clark, the member for Stoney Creek. I can say that he, as a new member, has certainly done a very capable job. For a former municipal councillor as myself, this is interesting because when I was on council in 1994 and now as a member elected in 1995, the requirements of a municipal councillor versus the requirements with respect to an MPP are almost like night and day with respect to disclosure and the requirements put on a provincial member.

I can understand the intent of the legislation that was put forth in 1994, and I was aware of it, having been on council, in terms of the requirements that are put forth in this piece of legislation.

The purpose of the piece of legislation is interesting. It says: "The purpose of this act is to preserve the integrity and accountability of local government decision-making." That's the thrust of the bill.

It deals with the pecuniary interest of a particular member. The definition of "pecuniary interest" is "includes a direct or indirect pecuniary interest of a member and a pecuniary interest deemed to be that of a member."

The pecuniary interest involves that of the member who is "a shareholder in, or director or senior officer of, a corporation" privately held, or where that person "has a controlling interest in, or is a director or senior officer of, a corporation" that is publicly held, or "is a partner or agent of a person." So it's designed to deal with direct and indirect dealings with respect to a member where that member can gain financially, if you want to put it in the simplest terms, where there's a pecuniary interest.

Obviously, the public wants to know, when someone votes on a resolution or on a bylaw because we're dealing with the municipal level here, that that person is making that decision with a clear conscience and not with the opportunity to gain financially.

But it also deals with more than just the disclosure of an interest, which you have to declare in council and you can't vote or debate on that particular matter. It also deals with gifts. The section that deals with that is kind of interesting. It says, "A member shall not, either directly

or through another person, accept a fee, gift or personal benefit except compensation authorized by law that is connected with the performance of his or her duties of office." The exception is "a gift or personal benefit that is received as an incident of the protocol or social obligations that normally accompany the responsibilities of office," or a contribution that is permitted under the Municipal Elections Act.

This is something that obviously applies to the members here, with respect to gifts, but there's a further requirement which is something that, in terms of what we're dealing with, I think is very important in terms of bringing transparency and making a member really think about what their financial interests are and what their positioning is.

1110

What we're talking about is the financial disclosure requirement. Obviously, every member here knows, in terms of the obligations we have, that we have to disclose our complete financial interests. We're also reviewed by the Integrity Commissioner, with respect to the statements that are filed, and they're filed annually. That's what was put into this piece of legislation, the financial disclosure requirement, which applies to members of a council and a board, as defined in subsection 1(1) of the Education Act, a public utilities commission and a police village. What it requires is that every member shall, within 60 days of being elected or appointed, file with the clerk of the municipality or the secretary of the board a financial disclosure statement in the prescribed form. That's an obligation so that obviously a council member sitting down, looking at the situation, would be fully aware of what their financial situation is, and it's filed. Obviously, that's something that we do here. So there's a difference in terms of what's required here at this level versus another level. When you deal with it in terms of the public trust and you deal with what the public expects from the decision-makers, people they put into that office, you really have to look at it. Should there be a difference?

I think the member from Stoney Creek has indicated that he understands there's a growing concern in communities like his about holding our public officials accountable to the people who elected them.

As our municipalities increase in size, municipal governments and salaries grow with them. Certainly that's a case in terms of how councils deal with their increase in compensation. For example, in the city of Barrie, during the term the councillors decided, with some debate but not a public forum on it, to raise their remuneration significantly.

Mr James J. Bradley (St Catharines): How much?

Mr Tascona: That's for the public record, member from St Catharines.

I'll give you the example of the town of Innisfil, where the members have decided by resolution: "Yes, we're going to increase our remuneration, but we're going to do it at election time. We want everybody to know that that's on the table. This is what we're looking

to be increased to, and that will be part of the election process.”

So there are different ways of doing that but certainly everybody here has heard of situations where the public has not been happy with the way compensation has been handled by municipalities or school boards.

The member also says, “To avoid conflicts of interest and to keep provincial and federal politicians honest, rules of disclosure are in place.” That’s right, they’re also in place at the federal and provincial levels. We are required to keep our own books open to the public. What has happened is that a set of rules for municipal politicians has been established, but they’re not in effect.

What the member is saying here is: “You put together a piece of legislation that’s been passed by the House, but you haven’t put it in effect.” What he’s requesting this House to do is put it into effect.

As a member who wasn’t here in 1994, but as I’m discussing my past as a former municipal councillor and as a current MPP of the House, I feel that what the member is proposing is legitimate. I think he’s certainly dealing with a piece of legislation that would deal with the situation. It may be that things have changed somewhat, but that’s something for us to review in our own time. I feel that the principles of the legislation are sound because they apply to us here, so I can support it in that vein. What the member from Stoney Creek is looking for is to proclaim it in force.

We’ve heard from other members here, and we’ve also heard from the member from Stoney Creek. I’ve said my piece. I think that the intention is in the right direction and I can support that.

The Acting Speaker: Further debate.

Mr Bradley: Thank you for the opportunity to contribute to this debate. I intend to support the resolution, which I think makes me ask the question, why hasn’t this been proclaimed for the last six years? If it’s been there, one would have thought that someone in the government would have proclaimed this section, because it is an important section. It has been mentioned already that federal and provincial members are under very restrictive—and justifiably restrictive—rules in terms of conflict of interest, in terms of declaring interest, and it seems to me that this piece of legislation should be enacted.

As the member for Beaches-East York noted, there may be a weakening of one section. I hope that’s not the case and I hope when this is brought forward again, if there is a proclamation or a change, that perhaps we can look at that.

This reminds me of the spills bill. There was a bill passed in 1979 in this Legislature in a minority Parliament. It dealt with putting the onus on polluters. In other words, if you spilled an item into the ground or into the air, it forced the person responsible for the spill to act immediately and assume responsibility immediately and then other things would be decided later. It was in fact reverse onus.

The Conservative government of the day refused to implement it by proclaiming it, so I understand what the member’s worry is. For approximately five years we had no spills bill in this province. The polluters were having a heyday. One of the first things the new Peterson government did was proclaim that spills bill. I think it’s important that we do proclaim legislation that’s on the books.

It is important to have that disclosure of interest. If you look at it—and I say this advisedly—it’s easier to buy a municipal politician than it is a federal or a provincial politician—“buy” meaning influence. If you think of it, it’s pretty hard to buy the whole political party when you’re making a donation to a political party because you have to buy the influence of the whole caucus. I think it’s very difficult.

The member from the Niagara Escarpment will agree with me, I am sure, that an individual politician at the municipal level is much more subject to influence than someone at the provincial level. That’s why I always thought the province should have some very strong powers in terms of planning. The NDP government put that into effect. I personally supported that legislation. I didn’t think it went far enough, quite frankly.

Ms Lankin: Your caucus didn’t.

Mr Bradley: There was a hostage in the bill somewhere that made the Liberal caucus not vote for it, I’m sure, but I personally strongly supported that legislation.

You have to watch out. When I see somebody on a municipal council voting a certain way for a developer, I always ask the question—and the news media local should be going to see—did the developer donate to that person? Does that mean the person can’t vote that way? No, but it’s an interesting piece of information. I think all these rules that apply to those of us who are here should apply to municipal councillors as well.

I want to say as well that we need more control and disclosure of fundraising and spending at all levels of government, including the municipal level. As far as the provincial government is concerned, I would have liked to see this resolution deal with the provincial government, because in the last session of this Legislature before the election, this government changed the rules to rig them in favour of a governing party. They did that by increasing the spending limits that political parties can spend during election campaigns—and frankly, previous to the election campaigns—and the amount of money that people, corporations, unions and anybody else who wants to contribute can contribute to the coffers of any particular political party. In my view, that is a backward step in democracy. It gets us down to some of the problems they’re having in the US. The bigger the role that money plays in politics, the worse it is for the democratic system.

The last provincial legislation also exempted certain things, such as polling, from any spending limits at all. I worry again that the party that caters to the richest people in the province—the most powerful people in the province, the wealthiest people in the province, who are able to give the largest donations—is going to benefit

from that kind of legislation. I think that's detrimental to democracy, and that usually favours a party in power.

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We should also look at who gets appointed to agencies, boards and commissions. The member would know this is important as well. Are these municipal councillors having people who contributed to them appointed to agencies, boards and commissions? That's interesting to note. It doesn't mean they should be excluded. I don't want to say that, because I think it's unfair to say that, but it's interesting to note. The more disclosure, the member recognizes through his resolution, the better off we are.

We want to know who benefits from privatization, for instance, when various levels move toward privatization. Who benefits the most from that? Is it the friends of councillors, the friends of the provincial government, the friends of the federal government? Who benefits from that?

The member would note that there has been an assault on local government. He would agree with me on this, I know. *Merger Mania: The Assault on Local Government*, by Dr Andrew Sancton of the University of Western Ontario, is a book worth reading before anybody embarks upon amalgamation. The member would know that when you have these larger units, people have to spend more money and have more influential friends to get them elected. So all these people who think that when you've got the smaller units there are too many politicians out there and think one big region is the answer to everything, as some people in Niagara do, should recognize that they will end up with 16 regional councillors who have to have lots of money or a prominent name to run, or end up with having political parties at the municipal level, which I would be opposed to. This is timely in that regard. I recommend *Merger Mania* to as many people as possible.

What has this government done in terms of its own contribution to democracy or detriment to democracy? It has changed the procedural rules of this Legislature to make the role and responsibility of members diminished considerably and given much more power to unelected people. It has changed the election rules so that we have a shorter campaign, which again benefits the party with the most money, usually the incumbent party. There is no enumeration to speak of any more. We're rigging the rules for municipal referendums now so that the Minister of Municipal Affairs will declare what kind of questions should go on the ballot, not the locally elected people. We have no controls on government advertising, so the government can advertise whatever it wants and spend taxpayers' dollars. The Ombudsman's role is reduced. The Environmental Commissioner is no longer independent. The Freedom of Information and Protection of Privacy Act is not effective because it costs a lot of money to get the information. Last, there's the downloading on to municipalities.

I'm glad the member brought this resolution forward. I hope he considers others of the items that I have

suggested during my remarks for further consideration for resolutions.

Mr Rosario Marchese (Trinity-Spadina): I just want to say for the record that I agree with the member for Stoney Creek. I support the resolution and I want to congratulate him for bringing this resolution forward, because I suspect he may be one of the few brave members today supporting this resolution. If that's the case, I congratulate him even more.

Just as an aside, I support everything my Liberal colleague said. Everything. There was one little thing, just for the record. I suspect it's not just the Tories who get the rich guys to go to their fundraising events. M. McGuinty, your leader, had a \$600 fundraiser. I'd love to check in. It would be nice to be able to go to the Tory fundraiser and the McGuinty fundraiser and see whether there's some cross-pollination between these groups.

I've got to tell you, I represent the bankers in my riding in downtown Toronto, insurance companies. They don't come to my \$25 fundraisers.

Interjections.

Mr Marchese: No, 25 bucks. That's all the people in my riding can afford. We had good food. We had a good band too, a montuno band, a very jazzy, classy band, all for 25 bucks.

Mr Bradley: Was Mr Cleghorn not there?

Mr Marchese: No, Mr Cleghorn said he couldn't come to my fundraiser, but I suspect he was at yours, and theirs: cross-pollination, inbreeding, scary stuff. It was just an aside, Jim, as a friend.

But speaking to the resolution, which is far more important, the reason I suspect the member for Stoney Creek watered down the section is because he's trying to get a buy-in from the members, who are saying, "Look, if you can't water down this bill, I don't know that we can support it." It's a suspicion of mine. I could be wrong. But I don't support the change that you have made because I think it too provides a loophole through which a number of people could slip, where some official who might have been exerting some influence directly or through others could simply claim that he or she was not acting in an official capacity. It's a loophole. I understand the political reasons why you're watering it down. If we go to committee we can talk about it, because I want to support this. Hopefully it will go to committee in order for us to be able to have discussion on this bill.

I support your language about the need for standards, the need for clear guidelines, when you speak to this bill. People have a right to have expectations of their municipal councillors. You may have used the word "accountability"; I don't remember. But it's certainly a word that you often use as a government: "We want to make everyone accountable. We, provincial politicians, want to be accountable, and above all, we want transparency." That's another word your government often uses, doesn't it, Brad? "Transparency." Does this not give the public greater transparency that at the moment it does not have?

You can't say: "We want accountability. We want to be held accountable. We have a disclosure act. But we don't think municipal politicians should." It isn't consistent. It is in fact contradictory to have one position for one level and not the same for the other level. As Mr Bradley, the member for St Catharines, said, if we need accountability in these matters, it's at the municipal level more than any other level, I suspect, generally speaking—not for all cases, and some ministries in particular. But at the municipal level we're dealing with zoning issues, planning issues. We're dealing with development issues. In some municipalities, more than others, some people can be greased to be helpful with the decision-making. They can. I believe they can. I believe municipal politicians are human, and they might decide that for the public interest they want to support something, I suspect.

I know my good friend from Dufferin-Peel says some of these municipal politicians only make 5,000 bucks; why do we have to have disclosure for someone who only really makes \$5,000 as a city councillor? But if you are helpful for some development industry in the area, it can amount to something, right? You understand the expression, right?

Interjection.

Mr Marchese: Yes. It's a universal expression, right? This expression; sorry, Frances. She couldn't see the expression.

At the municipal level there's a need, in my view, to have integrity of our local officials so that their integrity is not brought into question, so that the taxpayers—remember them?—have greater reliability through the accountability mechanism that you're hopefully about to bring forward, and because there's greater transparency they will feel better. Whether or not it solves the problem of possible improprieties is another matter, but at least it gives me, Joe Taxpayer, a greater feeling of protection, that my public interest is protected. That's the extent of this bill. That's why, in my view, we need to have this bill brought forward: for the public interest and to make municipal politicians' behaviour accountable.

If this goes to committee, it will give municipal politicians an opportunity to discuss, to give evidence one way or the other, to give opinion one way or the other. It will give municipal officials who may have something to say about this an opportunity to come forward at committee and say what they want to say.

If the Conservative members today don't support this, it will be inconsistent with their usual politicking. It will contradict their usual language of transparency and accountability. If that is so, they will be indeed consistent with their contradictory behaviour, and maybe life goes on. I don't know.

Interjection.

Mr Marchese: That's the beauty of the Tories. You can be inconsistent all the time and it doesn't matter.

I'm going to support your resolution, Mr Clark. I hope the others do too.

1130

Mr John O'Toole (Durham): It is a pleasure to rise and speak to the private member's bill from Mr Clark, the member for Stoney Creek. It's a resolution, actually. The resolution is a bit technical because it deals with an existing statute that's on the books and has never been declared as law.

I served for a number of years as a school trustee and as a local and regional councillor. I can tell you that today, in that particular respect, there are election disclosure documents. Every contribution is a matter of public record, as it should be. I fully support that. There should be more transparency and accountability to the public, the people you're elected to serve. That already exists under the Elections Act, so that any publicly elected person must declare the contributions—provincially, federally, municipally, school board—whoever is elected to public office. Despite the comments from the member for St Catharines, I think it really is a red herring to say that there isn't enough disclosure in that respect. All of us are required to do that.

Secondly, there is an already existing requirement on the books, under the Municipal Act, for the conflict of interest, which means that your participation in public debate is limited in those areas where you have a pecuniary interest, as it should be. I think that is important, and it does exist. I don't see how this really embellishes that or changes that in any way, nor should it.

The one part that we may have some discussion about is the personal financial disclosure portion, which is Mr Clark's intent here. I find it difficult to disagree with him, because we in public office are accountable. There are degrees, if you will—

Mr Marchese: Of public accountability.

Mr O'Toole: No—of interest. Meaning, when I served on council I think our pay at local council was under \$10,000 annually. I did have a job with General Motors, the major employer in the area, and I made considerably more than I did as a councillor, being there 30 years in a management position. I would also have had stock options and participated in the stock plan. Being over 50 years of age, I had investments and such things that I did not think were appropriately disclosed and would not be appropriately disclosed for a job that's paying less than \$10,000 a year. I did it out of interest for my community, and I think in small-town Ontario, that is generally the motive; people aren't there to line their pockets. Nor do I think anyone in public office, in a general sense, is there for that reason at all, nor would I like to leave that impression. But that is the part where I don't believe, at that level of government, there is a requirement for full personal financial disclosure.

I might add, it would be quite onerous for some people serving on municipal utilities or the public board. It says here a fireman who was holding public office, or something like that, would also have to disclose.

That being said, Mr Clark raises a very good point. I want to make sure that I have the record straight here. The member for Beaches-East York did say that the Rae

government brought forward this section—which I recognize is true, she did—and it's sitting on the books now. But she also said in her remarks this morning that we have strengthened such things as disclosure of information, conflict of interest and the Integrity Commissioner. We have strengthened those areas. Each of us goes through an annual review, as we should.

The member for St Catharines went on a bit of a rant, talking about a number of issues. At the end of the day, the public decides. We've seen an election just recently in Prince Edward Island where there was a back-to-back majority. Ideologically there may be differences between those who don't believe in tax cuts, which I think is what I heard Mr Bradley say, and those who do believe you can stimulate the economy through an economic plan that includes a broad selection of tax cuts, so that people can stimulate the economy instead of bureaucrats stimulating the economy.

That's where we differ and the rest of it is pretty much rhetoric. I will be supporting the intention of the bill, but I'm not sure I can support Mr Clark's resolution this morning. Others may want to comment and I'll leave a couple of minutes for that.

Mr Ernie Parsons (Prince Edward-Hastings): I've learned a lot this morning, hearing the discussion about urban politics. My riding is primarily a rural area. We have some cities such as Belleville and Picton, but by and large it's a rural area. I know the vast majority, if not all of the politicians in my riding and they're not in it for money. They're simply not in it for money.

I believe that if we are going to have a democracy it requires two things to happen. One is that people vote, and I think there needs to be an improvement in that rate, although perhaps as politicians we've made people cynical and turned them off voting. We also need people willing to serve, and serving is by and large a thankless task at the municipal level.

A municipal politician in a small community literally opens their entire life up to the community when they put their name forward. I would suggest that if you ever want to know what your family tree is, run for local office. People will find it out for you and will share with you all of your background. Between politicians who make \$62,000 a year in Toronto versus politicians who make \$1,000 a year in rural Ontario, there's a profound difference and I think we need legislation that reflects that difference.

I read in the media a remark a couple of days ago that I think is pretty fair. It says that if you want to understand what a piece of legislation from the Mike Harris government means, read the title and then "un" or "dis," because it's the reverse of it. Interestingly, as we've gone for fewer politicians, by and large across Ontario we've seen a substantial increase in the compensation for elected officials at the municipal level. That may be warranted. They're doing a lot of additional work; they're serving a much larger clientele. So we have fewer politicians to represent the public, but at the same time they're receiving much more money.

I know that the politicians in my community aren't doing it for the money. I can think of trustees with \$5,000 per year that they pay taxes on and election expenses that they pay out of their own pocket. I have seen trustees come to a school board meeting when they've got hay in the field that really needed to be brought in because it was going to rain. They came because of their sense of responsibility.

I have served with trustees who lose pay at work when they come to serve at a board meeting. On top of the time, there is travel. With the extremely large school boards in my riding, trustees are travelling an hour and a half or an hour and three quarters each way to get to a meeting and return. Local politicians who are well known are always on duty, 24 hours a day. Whether they're at home, in the grocery store or simply out at some community function as a private citizen, they are on duty. There is no anonymity in a rural area as there is in the city.

I had concern back in 1994 with the legislation as it was drafted then, and my concern was that it took the big stick and tried to deal with every individual on every board. I am now in my 24th year serving on the children's aid society board. I know, for the other people on the board with me, that we receive zero dollars. However, it is an organization that fell under that legislation, so someone serving on that board would have to take and disclose their financial interest and that of their spousal partners and their children under 18 etc for a role that provides no opportunity for corruption and is quite the opposite: a role where people are trying to contribute.

I certainly believe in transparency in government. I couldn't be more supportive of it. I would like to know some of the decisions that are made in cabinet because I think the public needs to know. I would like to know all of the regulations, which I believe in many ways are very quietly slipped through. I think there's a lack of transparency there. I think more transparency maybe would have allowed this scandal at the ORC not to happen. As a provincial government, I think we need to tackle corruption. I think we need to make government more open, but it's not at the level we're talking about this morning. This is simply deflecting some of the issues.

I'm not convinced either that this will stop corruption. I believe the intent of the legislation is good and I believe there's room for improvement, but I think we need to do it in consultation with our partners, not have it legislated and forced on them. Let's sit down and talk to the people involved.

I would suggest AMO, the Association of Municipalities of Ontario, would be an excellent source of information. I know their involvement back in 1994 wasn't listened to, but there's still an opportunity, since it hasn't been proclaimed into law, to talk with the people at the municipal level. Let's draw on their expertise, let's hear their life experiences and let's hear their advice on what it should look like. This may essentially be it, but I believe there is room for refinement to reflect the diversity of the roles that are played by board members, municipal politicians and school board trustees in Ontario.

The Acting Speaker: Further debate? The member for Stoney Creek has two minutes plus the remaining time for his caucus.

Mr Clark: The word in all of this debate this morning that keeps popping up is “accountability.” I think that in the real sense of the word that’s exactly what the constituents in my community are concerned about. Whether it’s municipal, provincial or federal politicians, they want accountability and they want transparency. This is what this particular bill from 1994 provides.

I’ve heard some of the comments. “We should have accountability when there’s a larger salary, but if there is a smaller salary, then we shouldn’t have that accountability.” In essence, that’s the argument you’re making when you’re talking about an urban to a rural community. “They’re only making \$5,000 and we don’t have to worry about it, but if they’re making \$70,000”—where do we draw the line? The argument that has been made is that in rural communities it’s not an issue because they are all honest people. I’m not saying they’re not. I’m not saying that urban politicians are not honest. What I’m saying is that the laws of the land are set out so that everybody in the province has to adhere to the law of the land and have it apply to them. We should have one set of standards for everybody. In this case, I think it’s important that we begin developing that set of standards on accountability.

Disclosure is important—the idea of disclosing gifts that are received. We hear anecdotal stories of trips to Florida being given out. We hear anecdotal stories of a week at the cottage. We don’t know what dealings are going on. But if we have to disclose gifts here, as members in this House, then I think the onus is on municipal politicians to do the same. I think the vast majority of municipal politicians are in the job because they’re dedicated and want to do what’s right in the community. I can’t conceive of why a municipal politician would argue that they shouldn’t be held accountable, that there shouldn’t be disclosure on these items.

I cannot accept for a moment that there should be a line in the sand that once you hit a certain salary level of, say, \$5,001, now you have full disclosure. If we’re going to have one set of standards, it should be for all municipal politicians. I think that’s vitally important.

In closing, I want to remind all the members that this was part of an omnibus bill that was brought in earlier on. This is one section. It hasn’t been proclaimed. This is a resolution. I may be standing alone on this side of the House at the end of the day—I don’t know—but I think everyone who spoke today spoke to the need for accountability and transparency. If the government is not going to proclaim this act into law, then they had better find other means to fix the Municipal Act to put accountability in place, to make sure the disclosure is there, and to deal with all the other issues I have continually raised in this House since first being elected.

I thank everyone for their participation this morning and I encourage them to vote in favour of the resolution.

The Acting Speaker: In accordance with standing order 96(e), I will suspend the House until 12 o’clock, when we will deal with both ballot item number 17 and ballot item number 18.

The House recessed from 1145 to 1200.

FUNERAL DIRECTORS
AND ESTABLISHMENTS
AMENDMENT ACT
(FUNERAL SERVICES), 2000

LOI DE 2000 MODIFIANT
LA LOI SUR LES DIRECTEURS
DE SERVICES FUNÉRAIRES
ET LES ÉTABLISSEMENTS FUNÉRAIRES
(SERVICES FUNÉRAIRES)

The Acting Speaker (Mr Michael A. Brown): We will now deal with ballot item number 17.

Mr Sergio has moved second reading of Bill 54. Shall the motion carry?

All in favour will say “aye.”

All opposed will say “nay.”

I believe the ayes have it.

We will call in the members after we deal with ballot item number 18.

DISCLOSURE OF INTEREST

The Acting Speaker (Mr Michael A. Brown): Mr Clark has moved ballot item number 18. Is it the pleasure of the House that the motion carry? Carried.

Call in the members for ballot item number 17. It will be a five-minute bell.

The division bells rang from 1201 to 1206.

FUNERAL DIRECTORS
AND ESTABLISHMENTS
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LOI DE 2000 MODIFIANT
LA LOI SUR LES DIRECTEURS
DE SERVICES FUNÉRAIRES
ET LES ÉTABLISSEMENTS FUNÉRAIRES
(SERVICES FUNÉRAIRES)

The Acting Speaker (Mr Michael A. Brown): All those in favour will please stand and remain standing until their name is called.

Ayes

Agostino, Dominic
Bartolucci, Rick
Boyer, Claudette
Christopherson, David
Churley, Marilyn
Cleary, John C.
Cordiano, Joseph
Crozier, Bruce

Duncan, Dwight
Gerretsen, John
Lalonde, Jean-Marc
Lankin, Frances
Levac, David
Marchese, Rosario
Martin, Tony
Parsons, Ernie

Patten, Richard
Peters, Steve
Phillips, Gerry
Ruprecht, Tony
Sergio, Mario
Smitherman, George
Tilson, David

The Acting Speaker: All those opposed will please rise and remain standing until their name is called.

Nays

Baird, John R.	Guzzo, Garry J.	O'Toole, John
Barrett, Toby	Hastings, John	Ouellette, Jerry J.
Clark, Brad	Klees, Frank	Spina, Joseph
Coburn, Brian	Marland, Margaret	Stewart, R. Gary
Cunningham, Dianne	Martiniuk, Gerry	Tascona, Joseph N.
DeFaria, Carl	Maves, Bart	Wettlaufer, Wayne
Dunlop, Garfield	Mushinski, Marilyn	Wood, Bob
Elliott, Brenda		

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 23; the nays are 22.

The Acting Speaker: I declare the motion carried.

Pursuant to standing order 96, the bill is referred to the committee of the whole House.

Mr Mario Sergio (York West): I would like the bill referred to the social development committee.

The Acting Speaker: Is the House in favour of this matter going to the social development committee?

Would members in favour please stand.

Those opposed, please stand.

A majority of the House being in agreement with the request of the member, this bill stands referred to the standing committee on justice and social policy.

All matters relating to private members' public business now having been completed, the House will adjourn until 1:30 of the clock.

The House recessed from 1210 to 1330.

MEMBERS' STATEMENTS

VIOLENCE IN SCHOOLS

Mr Richard Patten (Ottawa Centre): I regret that I have to rise today to express my extreme sorrow and shock upon hearing of the violence that has taken place at an Ottawa-area high school this morning.

Based upon what we know so far, a grade 10 student has stabbed four fellow students and one staff member at Cairine Wilson high school in Orleans, a suburb of Ottawa. I am relieved to report that none of the injuries appear to be life-threatening. I know I speak for all the members of this Legislature when I offer my heartfelt condolences to the victims, their families, the students and the staff of the school. We, each and every one of us, pray for their speedy recovery, and we offer our support in any way possible.

As many of you will know, today is the anniversary of the awful Columbine High School shootings in the United States. A few days from now will be the anniversary of the Taber, Alberta, tragedy.

Unfortunately, this violent act is not an isolated incident in schools. In the coming weeks, as the information behind the circumstances unfolds, we must closely examine the reasons behind these very regrettable acts. It goes

without saying that as politicians, parents, educators and young people, we all have a responsibility to take action and the necessary steps to develop the school supports that will address the underlying reasons for these acts of violence. Preventive measures such as counselling, dispute resolution and sensitivity to diversity could perhaps prevent future occurrences.

For now let me express again, on behalf of this House, my shock and sorrow at these events, and let us pray for those involved for a speedy recovery.

GUELPH ARTS COUNCIL

Mrs Brenda Elliott (Guelph-Wellington): Today I would like to advise the House of the occasion of the 25th anniversary of the Guelph Arts Council. Over its quarter century, this council has nurtured art activities in Guelph, making my community of Guelph-Wellington a more vibrant place in which to live.

Its mandate is to stimulate, encourage and coordinate the development of arts in Guelph. To accomplish this, the council has acted as a programmer, a resource and support service provider, an arts incubator and an advocate. Over its 25 years it has assisted in the development of over 20 cultural undertakings, most recently the Arts Schmoozefest. Without the council's patient and unwavering efforts, the River Run Centre would never have come to fruition.

It is an indispensable information resource concerning the arts in Guelph. Its bimonthly newsletter keeps the entire community plugged into the ongoing arts activities in Guelph and area. Its resource centre and its community guidance all assist in areas of interest to the community such as in things like grants of copyright.

It has contributed to the preservation of Guelph's historical properties. From its historical walking tours of the city to its public art displays, it makes a daily contribution to the social and economic well-being of our community.

I would ask all members to join with me in complimenting the board, the staff, the supporters and the volunteers and congratulating the Guelph Arts Council on its 25th anniversary and wishing it continued success in the years to come.

ANNIVERSARY OF ARMENIAN GENOCIDE

Mr Gerry Phillips (Scarborough-Agincourt): I rise today in remembrance of the 85th anniversary of the Armenian genocide. On April 24, 1915, the Turkish government of the day began a systematic genocide of 1.5 million Armenians, many of whom were women and children.

This Monday the Armenian community will gather at Holy Trinity Armenian Church in Scarborough for a special service. On April 25 there will be a vigil here at Queen's Park. On April 30 the genocide committee will commemorate the anniversary at the Alex Manoogian Centre.

If the world community allows a genocide to happen without comment or consequence, we have learned it will be repeated. Hitler once said to many around him, in planning his Holocaust, "Who today remembers the Armenian genocide?" In other words, if the world community had stood behind the Armenian community, perhaps Hitler would never have been able to do his unspeakable deeds.

There is a continuing piece of unfinished business in this sad saga: that to this day, those responsible for the genocide have failed to acknowledge their responsibility or to apologize. For the Armenian community—indeed for all of us—the wound that is the Armenian genocide cannot begin to heal until those responsible, the Turkish government, accept responsibility and apologize.

CELEBRATION OF WOMEN AWARDS

Mrs Julia Munro (York North): Today I rise to talk about women who make a difference. Last weekend, I was asked to participate in an exciting event in my riding of York North. It was a celebration of women at the York region women's show that culminated in an awards dinner, the Celebration of Women awards. Women were nominated for their contributions in the fields of politics, business and in the not-for-profit public and private sectors. As well as acknowledging their personal accomplishments, women nominees were judged for their contributions locally, regionally, provincially and internationally.

Twenty-one women were nominated and the following received awards: Sabine Schleese, Kim DeWolde, Brenda Larsen, Susan Hay, Mayor Margaret Black, Mayor Lorna Jackson, Dorothy Clark-McClure, Sandra Hynds, Sue Dodgson, Maureen Pollock, Susan Plamondon, Lindsay Freeman, Alice Luckcock, Christina Doyle, Donna Whitmore, Mary Filpetto, Dr Helena Jacek, Ildiko Luxemburger, Dr Jennifer Steadman, Pam Santon and Charlotte Garner.

The woman of the year is Ildiko Luxemburger, a registered nurse who works in the surgical unit of the York County Hospital.

Each of these represents the fact that we can make a difference and serves as an inspiration to all of us.

HIGHWAY 407

Mr Mario Sergio (York West): How does a toll charge of \$1.13 become a grand total of \$64.76? Easy. Just leave it to the 407 ETR administration: actual toll charges of \$1.13; plus administration charges of \$30; plus an adjustment of \$30 for God knows what; plus a non-existing previous charge of \$27.20; a fee of \$2, as if a \$30 administration charge wasn't enough; and a \$1.19 charge for, again, non-existing late payments.

The 407 ETR administration is in a state of total disorientation, because they can't keep up with the tremendous increase in revenue. They are rubbing their hands while Ontario motorists are licking their wounds. Gee,

thanks, Premier. You are doing a swell job leaving Ontario motorists unprotected from huge toll increases. Soon tolls will be up again by some 30%. We have taxes and we have tolls, and now we have highway robbery. Now you can see how \$1.13 becomes a grand total of \$64.76.

This must be Mike Harris magic, giving a wand to the ETR administration to charge the people of Ontario whatever they want, whenever they want. This is a rip-off that the Premier should not allow to continue.

HIGHWAY IMPROVEMENTS

Ms Shelley Martel (Nickel Belt): In March 1998, the Ministry of Transportation transferred \$4.6 million to the regional municipality of Sudbury to complete the widening of regional road 80 through to Hanmer in the city of Valley East. This fulfilled a commitment made by the MTO in 1975 to fully fund four-laning of this highway when traffic volumes warranted. At the time of the transfer, local officials raised concerns that drainage improvements were needed along this section of highway and without these it made no sense to continue. The MTO agreed to consider a funding request for this work too, so that both projects could occur together.

The city of Valley East submitted its proposal and technical work to MTO on May 6, 1999. On November 12, I wrote to Minister Turnbull to request a decision since one had still not been made. On December 15, the minister replied that his staff were reviewing this request and would be in touch with local officials "in the very near future."

On February 26, the MTO finally replied to ask for more technical information in order to make a decision. It took nine months for this government to finally get around to reviewing this important proposal, and still no decision has been made.

1340

Is this what the government means by doing more for less? The MTO has now suggested a meeting to discuss the technical concerns. This is a meeting which should have occurred months ago. I can only hope that all the issues will be addressed and dealt with at this time. Otherwise, that \$4.6 million will continue to sit, another construction season will be lost, and local people who could use work this summer will be out in the cold once again.

CENTENNIAL COLLEGE

Ms Marilyn Mushinski (Scarborough Centre): I'm very pleased to be able to stand in the Legislature today to report about a major reinvestment initiative that the Mike Harris government has made in post-secondary education in Scarborough.

Today, the Minister of Economic Development and Trade announced a \$2.5-million investment in Centennial College in my riding of Scarborough Centre. The investment is to establish a centre for aerospace training and

education. The centre will offer post-secondary, apprenticeship, corporate and secondary school co-operative programs in aerospace manufacturing and support.

I know the administration at Centennial is eager to get this project underway. Last month, the Minister of Training, Colleges and Universities announced an investment of nearly \$39 million in Centennial College through the Mike Harris government's SuperBuild Growth Fund. That investment is part of a \$70-million, public-private partnership to build new computer study facilities for Centennial College at the University of Toronto's Scarborough campus. That investment will allow the college to increase enrolment in computer science programs by over 4,400 students.

It's an exciting time for both Centennial College and young people in Scarborough. These investments are a tremendous example of the Mike Harris government's dedication to giving our students the tools and the education they need to be successful in the new economy.

CORRECTIONAL FACILITY

Mr Dave Levac (Brant): Just two days ago, in the community of Penetanguishene, the Minister of Correctional Services came to town. He finally came to town after four long months of using taxpayers' money to do a push poll to see what people think, spending taxpayers' money to try and soften the opinion of people with local radio ads to the tune of \$16,000, spending taxpayers' money to mail each and every resident a letter to tell them, "You'll get what we say you'll get."

At the meeting, the minister took great pride in describing the new prison as a shiny new technological wonder of the world, the flagship of corrections in Ontario.

History teaches us about another group of arrogant and boastful people, the builders of the Titanic. This flagship was the most technologically advanced wonder of the world. No one could stop this flagship.

The people of Penetanguishene are sending up the flares. They see the iceberg ahead. It's privatization. They see the danger ahead and you're just admiring the glitz and the glamour. They, along with 75 other communities across the province, are telling you how they feel and what they want to have happen in their community.

Minister, steer clear of the iceberg because if you don't, you and your government are going to go down with the ship. Don't take anyone else with you.

YOUTH CITIZENSHIP AWARDS

Mr John O'Toole (Durham): Yesterday in the House we debated Bill 55, the Parental Responsibility Act, and at that time I wanted to make some positive comments about the youth in our community today. I also had the pleasure last evening of attending the designation of awards for citizenship for the Blue Heron division of the local Pathfinder groups.

With your indulgence, Mr Speaker, I will read the names of those young people who received the award for citizenship as part of their guiding principles. From the 3rd Bowmanville: Erin Ashton, Jennifer Dugan, Elizabeth Salisbury, Rebecca Townsend, Rachel Boldtt, Anna Koppelman, Samantha Salisbury. From the 5th Bomanville: Jennifer Ashby, Laura Frisina, Sarah Brunton and Jennifer Weston. From the 1st Courtice: Felicia Jefferson and Cherie Van Driel. From the 3rd Courtice: Heather Yeo, Samantha Bonchek and Charlotte McDonald. From the 1st Orono: Caitlin Cameron, Amanda Stewart, Jessica Knapp. From the 2nd Newcastle: Amanda Coady, Heather Dunlop, Kassia Falla, Nickie Golder, Caitlin Laing, Shannon Morrison, Gemma Sheppard, Jamie White, Caitlin Darcy, Sian Evans, Jenny Feltham, Jenna Hossack, Leigh McSwan, Erika Sanders, Erin Ward and Mandy Willson.

I commend each of these young people for putting a good face on children. When we were talking about it yesterday, it just depressed me that we looked at the negative; we should be looking at the positive things our young people do.

STATEMENTS BY THE MINISTRY AND RESPONSES

GREENHOUSE GAS EMISSIONS

Hon Dan Newman (Minister of the Environment): I'd like to bring to the attention of this Legislature an important environmental initiative announced this week that will have a significant effect on air quality.

The government has now finalized our regulation requiring mandatory reporting of annual emissions. It comes into effect for electric power generation companies and their facilities as of May 1. In the regulation we identify 28 substances of concern that will have to be monitored and reported. These include all emissions of nitrogen oxides, sulphur dioxide and carbon dioxide, which contribute to smog, acid rain and climate change.

We will continue consultations and modify the regulation so that all other industry sectors will be required to report on their emissions as of January 1, 2001.

The government believes that reporting is an important component of our actions to improve air quality, because for the first time we'll have real information about what emissions are being put into our air and by whom.

But more than this, we believe the new reporting requirement will lead to improved public accountability for all sources of air pollution in the province; province-wide emission reductions as the public's right to know motivates companies to reduce their emissions; a level playing field for companies in all economic sectors in the monitoring and disclosure of environmental pollutants; a mechanism for tracking the progress of the ministry's air

quality initiatives; a way for us to measure if our policies are having the desired and necessary impact.

As we move forward to make our air cleaner, reporting will lead to increased public awareness. This is vital to ensure companies understand and are responsible for their emissions. Both the government and the public must know what improvements are occurring, which initiatives are having a positive effect and what the possible business impacts are.

This initiative works alongside our other aggressive new measures to attack air pollution in Ontario which were announced on January 24. I want to briefly review these measures and then talk about where we are today and what has happened in the past few months.

The key new measures in our program are some exciting things like the establishment of mandatory caps on smog and acid rain-causing emissions; introduction of emissions reduction trading to give businesses greater flexibility to meet tough new standards; and the establishment of environmental performance standards for any electricity that is produced in or imported into Ontario. These measures establish a clear framework for business to begin to focus on its role in helping to improve air quality.

It is also important to note that these reductions in annual emission caps are only the beginning. Ontario has aggressive long-term total emission reduction targets. We are committed to a 45% reduction in emissions of nitrogen oxides by 2015, from a 1990 base year. We are also committed to a 50% reduction in the emissions of sulphur dioxides by 2015 from our Countdown Acid Rain strategy. Our commitment to these long-term targets includes a fair share reduction by the electricity sector.

In addition, Ontario is committed to meeting or exceeding US Environmental Protection Agency emission standards for utilities once they are established. I want to say today that if these standards are not as stringent as those in Ontario, Ontario will stay with its own targets. That is why Ontario supported the ruling by the US EPA that required a number of states to reduce emissions of smog-causing pollutants and why we became a respondent in the case when it was appealed. That is also why we were so pleased by the decision of the US Court of Appeals that supported the earlier ruling.

With more than one half of Ontario's smog originating from US sources, we had a vital interest in the decision. We will continue to be vigilant about all sources of increased air pollution, whether emanating from within or outside the province, and we'll maintain our commitment to meet or exceed the US standards.

Finally, my ministry has started discussions with other major sources of emissions in Ontario and other stakeholders to find the scope, timing and implementation of emission limits from other sectors in the province. To meet these long-term targets we need reductions from all emitters.

1350

I'm proud of these measures and I'm also proud of Drive Clean, which is living up to our early expectations.

More than five million vehicles will be covered by the program when it is fully implemented. It will reduce smog-causing pollutants from vehicles in its program area by 22%.

We are investing over \$4 million to upgrade our air monitoring network, and we are developing approximately 120 human health and environmental air standards in the first major overhaul of air standards in more than 20 years.

To enforce our environmental rules, this government will establish the toughest penalties in all of Canada against those who pollute the environment. Further, we will create a SWAT team to increase enforcement activities through inspections, investigations and prosecutions, and we will set up a pollution hotline to take calls from anyone who suspects that a company or individual is polluting the environment. These initiatives and commitments are appropriate to review during this Earth Week.

Now I invite you, Mr Speaker, and all members to make your own commitment to the environment. Please join me in recognizing this as Earth Week, and Saturday as Earth Day. It is important that we reflect on what we can all do to improve our quality of life through a cleaner environment.

Environmental protection knows no borders, and no one has a monopoly on good ideas. Protecting our environment must be a team effort; it depends on dedication and thrives on the relationships that are built. Individuals, communities and businesses across the province are committed to making improvements to the environment, and this government is equally committed to this goal. But clean air cannot be the responsibility of just some businesses or just the government. In fact, there must be action not just across Ontario, but across Canada and North America if we are to achieve the government's clean air targets. This means the involvement of all economic sectors and people, and of communities in all regions of the province. Clean air is everyone's business. It must be.

The Speaker (Hon Gary Carr): Responses.

Mr James J. Bradley (St Catharines): I thought this was a statement on volunteer week, not on Earth Week, because most of the things that you do are voluntary for those who are the polluters in the province. You believe in that voluntary approach. The word went out to your employees early on in your term that they should take a business-friendly approach rather than enforcing laws as they used to be enforced in this province.

I think we could describe today's statement, and I guess William Shakespeare describes it best, as Much Ado About Nothing. Once again you have many words on paper, but no action, no real enforcement, no real commitment on the part of your government. In fact, I have to agree with Bill Murdoch that unfortunately the Premier chose a minister who would do exactly what he was told to do. That's what Bill Murdoch, the Conservative member for Bruce-Grey, said. I'm only quoting Bill on that particular occasion.

Now, you've got them self-monitoring. What you have to have, of course, is a good, strong team of Ministry of the Environment staff to take samples once in a while, to walk in once in a while and test to make sure those samples are in fact valid. What you've done instead is you've fired out the door one third of the staff of the Ministry of the Environment, you've cut the budget by over 40% in the Ministry of the Environment, you've tied their hands behind their backs, and then you come in with some words this afternoon, words that cannot be translated into action.

You have a chance. You are considered now to be the second worst polluter in North America, next only to Governor Bush's Texas, which is considered to be the worst in North America by independent organizations. Your fines are down to the lowest level ever. Your prosecutions and fines are way down because you're simply not chasing the people who are violating the laws of the province, as used to happen.

There's over a 200% increase in toxic waste coming into the province of Ontario that we're importing, and we're dumping a lot of it in a questionable dump in Sarnia at this time, which you allowed to reopen despite major problems there.

You've dragged your feet on the Kyoto Protocol. In the federal-provincial conference, you and the Minister of Energy of Ontario were out dragging your feet trying to prevent the federal government from taking strong action. You've refused to become meaningfully involved in a new Great Lakes agreement; you've run away from that particular agreement because you have nothing to bring to the table. You refuse to stipulate that the Lakeview generating station, one of the largest polluters in Ontario, a coal-fired generating station, be converted to natural gas fuel as a precondition of any sale. You've categorically refused to do that in this House.

You should be restoring the staff—I thought the announcement today was that you were going to restore the 33% of staff that you fired out the door, and restore the budget cuts that you made.

You've weakened the Niagara Escarpment Commission, which one of the former ministers really cared about, by shifting it over to the Ministry of Natural Resources and then putting people who don't particularly care about the environment in some of those positions on the Niagara Escarpment Commission.

You've cut the number of air monitoring stations in the province. We used to have a lot of those stations in the province to monitor what was going on. Then, when we found somebody was in violation, we would prosecute them. Now everything is to be done on a voluntary basis.

You've cut the laboratories in this province that used to carefully analyze information that came in and prepare work for prosecutions.

You have simply abandoned everything that was meaningful in the environment.

You say now that you're going to have the toughest penalties. We already have very tough penalties, but you

simply don't enforce those. You're going to have some kind of SWAT team. You virtually dismantled the Ministry of the Environment investigations and enforcement branch that none of the polluters liked in its full status that it had before, where it was tough, where it was independent, where it had the resources. You simply cut those people out of there. Now you talk about bringing in a SWAT team. As for a pollution hotline, you have the spills hotline that could be used as a pollution hotline at any time.

You really have to decide whether you're going to take action. You don't have the resources; you don't have the staff to do so.

I think you've ignored the Ontario Medical Association, which is extremely concerned and has called for much tougher action. In fact, the noise that we hear today in Ontario, if you listen carefully, is the collective sigh of relief from polluters who, thanks to you and Mike Harris, dodged the pollution-fighting bullet prepared by the highly respected Ontario Medical Association.

What a disappointment this notice has been.

Ms Marilyn Churley (Broadview-Greenwood): I just want to remind the minister of a press release I put out on August 10, 1999. I know he wasn't the minister then; he is now and he can do something about this. I put out a press release reminding people that I awarded Mike Harris the silver medal for coming second for having the largest pollution emissions among 62 North American jurisdictions. I remind the minister that Ontario came second to Texas in 1996. Since the Harris government took office, we've seen a cut of over 40% in the Ministry of the Environment budget. You are heading for the gold. We were hoping for an announcement today that would change the road you're on, but instead what we get is nice words but no clout there to back it up.

The minister's words sound like a good thing, but when you look at it carefully he's talking about a voluntary system, which means there's no level playing field across all industries.

About this SWAT team, I have to remind the minister—and he hasn't said how many staff he's going to rehire out of the 750 or more staff, mostly front-line staff, who have been cut, but I can guarantee you that it's going to be a fraction of those who have been laid off. If all those people hadn't been laid off, perhaps Ontario wouldn't have come second in 1996. He and his government have cut the ministry to the bone, and now you're talking about putting a tiny fraction of that money back. I can guarantee you that only a few of the people who have been laid off will be brought back.

I am really disappointed today, on this day before Earth Day. I thought the minister—because we have been asking questions in the House consistently about the biggest polluter in the whole of the GTA right now, and that's the Lakeview plant. Even at 20% right now, it's the biggest polluter, and if it's sold it could go up to running at 80% capacity. We've been asking the minister, Hazel McCallion has been asking the minister, for heaven's sake, and the city of Toronto—Jack Layton and others—

have been asking the minister to make an announcement about that and to come clean and tell the people of Ontario that they're going to do something about the biggest polluter in the GTA.

1400

I was hoping the minister would commit to making the conversion of Lakeview for coal to natural gas a condition of sale. Why didn't he do that? That would have meant more than anything else he talked about. The minister talks about beefing up enforcement and raising the level of fines. That's all very nice, but fines are down because the minister has no staff to be out there enforcing, inspecting and making sure that people are living up to environmental standards. There was nothing about that today.

The other thing I want to talk about—there's so much to talk about, because the government, since it came to office in 1995, has watered down practically every regulation and every environmental law that exists.

Let's talk about the Oak Ridges moraine for a second here. There's huge pressure on this government to freeze development in the Oak Ridges moraine until we can come up with a plan that everybody can live with and that is environmentally sensitive. The government is refusing to do that, knowing that our water is under threat. Minister, we would have liked an announcement today that you were going to freeze that development.

We've got some very urgent problems going on in this province right now. We've got water table problems. We've got low water levels. I asked a question yesterday about a company asking to take, in my calculations, billions of litres of water out of that river. No response. The minister didn't answer my question. We're concerned about low water levels. We're concerned about drought. No words about that. Unfortunately, today the minister had an opportunity to come clean and give us some answers about some huge environmental problems we're facing here, and he chose not to do that. I'm disappointed.

LEGISLATIVE PAGES

The Speaker (Hon Gary Carr): Just before we begin oral questions, members may know that today is the last day for the great group of pages we have here. I was wondering if the members would like to thank this fine group that we have here for their fine work over the last few weeks. We thank all of the fine pages, and we wish them luck in their endeavours. I'm sure some of them may be coming back here as members a few years from now.

ORAL QUESTIONS

IPPERWASH PROVINCIAL PARK

Mr Gerry Phillips (Scarborough-Agincourt): My question is to the Premier, and it has to do with the events surrounding the tragic shooting death of a native protester at Ipperwash Provincial Park in September of 1995. It's clear that there must be an appropriate public inquiry into the events surrounding this death. It's also clear that this inquiry cannot begin until it's certain it will not jeopardize anyone's right to a fair trial. What we would like today from you, Premier, is your word that there will be an appropriate inquiry into this shooting death and that it will begin as soon as possible after all legal hurdles are out of the way. Will you give Ontario that commitment today?

Hon Michael D. Harris (Premier): I think what I had committed to do was to make sure that if, after all the cases were dealt with, there was information that anyone—and it could be you; it could be the George family, because it was a very tragic situation—felt had not yet come out, I would make sure that the appropriate vehicle was brought forward, be that a public inquiry, be that whatever vehicle was deemed appropriate at the time. So, you've got the cart before the horse. Let's wait until we get there, and if there's still information people would like to find out about that doesn't jeopardize any of the court cases, we'd like to get that information out too.

Mr Phillips: There is ample public evidence of the need for a public inquiry. What we want from you, Premier, is a commitment to what you are going to do. It's a very simple question. Can you tell Ontario exactly what you plan to do in the way of a full, appropriate, public airing of this issue? Can you be very specific so Ontario understands exactly what you plan to call or not call.

Hon Mr Harris: Let me say that in anything I have seen, there is no credible evidence. There's a lot of innuendo from people like you, which is very unfortunate, that may perpetuate that myth. What I have said, though, is that if there are any questions unanswered, we would particularly want that information out when we are free to do so to answer the innuendo and the false accusations. I'll take the appropriate steps, of course, at that time.

Mr Phillips: I would challenge you, Premier, to give me an opportunity in a public forum. You can set the terms of the public forum. I will repeat outside, in that public forum, everything I have ever said about Ipperwash. I challenge you today to call that public inquiry to allow me and all the others who have evidence to present it. It's not innuendo, it's not rumour; it is fact.

The George family fear that you will never call a public inquiry. They are using their extremely modest means to try to get at this through a civil court. You are spending hundreds of thousands of dollars to battle this poor family in court. The family have said the civil suit will not be necessary if an adequate public inquiry is held.

Will you today tell the George family, tell the public, that you will give that commitment today? This will stop the expensive use of taxpayers' dollars that you're spending on your high-priced lawyers. But more importantly, it will give me and everybody else who is interested in the truth an opportunity, on the terms you set—I'll be there and I will repeat everything I have ever said about Ipperwash publicly. Will you do that?

Hon Mr Harris: I think the assurances I have given would indicate that there is no need for anybody to spend any money getting at the truth. I've been very clear, I've been very up front. I too would like to be free to refute the silly allegations you've made, and I will do that at the appropriate time, in the appropriate way, when the court cases are settled.

ONTARIO REALTY CORP

Mr Dominic Agostino (Hamilton East): My question is to the Chair of Management Board. On April 11, in response to a question by my leader, Dalton McGuinty, you said, "We've taken action to make sure that the process around the sale of assets of the Ontario government is more accountable, more open and more transparent."

The Ontario Realty Corp deals with public lands, public money. It is not yours, it is not mine; it belongs to the taxpayers of Ontario. We believe that every single deal should be open to public scrutiny and accountability, and the taxpayers of Ontario should know the value they receive for that deal. You seem to talk the talk, but you don't walk the walk when it comes to deals at the Ontario Realty Corp.

Minister, in view of what you said in this House, can you explain to the House how all your rhetoric fits into the practice of your signing secret deals with developers around ORC lands?

Hon Chris Hodgson (Chair of the Management Board of Cabinet): I have no idea what the member opposite is talking about. Perhaps he could be specific. I've been very clear in this House, and you can check it out on the Internet, on the new sales procedures the board of directors of the Ontario Realty Corp have put in place. But if you have something specific you want to come forward with, by all means do so.

Mr Agostino: The minister said he has no idea. I have in my hand a secret deal that your government approved and you signed in regard to 145 Eastern Avenue. Let me tell you what the deal says. It says right in the deal that neither party shall disclose the terms of this agreement to anyone, and in addition, neither the vendor, the purchaser nor the tenant shall issue any press statements or speak to the media about this agreement.

Minister, we know you've seen this deal. We know you signed the order in council approving this deal. Clearly you were well aware when you signed this order in council on March 3, 1999, that there was a secrecy clause in the deal regarding 145 Eastern Avenue, a clause that prohibited anyone to speak about this deal, how much they paid for the deal and conditions of the deal.

That is not open. That is not accountable. That is not available to public scrutiny.

Again, can you tell us why, Minister, you would have signed such a deal, a secret deal with a developer, regarding taxpayers' land?

1410

Hon Mr Hodgson: If the member opposite would be so kind as to send it over, I will have a look at it.

If you're talking about the 145 Eastern Avenue deal, that property was marketed back in 1996. There was an agreement of purchase and sale that was entered into. It was J.J. Barnicke's firm that marketed it on the open market, advertised it in all the major newspapers including the Globe and Mail and sent out hundreds of packages of information about it.

The property, as you know, required an order in council, which I took forward to cabinet. That went up through the proper process, where it goes all the way up to the deputy minister who signs it. The questions that we asked: Was it marketed properly? Is it the right appraisal? There were two appraisals done. If you have any evidence that that was not in the public interest, by all means, send it over.

Mr Agostino: The evidence I have is that you approved and signed a secret deal and put in a statement that prohibited anyone from discussing publicly how much was paid for the land and the conditions around it. It is clear in the document; there is no question about it. It is your document that you have signed. It is your order in council. Let me repeat: "Neither party shall disclose the terms of this agreement to anyone nor make statements or speak to the media about this agreement or transaction." That is very clear.

We know you have signed a deal. We know you took it to cabinet, because we have the order in council. We have the agreement. Can you justify why you would have signed such an agreement that forbids public disclosure of a sale of public property?

Hon Mr Hodgson: Again, I would ask the member to send over the specifics so I can have a look at what he's talking about. If it's an order in council that you're talking about and my signature taking it forward to cabinet, this property had two appraisals done and it was marketed by J.J. Barnicke. If you say that's the wrong value and you're disagreeing with two certified appraisers who are qualified to know these issues, if you're talking about the property at 145 Eastern, that was part of the Ataratiri land that the city of Toronto bought and that the Liberals backed the loan on. They never checked the property for environmental problems on it. The province ended up taking it back and it cost the taxpayers \$340 million. I can't believe a Liberal is standing up here and talking about value to the taxpayers on that piece of land.

GOVERNMENT ADVERTISING

Mr Howard Hampton (Kenora-Rainy River): My question is for the Premier. In the weeks before the last federal budget, your government wasted millions of

dollars of taxpayers' money pushing the Liberals in Ottawa to recognize tax cuts as a greater priority than health care funding. You were very clear what you wanted: You wanted tax cuts. You hardly mentioned health care. On budget day, lo and behold, the Liberals in Ottawa fell in line with your priority. For every dollar they spent on tax cuts, they could find only two cents for health care. But the day after the federal budget you seemed to come out of your tax cut stupor and seemed to recognize that the real priority for Ontario citizens is to save medicare.

Your budget is coming up. Will you put your money now where your mouth is and ensure that in this budget the priority will be funding for medicare and not tax cuts?

Hon Michael D. Harris (Premier): Let me say very clearly that we did, I believe, run some ads encouraging the federal government that they needed to not forget tax cuts, so that we can have jobs and growth and opportunity in this country. The ads worked quite well, so we're quite hopeful that the very modest investment we're making now in some ads to try and secure \$1.7 billion that was slashed out of the health care budget by the Liberals will be just as successful. I think you would agree—quietly; you might not publicly—that this is a pretty sound investment and the right thing to do.

Having said all that, the answer to your question is, we don't think it's tax cuts to create jobs and prosperity or health care; we think it's both, and our budget will reflect that, as it did last year.

Mr Hampton: Premier, the part of your answer that I would agree with is, yes, you are wasting more money on more television ads. The latest ads are very puzzling indeed, because they claim that the only missing piece in Ontario's health care system is federal government funding. The reason that is so puzzling is because after you look at the ads it's pretty clear that the real piece that is missing is your plan to preserve medicare. We don't see it. We can't find it, and what's more, people across Ontario can't find it.

I've got the piece of the missing puzzle. It's called Stop Private Health Care, and I'll send it over to you so you can have it.

What we want to know about is this: Are you prepared to bring in legislation that will ban private hospitals and ban private clinics? Are you prepared to make that—

The Speaker (Hon Gary Carr): The member's time is up.

Hon Mr Harris: The member recently jointly signed a letter with myself. Howard Hampton and Mike Harris—

Interjections.

Hon Mr Harris: The Liberals, who are now coming to life, refused to sign the letter, I might add, and I think it's appropriate, as they howl now, that they don't care about health care.

I think the member was quite right to sign the letter. It was quite right in the letter pointing out—and in a vote of 57 to 25; 25 disgraceful Liberal votes who didn't seem to

care about the \$1.7 billion that was slashed by the federal government—the missing piece of the puzzle, if you like, is federal funding.

If you would call the number in the ads—and clearly we need to advertise so more Canadians and Ontarians know about the reforms that we are making and advances in primary care reform, in long-term care, in home care, in hospital—

The Speaker: Order. The Premier's time is up.

Mr Dwight Duncan (Windsor-St Clair): On a point of order, Mr Speaker: There's a prop in the House. It was our understanding those shouldn't be used.

The Speaker: The Premier will know props aren't fair, and I'm sure he won't use it.

Final supplementary.

Mr David Christopherson (Hamilton West): Thank you, Speaker.

Interjections.

The Speaker: Thank you very much. I will take care of it, as I always do.

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): I hope so.

The Speaker: The member for Renfrew-Nipissing-Pembroke, come to order, please. I give everybody a bit of a benefit of the doubt when they do stand up. Sometimes they get sent across, and I will take care of it. I thank the member for his—

Interjections.

The Speaker: Order. I believe we're back to the final supplementary. The member for Hamilton West.

Mr Christopherson: While the Premier and the Liberals laugh about this whole situation, the reality is that the finance committee, in our pre-budget hearings, heard from Ontarians all across the province who talked about the real crisis that exists in health care, in education, in child care, affordable housing, the growing gap between the rich and the poor; the fact that there are more poor in deeper poverty than ever before; and the fact that you've frozen the minimum wage in Ontario for five years to the point that the US now has a higher minimum wage. Premier, all of this crisis is happening at a time when you're benefiting from an American-led economic boom.

What we want today is an assurance from you that your budget is going to prepare the balance of Ontarians for the recession that, unfortunately, is going to happen. If all of this is happening during an economic boom, we need assurances from you that you're going to deal with these issues, so when the recession hits these people will survive—

Interjections.

The Speaker: Member, take your seat. Order. We can't have a situation where the government members are shouting. They don't like it when their ministers get shouted at. I'm trying to keep order here, and I would appreciate it if the government members would let the member ask the question.

Member, continue please.

Mr Christopherson: Premier, your friends have benefited from the tax cut, but all of the Ontarians I have

mentioned, who are impacted on all these other issues, have been left out of your economic boom. What we need to know today is that your upcoming budget is finally going to change and you're going to deal with and address these issues to prepare this province for those darker times that are indeed coming.

Hon Mr Harris: Let me assure the member of a few things. The budget that will be delivered on May 2 by the Minister of Finance will be an historic budget. It will be the first planned and actual and real surplus in over 30 years. As well, this budget, just like previous budgets delivered by this government, will feature substantially more money for health care and, at the same time, tax cuts to create jobs and growth and prosperity and wealth to continue to build and undo the damage left by your party. Finally, let me say this: As long as the voters of Ontario don't make the same mistake they made in 1985 and 1990 and elect big-spending, wasteful governments, there will not be a recession in this province.

1420

SAFE STREETS LEGISLATION

Mr Howard Hampton (Kenora-Rainy River): My question is for the Chair of Management Board. I want to read to him a recent letter he should have received. It goes like this:

"The Beaverton Lions Club holds a toll bridge once a year to help fund our children's swim program in which over 100 kids from the area take part.

"We have received a letter from ... the regional municipality of Durham stating that because of Bill 8, the Safe Streets Act, 1999, our fundraising event will no longer be permitted.

"Without our toll bridge event we cannot raise the funds required to run a swim program this summer, having received such short notice re: Bill 8.

"It is our hope that the Ontario government will issue a cheque for \$3,500 to cover the balance of the swim program. If this is not possible, then perhaps the Ontario government will run the program themselves. We assume you agree that the youth of the area need to learn to swim since they live ... beside Lake Simcoe."

Minister, is your cheque in the mail? Or are you going to show some leadership and scrap this very unwise piece of legislation?

Hon Chris Hodgson (Chair of the Management Board of Cabinet): I thank the leader of the third party for a great question. He draws attention to a beautiful part of Ontario, Beaverton, which happens to be on the shores of Lake Simcoe and an important part of the riding that I represent. The concern that they have is legitimate and they want me to look into it to help the youth in our riding, and I'm more than pleased to do that. I just want to tell you that the steps we will take I will refer to the Attorney General to deal directly with Durham council, which I understand has some misinformed councillors on it who need to be advised on how to help the youth in our riding.

Mr Hampton: The part of the letter that I left out is because of the fact that this is a legal opinion. They asked their lawyers to look at the bill and the legal opinion that came back is that clearly these kinds of events are not permitted. The same thing is happening in Uxbridge. The same thing is happening with the Niagara firefighters, who cannot conduct their fundraising activity for muscular dystrophy. In fact, it's happening in municipality after municipality. Your so-called Safe Streets Act does nothing with respect to helping squeeze kids get off the street, but it's hurting all kinds of legitimate charities.

You say the Attorney General is going to do something. What are police supposed to do, call up the Attorney General in each instance and say, "Well, Attorney General, have you changed your opinion today?" Look, it was unwise legislation. It's hurting charity after charity across the province. Why don't you have the good sense now to repeal the legislation so people can go out there and do the good fundraising they want to do for the charities they support?

Hon Mr Hodgson: I'll let the Attorney General inform the people of Beaverton.

Hon Jim Flaherty (Attorney General, minister responsible for native affairs): The government's concern is always the safety and security of people. It's public safety legislation that's been very effective, according to Chief Fantino, in the city of Toronto.

With respect to the charity, I met with the muscular dystrophy people. I've written to the municipalities around the province, pointing out, as I'm sure the member would know if he read the legislation, that there's a difference between the definition of "highway" in the Highway Traffic Act and "roadway," which is what is used in Bill 8. In fact, the Muscular Dystrophy Association is satisfied now that they have discussed it with me and they understand the definition of "roadway." Indeed Shinerama in London wrote: "It's the intention of our foundation and Shinerama committees across Ontario's colleges and universities to continue their successful campaign. In addition to raising awareness and funds for CF research, it is our primary goal that all students conduct themselves in a safe manner."

GOVERNMENT ADVERTISING

Mr James J. Bradley (St Catharines): I have a question for the Chair of Management Board. Your government just finished a carpet bombing of the community of Penetanguishene with propaganda ads paid for by the taxpayers of this province: \$16,000 on a saturation campaign on the radio, about \$4,000 on a one-sided propaganda piece mailed to everybody in that particular community, a slanted poll, almost a push poll, by Angus Reid, hired by you, costing thousands of dollars. You say you believe in democracy, Minister. How is it you can justify this kind of squandering of about \$25,000 in government propaganda to try to force upon the people of Penetanguishene an American-style privatized superjail

when others, who are opposed to this, do not have the same resources you have to put forward their arguments?

Hon Chris Hodgson (Chair of the Management Board of Cabinet): I know the Minister of Correctional Services would like to answer this.

Hon Rob Sampson (Minister of Correctional Services): I think the honourable member would have said that we should be out communicating with the people of Penetanguishene. In fact, that's what I was doing last Tuesday. I went up to meet with the residents, to speak with them and hear their concerns about that particular facility, and indicate to them that it is our concern and our objective, as we reform the correctional system in this province, to make sure we have a safe system, which is the concern of the residents of Penetanguishene and the residents who live in and around any other facility in this province, to make sure it's an effective correctional system that is producing the results for the sizeable amount of money we're spending on corrections in this province.

Only you, sir, would think it acceptable to have the second-highest cost system in North America, and producing terrible results with 80% of the people coming in the front door reoffending again. Only a Liberal would think that would be a measure of success.

Mr Bradley: As to the Chair of Management Board and the propaganda war of this government, I say the people of Penetanguishene were enraged when they saw how much you spent.

The people of Ontario have been greeted with yet another ad that you people are putting out, another launch of a television ad, another misuse of taxpayers' dollars to purvey blatantly partisan propaganda, and Jane and Joe Taxpayer have to pick up the tab, another \$2 million to be squandered on top of the \$3 million you've already wasted.

Here's what a former Speaker, Chris Stockwell, had to say about this:

"Personally I would find it offensive if taxpayers' dollars were being used to convey a political or partisan message. There is nothing wrong with members debating an issue and influencing public opinion. In fact, it is part of our parliamentary tradition to do so. But I feel that it is wrong for a government to attempt to influence public opinion through advertising that is paid for with public funds."

Minister, will you now abandon the kind of propaganda campaign with taxpayers' dollars that your government has embarked upon once again and will you have the Progressive Conservative Party—

The Speaker (Hon Gary Carr): Order. The member's time is up.

Hon Mr Sampson: I should say that only a Liberal would say it should be a secret that we keep from the people of Ontario that we have such an expensive—

The Speaker: Stop the clock. Point of order.

Mr Dwight Duncan (Windsor-St Clair): Mr Speaker, the question has been placed to the Chair of

Management Board appropriately. This minister does not—

The Speaker: Would the member take his seat. The member will know that the question can be referred. It has been referred. Keep the clock stopped. The member on a point of privilege.

Mr Duncan: Mr Speaker, the standing orders, as I understand them, allow a minister or the Premier to refer a question to the appropriate minister. In this case, it has to do with the general policies—

The Speaker: I thank the member. It's the same as the point of order, the point of privilege. It dealt with a situation dealing with the minister's portfolio and he referred it. I can't—

Mr Duncan: Point of order.

The Speaker: No, he's not going to get up again. We've made the ruling and we're not going to have you stand up again. I say to the member, I will listen to your point of order but we're not going to keep going back on this. I've made my ruling.

New point of order.

Mr Duncan: Can you explain to me how that minister answers for health ads?

Interjections.

The Speaker: Order.

Mr Duncan: Get them under control.

The Speaker: How about you get under control and listen and stop while I'm speaking. We're not going to continue to have the point of order. I'd appreciate it if the member wouldn't push his hands at the Speaker when I'm standing.

1430

Mr Duncan: It's the fairness of the ruling.

The Speaker: Order. This is the member's last warning. One more time and I will name him.

Mr Bradley: On a point of order, Mr Speaker: If the minister won't answer the question, I withdraw the question.

The Speaker: The minister was already up. The minister may continue. Start the clock.

Hon Mr Sampson: I'm sorry that raising the facts about corrections—and the question was addressed to me—

Interjections.

The Speaker: The member for Hamilton East, come to order. This is his last warning as well. It's the end of the week. We're not going to put up with shouting across, or the members can go back to their offices.

Hon Mr Sampson: I'm attempting to respond to the question that was raised about corrections and the corrections business that I have a responsibility to the people of Ontario to direct.

Interjections.

The Speaker: That's it. I'm afraid I have to name the member for Windsor-St Clair. I would ask him to withdraw. Mr Dwight Duncan, please withdraw from the chamber.

Mr Duncan: You should be more fair in your rulings.

The Speaker: I will remind the member, if the Sergeant at Arms has to remove the member, he will be out for this entire session, and that's until we prorogue. That could be two years.

I would ask the Sergeant at Arms to come.

Mr Duncan left the chamber.

The Speaker: Now, back to the Minister of Correctional Services for the answer.

Hon Mr Sampson: I simply wanted to put on record, the member was talking about our—

Interjection.

The Speaker: The member for St Catharines as well: This is your last warning. We're not going to continue to shout across during this. I've made my ruling, and we have to live by the ruling that the Speaker makes. We cannot have a situation where members yell across when the Speaker is standing. It's his last warning as well.

Hon Mr Sampson: I was just attempting to clarify the comments I was making to the earlier question. The people of Penetang were actually quite willing to hear from us when we went up there. In fact, the chair of the committee that is the public liaison committee there indicates that she felt that we were listening and that our opportunities to attend there were dealing with their particular safety record.

Interjection.

Hon Mr Sampson: The member laughs, but this is a quote by her in the local free press. It's the obligation of this government to communicate what it's doing. Certainly around Penetang, I'm quite happy to communicate our commitment to public safety.

CHILD PORNOGRAPHY

Ms Marilyn Mushinski (Scarborough Centre): My question is for the Attorney General. Minister, it appears that child pornography-related crimes are on the rise, especially with the use of the Internet. I understand, however, that some cases are not being proceeded with. As the member for Scarborough Centre, I can assure you that this greatly concerns both myself and members of my riding. Could the Attorney General please explain to the House why this is happening?

Hon Jim Flaherty (Attorney General, minister responsible for native affairs): I thank the member for Scarborough Centre for the question. We do take the issue of child pornography very seriously in Ontario. As a government, we have a responsibility to do everything that we can to protect society's most vulnerable members from this harm of sexual exploitation.

With today's technology, it is true that children are at substantial risk because child pornography can be spread anonymously. Child pornography charges like possession are often laid in conjunction with other sexual offences like assault, and the crown proceeds with the charges that have the greatest prospect of conviction and that provide the greatest sentences. This is consistent with the directives in the Crown Policy Manual.

The decision to continue or terminate a prosecution is among the most difficult that crown prosecutors have to make. Between June 1, 1999, and December 31, 1999, the crown withdrew almost 66% of all child pornography charges. Plea resolutions are conducted with the aim that it is in the public's best interests for the crown to proceed with charges that have the greatest sentence.

Ms Mushinski: Minister, I wonder if you could please inform this House what the government is doing to help reverse this trend in order to protect Ontario's children.

Hon Mr Flaherty: Last year, British Columbia's Supreme Court struck down the Criminal Code provision that outlaws the possession of child pornography, on the grounds that the prohibition violates Canada's Charter of Rights and Freedoms.

In Ontario, the laws against child pornography continue to apply. As Attorney General, I have a special responsibility to be vigilant in protecting our children. Protecting children by cracking down on pornographers, sex offenders and sex predators is a priority of our government. That is why on January 18 and 19 this year, I appeared before the Supreme Court in Ottawa to offer Ontario's arguments supporting the constitutionality of the law against child pornography. The federal legislation is an appropriate response to this risk of harm by the proliferation of child pornography in our society.

I can add that I am currently reviewing the entire Crown Policy Manual, including how crowns determine when to proceed to ensure that children are protected and that crown prosecutors continue to prosecute—

The Speaker (Hon Gary Carr): The minister's time is up.

LITHOTRIPSY

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): My question is to the Minister of Health and it concerns kidney treatment services in eastern Ontario.

You will know, because all members will know, that there are few things more excruciatingly painful than kidney stones. You'll also recall that six months ago I stood in this chamber to ask you why the over one million people in eastern Ontario are still left with the situation where we have a lithotripter, bought and paid for by hundreds of volunteers, that sits in a crate in the Ottawa Hospital two years after its purchase, and your ministry and your government have still to authorize the operating funds to allow that lithotripter to go into service to assist those over 600 kidney patients from places like Pembroke, Perth, Prescott and Ottawa-Carleton who, in the absence of that machine working at the Ottawa Hospital, have to go down the road, often in terrible pain, to Montreal, Toronto and London.

When, Minister, are you going to fund that lithotripter at the Ottawa Hospital so this unfair situation will come to an end?

Hon Elizabeth Witmer (Minister of Health and Long-Term Care): The member perhaps does recall that the Ottawa Hospital chose to purchase the equipment

without any ministry endorsement or approval that the operating funds would be provided. At the present time, all urgent cases are treated within 48 hours of referral. The ministry has refused the proposal in the context of need for additional services in the province of Ontario, and at the present time we do have the capacity within the province to meet the needs of all of the people. There are currently two lithotripters in operation, one in Toronto and one in London.

Mr Conway: I had a constituent in my office the other day from Pembroke and he told me what he faces. Oh yes, he can go down the road to Montreal and down a much further road to Toronto and London, in excruciating pain, or he can go to the Ottawa Hospital and have very significant and invasive surgery, in all cases at two and three and four times the cost of having that done with that lithotripter which is in a crate at the Ottawa Hospital.

I'll just ask my friend the minister, humane person that I know her to be, are we telling people like my constituent in Pembroke and hundreds like him, not only in the Valley but in Ottawa-Carleton itself, that in this terrible condition of excruciating pain they should, at their own expense, get in a car and drive down that 401 by Kingston, by Cobourg, by Toronto, if you can get by it, to a lithotripter in London? Is that what we're telling them, when hundreds of patients, volunteers and families have raised the nearly one million bucks so that lithotripter can sit in a crate at the Ottawa Hospital?

Our cup runneth over. We're going to have a budget released here in a couple of days. Surely there's enough money in the provincial treasury to provide the money to make operational that lithotripter, which for two years—

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

Hon Mrs Witmer: As the member opposite knows, there was a full review of the situation undertaken. The Ottawa Hospital does agree that the programs in London and Toronto do have access capacity. I want to remind the member that the lithotripsy volumes have remained constant in Ontario, approximately 5,000 per year. We will continue to review the need for additional services, but I can assure you that at the present time all urgent cases are treated and we do have the capacity in the province to treat those who need the services.

1440

MCMICHAEL CANADIAN ART COLLECTION

Mr Ted Arnott (Waterloo-Wellington): My question is to the Minister of Citizenship, Culture and Recreation. As you will recall, when our party sat in opposition I was our party's culture critic, and I have maintained a keen interest in the McMichael Canadian Art Collection. I have raised this matter in the House before and members will know that the gallery in Kleinburg contains a magnificent collection of Tom Thompson and Group of Seven paintings that were donated by Bob and Signe McMichael to the province of Ontario in the 1960s. They

were donated for the public and for the preservation of an art form that is essential to Canadian history.

I understand that the minister has called in an independent auditor to examine the financial position of the McMichael gallery and that this review springs from the debate over what kinds of art will be exhibited at the gallery. Would the minister please update this House about the mandate and progress of this audit that she's ordered.

Hon Helen Johns (Minister of Citizenship, Culture and Recreation, minister responsible for seniors and women): I'd like to thank the member for Waterloo-Wellington for his question and also for the commitment he has to the people in his riding.

I would like to say, first of all, that the board of directors of the McMichael art gallery came in to see me in early April and suggested at that point that they had some concerns with the deficit they thought they might run as of March 31. With the help of the board that came to see me, we decided that we should call in auditors and also call in an executive, a person from management, who would be able to help them to assess the financial situation at the McMichael art gallery. We're in the process now of waiting for the report to come back from both groups and when it does we will look at what we can do to help the McMichael art gallery. Of course, we're all concerned about the financial health of the McMichael and we're all committed to preserving this national treasure for future generations.

The Speaker (Hon Gary Carr): Supplementary.

Mr David Tilson (Dufferin-Peel-Wellington-Grey): I appreciate that the minister has taken all of the necessary steps to ensure the long-term viability of the McMichael collection. My question is to the state of the collection itself. Bob and Signe McMichael are constituents of mine. They live in Caledon and, as such, I have spoken to them on many occasions on this topic. Mr McMichael in particular is concerned with two issues. He's concerned with the direction the gallery has gone, in that it has departed from the original intent of the gallery in acquiring pieces that were contrary to the original purpose of the gallery. He is concerned that their very generous and culturally significant gift to this province is in some sort of jeopardy. My question is to the minister as to what assurances she can give to this House, the McMichaels and the people of Ontario on these matters.

Hon Mrs Johns: I appreciate the concerns the member has because the McMichaels live in his riding and because, of course, the McMichael collection is the largest collection dedicated entirely to Canadian culture and heritage and art in the world. So I think it's important that we all work towards preserving that.

Once we understand the financial pressures that the board is facing at this particular point, and the management needs and requirements we have there, I think then we can look at where we should go to make sure that the McMichael gallery is put on a fair and level footing so that it will in the future continue to be the great gallery that it is.

Let me say that it was a very generous gift that was given to the province, and therefore to everyone in the province of Ontario, by the McMichael family back in 1965, and any actions we take will provide the necessary reassurances to the McMichaels and to the people of Ontario—

The Speaker: The minister's time is up.

OFFICE OF THE WORKER ADVISER

Mr David Christopherson (Hamilton West): My question is to the Minister of Labour. It was just 10 days ago that you responded in answer to a lob-ball question from one of your own backbenchers with regard to the Office of the Worker Adviser. You said, "We have decided not to discuss any reduction, any kind of downsizing at this time"

Once again, the words of this government and your actions are two very different things. As a result of the 5% cut that you leave the impression is not going to make any difference, so there won't be any reduction or downsizing, pink slips have now been issued to front-line workers at the Office of the Worker Adviser. These people are going to be laid off, and what we want to know from you is, just how is that supposed to help injured workers when you lay off front-line workers?

Hon Chris Stockwell (Minister of Labour): If you read on with that particular quote, we said the workers office would have to live by the same standards that every other government agency, board and commission and ministry would live by, which was a 5% reduction. The fact of the matter remains that they're choosing to manage their money effectively and efficiently on their own. Their decision is, "We can best manage our money by moving forward on these kinds of layoffs and putting the money elsewhere."

If you want to look at line-by-line budget analysis, the cut was no different than anyone else's. They have the autonomy to take decisions, as they should, to effectively manage their operation. I agree with that. That's why they were put in place. You wouldn't expect me to jump in and micromanage the operation. If that's the way they choose to do their business, it's an acceptable practice adopted by that organization. I don't think we, as this Legislature, should then be honour bound to jump in and tell them how to run the operation. Either they're doing a good job or they're not. You keep telling me they're doing a good job.

Mr Christopherson: Minister, for you to suggest that it's OK to be treated like everyone else is to say that it's all right if they end up in the same situation as Henderson hospital in Hamilton or the Family Responsibility Office, which is an absolute disaster right now. It is no excuse and no answer whatsoever. The fact of the matter is that you are the government that's paying the head of the WSIB \$770,000 a year. Now, as a result of your cuts to the Office of the Worker Adviser, we will have injured workers who, in addition to waiting two years to get to a

tribunal, will now stand in line for what, another two-year wait because the front-line workers aren't there?

The fact of the matter is that this government has never cared about workers and their rights. This is just one more example of how you treat workers and, for that matter, injured workers in this case. Take another stab at answering how dropping and laying off front-line workers is somehow good for injured workers.

Hon Mr Stockwell: This is quite a question from the member opposite. He wants to talk about the WSIB and the amount of money that we pay the president to run that corporation. You used the analogy. You brought it into the discussion. The simple fact of the matter is, when we took office, at the WSIB there was an \$11-billion unfunded liability. Yes, we recruited a darned good guy to run that place. Yes, we paid him market value out there, and that's a considerable sum of money. I don't deny it. But he has taken the unfunded liability—

Interjection.

The Speaker (Hon Gary Carr): Order. The minister was patient while you asked the question. I would ask the member to be patient while the minister answers. Sometimes we don't like the questions or the answers, but you can't ask the question and then yell at the minister. You asked a very tough, forceful question. It's his turn to answer.

Hon Mr Stockwell: The gentleman we've hired to do this job has taken the unfunded liability you left us, at \$11 billion, down to \$6.5 billion. He's also planning on retiring that unfunded liability in the not-too-distant future, ahead of schedule. You've got the nerve to stand in your place and complain about the money he's paid, leaving the mess that you left. He's cleaning it up, saving the taxpayers money, and you're telling me that that's a badly and poorly run operation.

INTERNATIONAL ADOPTIONS

Mr Joseph Cordiano (York South-Weston): My question is for the Minister of Community and Social Services. I'd like to know how you justify imposing your \$925 head tax on parents who are adopting internationally. Today I held a news conference with representatives of two agencies that facilitate international adoptions: the Children's Bridge and Open Arms to International Adoption agencies. As well, adoptive parents and their children were present.

More and more families continue to point out that your head tax is just not justifiable. Instead of your government making it easier to adopt, you're making it a lot more difficult. Erica Kerr, a mother in the process of adopting internationally, had this to say: "Adoption is about making families happen. In Ontario, adoption is about making families pay." Minister, will you today stand up in your place and revoke your \$925 head tax?

Hon John R. Baird (Minister of Community and Social Services, minister responsible for francophone affairs): I undoubtedly would come to the same conclusion as the member opposite if the facts were as he

presented them at his news conference this morning. But I don't believe that to be the case. As I have said before, our government understands the huge challenges that families face when they seek to adopt abroad. These families are making a huge emotional and financial commitment, sometimes as much as \$30,000.

Last year the House and this government moved to implement the Hague convention on international adoption. The fee the member opposite describes is a fee for service. The taxpayers will still have to supplement the revenue from that fee in order to provide these important protections.

I heard this morning at the press conference that, simply put, all that was required on our part was to simply press a button. The member opposite actually said at the press conference that the new legislation required less work. I find it rather odd that the member opposite who pushed this issue so hard and said this additional work, this additional effort was required is now saying that it simply requires pressing a button and that no extra work is at all required.

1450

Mr Cordiano: The minister is blowing smoke. There are no additional costs involved for the ministry in these international adoptions

Minister, I want to ask you what you would say to Erica Kerr and thousands of parents like her. What does your tax say to Erica who's gone through thousands of dollars of blood testing, fertility drugs, and paid thousands more now to go out and adopt internationally? The pain and the suffering are huge. If Erica lived in the US, she would have access to a \$5,000 tax credit. If she lived in Quebec, she would receive a \$3,000 tax credit. In Quebec, in fact they've raised this tax credit. In the US, guess what? There's proposed legislation to raise it even more, to \$10,000.

Minister, your tax is just not justifiable. I want you to stand up today and say that you will revoke this tax, because it is inconceivable to me and to thousands of people across this province how you can impose a tax such as this when you have no additional costs involved. Are you going to do that today?

Hon Mr Baird: Again I don't accept the facts that the member opposite presented. What I would say to the individual the member referred to is that this government is prepared to respond to the calls for additional measures to provide for the safety of vulnerable children and to safeguard the huge emotional and financial commitments made by a parent. There is a provision within the legislation, and we certainly made allowance for it in terms of the budgeting, to provide a fee waiver for people who are in difficult financial circumstances, to ensure we don't stand in the way of any family trying to build a family.

If the member opposite wants to talk about tax levels and the treatment that the people south of the border and in Quebec and around the province face, I would indicate to him that this is the government that's cutting taxes, this is the government that's providing more opportunities for families, and this is the government that is lessen-

ing the financial burden on hard-working families in Ontario, so that they can have enough to raise their family and realize the dreams they have, whether it's owning their own home, putting their children through university—

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

LABOUR LEGISLATION

Mrs Brenda Elliott (Guelph-Wellington): My question today is for the Minister of Labour. Some of my colleagues have been contacted by students who wish to apply for the Ontario Federation of Labour's annual Labour Honour Roll Scholarship. In order to qualify the applicants must do the following: They must interview a union leader, they must interview an MPP and they must submit an essay on the following topic, and I quote:

"It is rumoured that the Minister of Labour, Chris Stockwell, is planning to make further changes to this province's legislation that would make it harder for workers to join the trade union of their choice. Stockwell says these changes will make the workplace more democratic. Do you agree or disagree?"

That's quite a statement. I would ask the Minister of Labour today if he could explain to me and to other members of the House here the details of the initiative as described in that particular statement.

Hon Chris Stockwell (Minister of Labour): Thank you for the question. I appreciate it. I know full well that the members in the House today have read the Blueprint commitments. In those commitments we talked about committing to improving Ontario's competitiveness. We talked about encouraging job growth. We talked in the last mandate about secret ballots and scrapping job quotas. We're committed to strengthening workplace democracy. Those are the kinds of things, I suppose, that the question is coming from. So the question is, will there be changes?

The government is committed to living up to their campaign promises, and having promised in the campaign that we are going to change some form of labour legislation that will make a more competitive and fair and democratic workplace, that should be the best response. When this will take place will be soon, and I could only hope that with those kinds of responses, a fair and open-minded person will see that this government is working hard for the good working people of Ontario.

Mrs Elliott: I know this is a very important file to all people who work in this province. Could you tell us when these changes are going to occur and whether or not you'll be consulting on these changes?

Hon Mr Stockwell: These changes will occur in this calendar year. Will we be consulting? I think this government, and I myself, have gone to great lengths to consult with a broad cross-section of the community in the province of Ontario. We will continue to consult in a broad cross-section of the province of Ontario because we know that consultation means that you can get input

from the people of Ontario and help draft legislation that affects positively the lives of the working people in the province.

Interjection.

Hon Mr Stockwell: Unlike my friend heckling opposite, and his passing of Bill 40, which included very little in the way of consultation other than with those of major labour unions, we and I plan to talk to many, many Ontarians, including labour unions. We will talk to them about the changes that we are going to bring forward that will make Ontario more competitive, will balance and democratize the workplace and will give us opportunity to prosper in the future. The people of Ontario should be happy this government was elected on these Blueprint documents because it means future employment, future growth—

The Speaker (Hon Gary Carr): Order. Minister's time is up. New question.

OCCUPATIONAL HEALTH AND SAFETY

Mr Rick Bartolucci (Sudbury): My question is to the Minister of Health. Next Friday, April 28, we'll be observing the National Day of Mourning for those workers who have died in Ontario's workplaces.

You know that Cancer Care Ontario has stated that at least 9% of all cancer deaths are from workplace carcinoma. This means that this year alone, more than 2,100 men and women will die because they work in workplaces with deadly levels of carcinogens.

Minister, over the last four years, I have urged you repeatedly to establish a provincial workplace carcinoma committee. Since I last asked you this question, 2,764 workers have died from workplace carcinogens. Will you stand in your place today, accept the recommendations from Cancer Care Ontario, northeast region, the five recommendations which will save lives? Will you put your briefing binder away, will you stand and, as the Minister of Health, commit to establishing a workplace carcinoma committee and provide the necessary resources to fulfil its mandate?

Hon Elizabeth Witmer (Minister of Health and Long-Term Care): I would refer that to the Minister of Labour.

Hon Chris Stockwell (Minister of Labour): Thank for the question. Obviously it's a question that every member in this House would have the same opinion about on the concerns and issues that are out there facing people in this delicate situation.

I met with the member opposite on this issue exactly in Sudbury this summer and we had discussions with affected workers in the communities. The situation is that we would be reviewing it and we would continue to undertake to review the situation with respect to the committee itself. We are constantly on the move with respect to acquiring the information, dealing with the situation and dealing with those people who have acquired this terrible disease in the workplace. We would continue to do that, and I will give you my undertaking that as we get

closer to the decision on that one, I will continue to meet with you. I will go back to Sudbury and meet the same folks that you brought in to get the decision to them as quickly as possible.

Mr Bartolucci: Thank you, Minister, but it's more than a Sudbury problem, as you know. Indeed, it is a health problem, but if it's a multi-ministerial approach that we are going to use, all the better. But in the next 15 years, the total number of new cancer cases is going to rise by 70%. Northeastern Ontario has a 30% higher incidence of lung cancer than anywhere else in Ontario. This obviously translates into greater percentages of workplace carcinoma deaths.

Canadian Cancer Statistics 2000 indicates that there are 50,000 new cases of cancer in Ontario. As you know, that means that there are more people dying in the workplace than ever before. Minister, will you please commit today to establish now a multi-ministerial provincial workplace carcinoma committee?

Ministers, you are not the cause, and I don't want to infer that you are the cause, but as ministers you can be the biggest part of the cure. You have the ability to save lives. Will you please, please, announce the establishment of a provincial workplace carcinoma committee before the end of this session?

1500

Hon Mr Stockwell: I thank the member for the question. It's clearly a non-partisan question and I appreciate the way it was placed.

This government is very serious with respect to those occupational exposure limits where they work. I think we're the first government in 15 years to actually update the occupational exposure limits that are in the workplaces people work within. We did that because we believe that a workplace should be safe and monitored and protected by the government involved, and that's why we took those kinds of decisions.

The question with respect to interministerial: Certainly that's something we can discuss, and I know the Minister of Health and others would be very interested in having that discussion. As far as the undertaking to get back to it before we rise in this session, I'm not sure I can give you that undertaking. What I can say is that we will take this issue, we will discuss it interministerially, and I will get back to you as soon as possible and let you know what our decision is.

We don't take this lightly. I know that you don't. I've met with people who have been involved in this and workers who were involved. We understand that it crosses political boundaries. We respect your question and I hope we can work together and get a positive response.

EARLY CHILDHOOD EDUCATION

Mr Ted Arnott (Waterloo-Wellington): My question is for the minister responsible for children. I understand that yesterday the minister announced the appointment of the early years task group, which was one

of the recommendations made in the Mustard-McCain Early Years Study, which was a study commissioned by our government in our first term of office.

Could the minister please advise the House who will be sitting on this task group?

Hon Margaret Marland (Minister without Portfolio [Children]): I'd like to thank the member for Waterloo-Wellington for this question.

The early years task group will provide advice to the government on key elements and standards for a successful province-wide early years program. I am very happy to have the privilege of reading the names of this task group into the record of Hansard in this chamber today: Philip Donne, president of Kellogg Canada, will chair the early years task group. The other members include Graham Clyne, Julie Desjardins, Nadine Amelia Jones, Nova Lawson, Dr Arlette Lefebvre, Terry McCool, OPP Inspector Robin McElary-Downer, Jane Steinberg and Dr Robin Williams.

Mr Arnott: I want to thank the minister and commend her for the outstanding work that she does on behalf of the children of the province of Ontario, and ask her, how will the early years task group contribute to the establishment of a province-wide early years program?

Hon Mrs Marland: The Early Years Study stated that early child development should be a shared responsibility involving parents, caregivers, communities, volunteers, business and government. The membership of this task group reflects expertise in each of these areas, and includes individuals with specialized experience in the fields of parenting and early child development, research and program design.

The task group will look at three key areas: (1) what early child development and parenting services should be provided, how and by whom; (2) how to generate support from the private and voluntary sectors for early child development and parenting; and (3) how to combine and expand community-based services to support young children and families.

We are pleased to have such a capable team to help us implement a province-wide early years program. The early years task group will deliver its final report to my office—

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

FORESTRY AUDITS

Ms Shelley Martel (Nickel Belt): Premier, on the eve of Earth Day, it's important to consider the state of our natural environment, especially Ontario's forests. The best way to determine the health of our forests is through the results of the independent forest audits, which your government is supposed to table every year for public review. The fact is that none of the six audits done in 1998 nor the 11 done in 1999 have been tabled by your government. We believe that the audits have not been tabled because the audit teams are very critical of your government's mismanagement of Ontario forests.

We have received a copy of the executive summary of the audit of the Temiskaming forest where the audit team concludes:

"Assessing sustainability was very difficult for the audit team. The only data available for our assessment of forest sustainability was suspect. An assessment of the Temiskaming forest could not be made due to the lack of relevant and credible information."

Premier, isn't it true that the reason your government has not released the 1998 and 1999 independent forest audits is because they are very critical of your government's negligence of our forests?

Hon Michael D. Harris (Premier): No, it's not true at all. In fact, the audits are taking longer than we would have liked because of the substantial mess we inherited from your mismanagement of the forest industry.

Ms Martel: I'd point out that the audits we're talking about have been done under this government, so let me make that clarification.

Not only was the audit team very critical of this government's management of the Timiskaming forest, but the audit team also made it clear that this government asked the audit team to reconsider their findings, which were negative, before the audits were published. After the work was done and after the draft final audit was sent to MNR, the audit team was then asked by your government to review other revised government documents to see if the opinion could be changed. In the words of the audit team, this was "an extraordinary request." The audit team did review the government documents but still confirmed their earlier conclusion that an assessment of sustainability of this forest could not be made.

So, Premier, isn't it true that the other reason your government has refused to table the 1998-99 independent forest audit is because your government is trying to get the audit teams to change their negative findings?

Hon Mr Harris: No. Like a lot of the questions from the NDP, who left us the mess in the first place, it's not true at all. In fact, 11 audits are underway for 1999. They're in draft form, in various stages of completion. The six 1998 audits have not yet been finalized but will be soon.

But I have to say that we inherited one of the worst messes, not just financially and fiscally but in management of the forests. Quite frankly, this is a member whose leader exempted—exempted—his own region from having to do the audits in the first place. We take the audits very seriously. We welcome them. They're offering some very constructive suggestions on how we can clean up this horrible mess we inherited from the NDP.

Mr Rick Bartolucci (Sudbury): On a point of order, Mr Speaker: Earlier today you named the member for Windsor-St Clair. As you named him, you provided options here. Could you please clarify? Is the member named only for today?

The Speaker (Hon Gary Carr): Yes. The Sergeant at Arms was approaching, but he did get up and leave before the Sergeant at Arms got there. So he is only out

for today. The members will know that if the Sergeant at Arms has to touch a member, then he is out for a longer period of time. But he was halfway up when he left on his own initiative.

BUSINESS OF THE HOUSE

Hon Norman W. Sterling (Minister of Intergovernmental Affairs, Government House Leader): On a point of order, Mr Speaker: Perhaps at this time I would put forward the expected business in the House next week.

On Tuesday afternoon, we expect to debate Bill 55, the Parental Responsibility Act.

On Tuesday evening, we expect to debate Bill 62, the municipal referendums act.

On Wednesday afternoon, there is a Liberal opposition day.

On Wednesday evening, we expect again to debate Bill 62, the municipal referendums act.

On Thursday morning, we will be discussing private members' business, ballot items 19 and 20.

On Thursday afternoon, we again expect to debate Bill 62, the municipal referendums act.

PETITIONS

ONTARIANS WITH DISABILITIES LEGISLATION

Mr Steve Peters (Elgin-Middlesex-London): This is a petition to the Legislature of Ontario.

"Whereas Mike Harris promised an Ontarians with Disabilities Act during the 1995 election and renewed that commitment in 1997 but has yet to make good on that promise; and

"Whereas the Harris government has not committed to holding open consultations with the various stakeholders and individuals on the ODA; and

"Whereas Helen Johns, the minister responsible for persons with disabilities, will not commit to the 11 principles outlined by the ODA committee; ... and

"Whereas a vast majority of Ontario citizens believe there should be an ODA to remove the barriers facing the 1.5 million persons with disabilities;

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

"To pass a strong and effective Ontarians with Disabilities Act that would remove the barriers facing the 1.5 million persons with disabilities in the province of Ontario."

I agree with this petition and I will affix my signature hereto.

1510

ORDERS OF THE DAY

DIRECT DEMOCRACY THROUGH MUNICIPAL REFERENDUMS ACT, 2000 LOI DE 2000 SUR LA DÉMOCRATIE DIRECTE PAR VOIE DE RÉFÉRENDUM MUNICIPAL

Mr Coburn, on behalf of Mr Clement, moved second reading of the following bill:

Bill 62, An Act to enact, amend and repeal various Acts in order to encourage direct democracy through municipal referendums, to provide additional tools to assist restructuring municipalities and to deal with other municipal matters / Projet de loi 62, Loi édictant, modifiant et abrogeant diverses lois en vue d'encourager la démocratie directe au moyen de référendums municipaux, de fournir des outils supplémentaires pour aider les municipalités restructurées et de traiter d'autres questions municipales.

Mr Brian Coburn (Carleton-Gloucester): Before I begin, I just want to express my sadness and my concern for the act of violence that happened in my community today at Cairine Wilson High School. As indicated by my colleague from Ottawa Centre earlier on, our thoughts and prayers do go out to the students and their families and in fact the student body and staff at Cairine Wilson for this senseless act of violence. There is nothing that rattles you more than something that happens in your community. It brings back to us the very real importance of safety in our communities. I think it's an indication to all members in this House that there's so much more work to be done to ensure that our communities are safe places for our families.

I'm pleased to begin debate today on second reading of Bill 62, the Direct Democracy Through Municipal Referendums Act, 2000. This is indeed a very important piece of legislation. If passed, it would give voters a much stronger voice in the local democratic process.

This bill outlines a number of initiatives, some of them housekeeping and some that have a direct impact on providing more accountability, accessibility and responsible government in some communities throughout Ontario.

Let me just outline the key provisions of the bill that relate to municipal referendums. Then I'd like to answer some of the concerns that have been raised about referendums.

The intent of the legislation is to permit municipal councils to ask voters clear, concise, unbiased, yes-or-no questions about issues that fall within the municipality's jurisdiction. I'm sure each and every one of you in this House has at one point or another been approached by frustrated residents who are trying to understand the proceedings of government and saying, "When you ask a

question, why can't you just give a simple yes-or-no answer?"

That's what's intended in this bill with respect to referendums. It's to make it very clear and concise in a yes-or-no format. If at least half of the eligible electors vote on a question, the results would indeed be binding. Council would not be able to ignore voters or ignore their wishes, because of the binding condition. A council would be legally obliged to act on the results.

As things stand now, municipalities can ask all sorts of questions, some of them politically motivated, and they are not bound in any way by the results. In recent elections, many municipalities have asked questions about matters over which they have no jurisdiction to implement. The voter response to such a question is entirely meaningless if the municipality can't do anything about it. Of course, maybe that's human nature, where we have this rampant desire to make comments about other areas of jurisdiction and make our views known in areas where we really have no control.

The government believes if a municipality can't do anything about a particular issue, then there's no point in putting that question on the ballot, and I might add, at great expense. That's a waste of taxpayer time and money. Municipalities will only be permitted to hold referendums about issues that fall within their jurisdiction to implement. Some concerns have been raised about that and I'll speak to them in a minute, but first I'd like to cover some of the other provisions in the bill.

The province already has the authority to put a question on a municipal ballot if it wants to test the local opinion on a local matter. That authority will continue. If that happens as part of a regular municipal election, of course the province would pick up the reasonable costs of meeting public notice requirements. As a matter of fact, the cost of meeting those public notice requirements is indeed a major cost of a referendum.

Municipalities would not be bound by the results of questions placed on the ballot by the provincial government. The province will also be able to prohibit questions that concern broader provincial issues. I'll have more comments about that in a minute.

First, let me speak a moment about what "binding" means. If a municipality asks a question and at least half of the eligible electors vote on that question and a simple majority vote yes, then council would be obliged to do everything within its power to implement the results in a timely manner. Furthermore, if a bylaw or a resolution is required to implement the will of the people, it would have to be presented to the council within 180 days after the voting day. On the other hand, if at least half the eligible voters vote and a simple majority vote no, council must abide by that decision for at least three years.

The legislation would also ensure that the public is involved in the process of putting a question on the ballot. The municipality would be required to begin the process at least 180 days before voting day. Council would have to authorize the referendum by bylaw. Voters would have to be given at least 10 days' notice of council's intention

to pass such a bylaw. Within 15 days of passing of that bylaw, the council would have to let voters and the province know the exact wording of the question and the implications of voting yes or no. Then any elector, or the provincial government, would be able to appeal the wording of the question to the chief electoral officer of Ontario. This could occur, for example, if the elector felt the wording of the question was unclear or was in some way biased.

This process, including the appeal period, would allow for a campaign period for a referendum of at least 60 days, giving ample time to have all sides of the issue explored and orated on. The bill contains provisions to allow some of these time frames to be shortened for this year only, having respect for some of the restructuring situations, and it will ensure that councils can, if they wish, ask questions as part of this November's municipal elections.

The Direct Democracy Through Municipal Referendums Act, 2000, would also ensure that voters would know the potential costs and other implications of a decision that they were being asked to make. The bill would require full and accurate disclosure to voters of the impact of approving or not approving a proposal, including the financial impacts. Wouldn't that be a novel approach, to know exactly what you're getting into or what you're keeping yourself out of, before voting or having to make a final decision on it?

This legislation would also give the government the authority to set campaign financing rules for municipal referendums. The rules would be similar to those that candidates in municipal elections have to follow presently. Contributions from a person, corporation or trade union to any one campaign would be limited to \$750. Furthermore, council would not be able to spend public money to promote a particular position on a question. Voters would be able to make an informed decision based on all the facts with fair election funding in place.

Let me return now for a moment and talk about some of the concerns that have been raised about this legislation. I've heard criticism that the bill does not set out exactly what matters fall within municipal jurisdiction. Some people have said that the province will decide what falls within municipal jurisdiction and what does not.

I'd like to remind everyone that the Municipal Act and other provincial legislation affecting municipalities already set out quite clearly what municipalities can or cannot do. Generally, things that fall within a municipality's jurisdiction are those things that it can do something about, by bylaw or resolution. That might include, for example, the method of council election, at large or by ward; the frequency of garbage collection; smoking in public places; snowplowing of sidewalks; user fees, and the like. The legislation does allow the province to step in when a proposed question concerns an area of broad provincial interest, and that's an important distinction. Municipalities do have jurisdiction in some areas that have impacts that spill across their boundaries and affect other people in other municipalities. It is important that

the province have a mechanism for defending the broader interests of all Ontarians where that is appropriate.

1520

Another concern that has been raised is about the required 50% turnout in order to make a referendum result binding. It has been pointed out by some that voter turnout for municipal elections rarely goes over 50%, and that certainly is a fair observation. But isn't that the concern of all of us here? As a politician, when you put your name up for election and you express your views and your ideas on how you want to serve the people in a particular community, you do want voter turnout. That's one of the challenges in our society today in our democratic system, to get people out to the polls, when you get some very dismal turnouts and showing in the order of 20%, 25% and 30%. We believe that this initiative requesting a 50% turnout in order to make a vote binding will definitely create an interest if an issue has an impact on the community in one way or another. That interest and a voter turnout of that magnitude would do nothing more than support and encourage the democratic process. The threshold reflects the fact that a binding referendum has the effect of taking decisions out of the hands of locally elected council and gives voters the final say on an issue.

Keeping that in context, I believe that the requirement of a high voter turnout is not only justified but very important. Once again, if the issue galvanizes the electors it should draw at least half of them to the polls. We all certainly hope there would be that kind of interest in how our communities operate. If it isn't important enough to bring more than half of the voters to the polls, then of course the final decision would be up to council and it will be responsible to the voters for that decision.

Municipal elections, in my opinion, are underappreciated and do indeed deserve more attention. If putting referendum questions on a ballot helps to increase voter turnout, then democracy in the end is better served. Of course, if the voter turnout were less than the required 50%, this too gives the council of the day a strong indication of the voters' views, which they can consider during their debate. I, for one, would expect that a council would take into consideration both the result and the turnout when making a decision. Even without a binding result, the referendum results should impact council's decision.

Our government has consistently expressed our commitment to promoting ways in which local government can work effectively for voters and be more responsive to their wishes. This legislation will give voters more say in local politics.

Now I leave the subject of referendums and move on to some other parts of the Direct Democracy Through Municipal Referendums Act, 2000. Much of the bill deals with administrative matters that bring us closer to the goal of municipal reform in the regions of Haldimand-Norfolk, Sudbury, Hamilton-Wentworth and Ottawa-Carleton. For example, the legislation carries over certain specific powers from existing regions to the new municipalities, and these include powers to enforce

some of the bylaws such as bylaws governing regulation of parades. They include powers with respect to parks, waste management and fluoridation. The Direct Democracy Through Municipal Referendums Act also deals with a very important labour relations issue. It would clarify that collective agreements negotiated by the new municipality can provide an increase in compensation for the period between December 24, 1999, and the day before the date of a new collective agreement. This is an important change in this piece of legislation.

The legislation also ensures that the rural voice will not be lost in the new cities of Hamilton and Ottawa. During the process of approving the legislation for the new cities of Hamilton and Ottawa, concerns were expressed, quite vividly and with considerable emotion, about representation for the rural parts of the cities. The minister committed to providing more equitable representation from the rural areas. This has been accomplished. By providing two extra councillors for the city of Hamilton and one in Ottawa, we will ensure that rural interests have an adequate voice on council.

Just to expand a bit on the Ottawa situation and on an additional voice in the rural area of Ottawa, a lot of the growth and development in the official plans that are in place now with the present municipalities that are going to be combined into the one city by January 1, 2001—a lot of those official plans have growth areas enshrined in them: east, south and west. With those growth areas come, as we all know, concerns with new residents moving in and young families moving in. It is important to us that those concerns are brought and have adequate representation at the council table.

This does not prevent future councils from looking at aligning boundaries at a future time. Certainly, in communities where you have tremendous growth patterns, that becomes a housekeeping issue. That draws considerable debate, considerable emotion with respect to communities of interest and the like. That is something that has to be taken into account as populations grow and the makeup of wards changes in terms of numbers of population. With the rapid growth that we have and will continue to have in the new city of Ottawa, that's an issue the new council will be looking at, probably in a five- or six-year time frame.

The legislation also takes care of some housekeeping matters, deleting references in a number of acts to old regions and replacing them with new municipalities. For example, the Building Code Act would be amended to delete references to the regional municipalities of Sudbury and Haldimand-Norfolk. This is just one example of the sort of housekeeping amendments this legislation includes. There are other provisions that are specific to individual new municipalities.

The Fewer Municipal Politicians Act, for example, dissolved certain local roads boards around the Sudbury region where the new city would annex certain areas without municipal organization. Some of those roads boards also cover territory that will not become part of the new city of Sudbury. This bill clarifies that only those

parts of the local roads boards that would be within the new city's boundaries would be dissolved.

In the new city of Ottawa, this legislation would change the official French name from cité d'Ottawa to ville d'Ottawa. This was a request that had been acknowledged by the minister.

As well, the legislation contains changes to the regional and local councils of Waterloo and the restructured county of Oxford. These changes are being made in response to local requests.

In Waterloo, the legislation would create Waterloo's first directly elected regional council. The council would include 16 members consisting of a directly elected chair, the mayors of seven local municipalities, two directly elected councillors from Cambridge, four directly elected councillors from Kitchener and two directly elected councillors from the city of Waterloo. The regional chair and the eight directly elected councillors would not sit on a local council.

This change in representation was part of a locally directed reform package that was put forward last year by the Waterloo regional chair and local mayors. They said a directly elected regional council would improve direct accountability to the ratepayers.

We support renewed efforts to reduce duplication of effort and cost of municipal government in Waterloo. This legislation would give regional council the mandate it requested. We expect them to deliver the results that they promised to their taxpayers and to this government.

1530

This legislation would also reduce the total number of municipal politicians in the Waterloo region from the 63 elected in the last municipal election to 49. Including the mayor, the Cambridge council would be reduced from 10 to seven members of council; Kitchener council, from 11 to seven; the city of Waterloo council, from nine to six; North Dumfries council, from seven to five; Wellesley township council, from seven to five; Wilmot township council, from nine to five; and Woolwich township council, from nine to five.

In addition, this legislation would also give Oxford county's new council the legal authority it needs to proceed with its municipal election in November. Oxford county and its member municipalities developed a plan to reduce the size of council and create a more efficient local government. The Direct Democracy Through Municipal Referendums Act, 2000, takes that plan and puts it into force. If this bill is approved, the bylaw setting council sizes passed by Oxford county and its member municipalities would be deemed to comply with the Municipal Act requirements. As a result, the county would be legally authorized to go ahead with a municipal election.

This act also addresses a concern the regional municipality of Halton had with one part of Bill 25, the Fewer Municipal Politicians Act, 1999. If you'll recall, Bill 25 gave voters the right to elect the Halton regional chair in the November 2000 municipal elections. The chair was previously chosen by regional council and had a vote

only in cases of a tie. Bill 25 did not change the circumstances under which the chair could vote. If this Direct Democracy Through Municipal Referendums Act, 2000, is approved, Halton's chair will have a vote in all matters. It will make the chair more accountable to the public.

On another interesting note, and certainly what we believe to be a positive step, this bill would also give the people of Moosonee a direct say in who will represent them by making Moosonee a municipality. The Direct Democracy Through Municipal Referendums Act, 2000, would allow local people to vote for a mayor and four councillors. This government is committed to building local autonomy, accountability and strong local governance. As it is now, the province appoints representatives to the Moosonee Development Area Board. This legislation would create a municipality in place of the board. The new town of Moosonee would come into being on January 1, 2001. Special arrangements would allow the area's current sources of funding to continue, recognizing Moosonee's unique circumstances and geographic location. Making Moosonee a municipality does not change the fact that there is no road access to the community, that unemployment is around 50% and that assessment is very low in relation to social service costs.

The members may recall the Savings and Restructuring Act of 1996, which created a new reform process for municipalities and counties, separated municipalities and northern municipalities. Bill 25, the Fewer Municipal Politicians Act, 1999, further modified that process and extended the minister's authority to appoint commissions. That authority was due to sunset at the end of last year.

This legislation follows up on the Bill 25 changes in a couple of areas. First, it gives the minister greater discretion when defining the area to be subject of a restructuring commission. Currently, when a minister is asked to establish a commission, he can appoint one for an area equal to or greater than the area requested. This legislation would allow the minister, where it would be appropriate, to appoint a commission for a smaller area.

It would also address an issue that sometimes affects the amalgamation of a county and a separated municipality. Each municipality sets tax ratios. The tax ratio, as you know, is the relationship between the tax rate for residential properties and the rate for other classes, such as commercial and industrial properties.

Currently, if a county in a separated municipality with different tax ratios amalgamate, they have to harmonize their tax ratios. This legislation would allow them to maintain different ratios. It would also allow them to use a method other than weighted assessment and the upper-tier levy for apportioning upper-tier costs.

Finally, the legislation would delete two provisions from the Fewer Municipal Politicians Act, 1999.

One, as promised, is the provision that allowed the Lieutenant Governor in Council to amend any law by regulation in order to implement the reform in the four regions. This legislation takes care of the sort of house-

keeping amendments that provision was intended to address.

The other provision to be deleted is the one in the Municipal Act that allows 75 electors or 10% of the electors in a municipality to petition for the appointment of a restructuring commission. Municipal councils are elected to make decisions on local matters, including local government, and that is one of the reasons that piece of the legislation has been deleted.

If this legislation is passed, 75 electors in northern areas without municipal organization would still be able to ask for a commission. But where there are municipal councils to deal with reform issues, it would be up to them to ask for a commission. We still believe that local solutions are the best way of achieving savings in our communities.

This legislation covers a lot of ground but there are important common threads that link its various pieces: municipal reform and voter empowerment. It builds on the steps that we took last year with the Fewer Municipal Politicians Act. It puts together the legislative pieces to allow the new municipalities created by Bill 25 to move forward and it empowers voters by providing a way to make municipal referendum results binding on municipalities. This reinforces the plan that we have for future growth, to stimulate the economy, to provide a forum and an environment that encourages investment in our communities in Ontario.

We have had some considerable measure of success over this period of time with respect to amalgamations and savings that have been achieved and we have many good examples from which to draw across this province. You can take some of the achievements they've made and hold them up as appropriate examples of how to save money and effect good government for the ratepayers. Indeed, there are some situations where there still needs to be improvements but we have provided the tools for local councils and given them more authority to be able to make those decisions based on situations in their local areas that they are more familiar with than the provincial government can from afar.

This legislation is an important step towards direct democracy and greater voter empowerment in Ontario. It expands on savings, it expands on the elimination of duplication of waste, it encourages innovation and it encourages accountability from those of us who are in public office. That's something that many of my colleagues that I have worked with over the 18 years that I've been in politics have no problem with: being held accountable for the decisions that we make. This piece of legislation enables a number of communities in this province to take advantage of the building blocks we have put in place for better local government in Ontario.

The Acting Speaker (Mr Tony Martin): Comments and questions?

Mr John O'Toole (Durham): I'm pleased to follow the member and to comment on Bill 62, which is very important to the local and upper-tier levels of government. I suspect that after Mr Coburn's comments I'll be

making further comments. I just know that the Liberal Party has something to say right now.

The Acting Speaker: Further comments or questions? Member of Carleton-Gloucester.

1540

Mr Coburn: I was one of the fortunate ones after the election. The Premier has seen fit to have me as PA to Municipal Affairs. Certainly it's an area where I've enjoyed working with the residents in the city of Cumberland and, in my present capacity, with the residents of the riding of Carleton-Gloucester, being a servant and the vehicle by which to bring their concerns to this place or to the council table to make decisions to improve how their communities are governed. Many of them take an attitude about government: "You can't make change. There's no point going to address council and there's no point speaking to your local member, because change cannot be effected."

I think many of us in this place recognize that the democracy system we have does work. It gets frustrating from time to time. You seem overwhelmed by the magnitude of things and the issues that you have to deal with, but I think it's incumbent upon all of us in this place to stay committed to the cause, that we don't lose sight of the objectives—that we're here representing our residents, that we do want better democracy, that we do want more accountability. It's through pieces of legislation like this, where there has been consultation and lots of it—in Ottawa-Carleton, for example, for 30 years. It finally came down to the point that obviously you're not going to please everybody, but it's to pick the best of the best and then mould it into a piece of legislation that provides more predictability and accountability and provides a vehicle that works in the best interests of the ratepayers of Ontario.

Hon Frank Klees (Minister without Portfolio): On a point of order, Mr Speaker: I seek unanimous consent to allow Mr O'Toole to continue with the debate. That was the intention, and we forgot to ask for that splitting of the time at the beginning of this debate. So if we could have unanimous consent to continue, I'd appreciate that.

The Acting Speaker: Unanimous consent? Agreed. Further debate, the member for Durham.

Mr O'Toole: Thank you, Mr Speaker. I would also thank our whip for straightening out that administrative issue. When I did stand, I was wondering—it showed 30 minutes and then all of a sudden it showed a minute and a half, which is the time for oral responses. Since I had about 45 minutes, I knew that I was going to run out of time very quickly.

I think Mr Coburn has talked about the legislation from the point of view of the parliamentary assistant. Of course he would have a message that it's his duty to communicate. Being from Carleton-Gloucester, he would be very interested in the changes that are occurring in Ottawa, as part of this legislation is the restructuring of four municipalities in Ontario. That is an important part of Bill 62.

I'm going to speak more to the part of the local democracy issue, the referendum piece, and hopefully stimulate some response from both the Liberals and NDP who are here today.

But before I make my formal comments I'd like to compliment the pages and specifically Jordyn Clark, who is the page from my riding of Durham. She also lives in the community of Blackstock. Her parents are here today in the visitors' gallery. I would say that her sister, Kelsey, is watching with interest and hoping that in the future she'll get a chance to serve here as page. To her parents, Janice and Jim Clark, I commend you for providing the opportunity for your family to participate in this great province and this great country.

That nicely fits into the participatory democracy aspect, as this is a participation game: democracy. In that respect, local referendums are a form of public participation. Direct democracy is a model that's commonly used in Europe, and more formally used in Switzerland on a rather regular basis. So I would say that the Direct Democracy Through Municipal Referendums Act, 2000, provides an important vehicle by which people, not just in my riding of Durham but all over the province, can participate in issues that affect their daily lives.

Of course, people would know that my riding is made up of eight lower-tier municipalities, each of which has a mayor. With your indulgence today, because I have the time, I will read them into the record.

The region of Durham is about 25 years old and has eight lower-tier levels of government. There's Ajax, which of course has a very colourful mayor, Steve Parish. Wayne Arthurs is the mayor of Pickering. In Uxbridge it's Gerri-Lynn O'Connor; in Brock township it's Keith Shier. In Scugog township, of course, is Mayor Doug Moffatt, a former member of this Legislature. And then we have Mayor Marcel Brunelle of Whitby, Mayor Nancy Diamond of Oshawa and, for the community that I currently live in, Clarington, it's Mayor Diane Hamre. I know the member for Toronto Centre-Rosedale would know Mayor Hamre because she has a long relationship with the Liberal Party, which is great.

Local government is where I started. I served for a number of years at the local level in Clarington, as well as at the regional level in Durham. So I'm quite familiar with the region of Durham and local and upper-level government. I believe that for years they've needed a formula for providing appropriate questions and opportunities for public participation in important decision-making events. I know Councillor Mutton has gone out of his way to form a ratepayers association as a way to communicate directly with people at the front line of the community that he tries to represent as a regional councillor. Along with him, Troy Young does the same thing, and he's the elected lower-tier municipal councillor. I think of Jane Rowe and Mary Novak in one of the wards, filling the same role of trying to provide access or availability for the electors to approach them with issues specific to their neighbourhood. I know as well that Jim Schell and others would also be available to hear.

In my riding one of the more pressing issues of the future will be the whole issue of governance. In fact, they have had a referendum in the last four or five years, voting on whether or not to be part of the greater Toronto area. Of course, that's a very controversial area. I might say for the clerks sitting here that Blackstock is a part of my riding that in many respects doesn't see itself as part of Toronto. It's more a rural, smaller community and they don't have the services—the curbs, gutters, side-walks, municipal transit and in many cases water treatment and other things—that other, more organized parts of my riding, like Whitby and Ajax-Pickering, which are more mature urban areas, have.

So if you were to have a referendum, clearly it would divide itself. If the question was, should we become part of Toronto or the GTA, I could predict with some accuracy that the less urban areas would vote themselves to be disassociated from that area. The argument in Durham region, of course, is always that the more densely populated areas, like Oshawa and Ajax-Pickering, and Cour-tice to some extent, are actually subsidizing the smaller communities for higher-order services like policing and water treatment, so it is a balance.

I think direct democracy serves a very useful role by allowing people to respond. Their input requires the government to deliver on their commitment. I think the term that's used in the legislation—and I'll read here from my notes the meaning of “binding decision” on a referendum.

1550

At least 50% of electors must vote on the question. In other words, we have to certainly up the participation in municipal elections, because at the moment very few are that high, a 50% participation rate.

The results must be supported by a clear majority. There again, it's the clarity question: What is a majority? In this case it's defined as 50% plus one. In that case, if the majority votes yes, council would have to do everything in its power to implement the results in a timely fashion.

I would also say that it has within its powers today the power to make bylaws affecting those areas over which they have jurisdiction. That's the important subtlety here, to make sure that they're not asking questions about jurisdictional areas where they have no responsibility. It's critical to make sure that we have clarified the question itself that can be on the petition. It's sort of like the federal government's issue of the clarity bill, making sure that the question is clear and that the area they're questioning is related to the jurisdictional authority that falls under the upper- or lower-tier municipality. So that's very important.

Now we've got the participation rate; we've got the 50% plus one. It is within their realm of responsibility to make the decision so that they can move forward.

If no bylaw or resolution is required, council would have to instruct staff to take whatever action is needed to implement the decision. It's very clear. If the majority voted no, council would have to abide by that decision as

well for periods of at least three years. In other words, that question would be resolved for that period of that council, and it could resurrect itself again.

These provisions give voters more say in local matters and make municipal councillors more accountable. So they can't be off talking about changing ward boundaries for the next three years if, after the election, that decision had been decided as no; that ends the debate. If it's decided yes, then they are to go on forthwith with trying to get on with the decision.

Drafting the questions is important too, and others today, I'm sure, will comment on why the province and the Minister of Municipal Affairs will retain the right to have input into the question. It is appropriate because you need a third party group. You might know that municipalities are constitutionally mandated by the province. Under the Constitution, they—ie, the city of Toronto and the other municipal areas in the province—are created by the province. It's absolutely paramount that someone take some responsibility under the laws, the statutes, under the Municipal Act, to make sure that the question indeed covers the area of jurisdiction, is an objective question, and that it's put to the people and there's a requirement to follow up.

The Direct Democracy Through Municipal Referendums Act provides that the process for setting and asking a question would begin at least 180 days before voting day. It gives people the time to educate themselves and understand what the issue is. A municipality would have to pass a bylaw to put a question before the voters. The bill would require them to give at least 10 days' notice of the intention to pass such a bylaw and to hold at least one public meeting to consider the matter. These provisions are intended to give voters a chance to be involved up-front in the decisions and the questions to be asked.

Within 15 days of passing the bylaw, the municipality would have to let voters and the province know the exact wording of the question. So 15 days ahead we'd know exactly what we are voting on. A voter who thought the question was poorly worded or biased would then be able to appeal it to the chief electoral officer. The campaign period following the appeal of a question would be a minimum of 60 days.

We clearly have a process outlined that would allow the question itself to be clarified and a process by which it could be appealed. So it's an open process. It's really initiated at the very grassroots. It could be started by one of those constituency groups; a ratepayers' association could initiate the question. With the help of a councillor, they could go through this process of making sure they have drafted a properly worded question in a timely manner.

It's clearly laid out in this particular bill and long overdue, I might say, because more and more people today, through cable television and through other media, e-mail and the Internet, are able to follow municipal debates and municipal issues far closer than they could a few years ago. I would add that people to a large extent are more interested today. They might be busier in their

life and earning their living and raising their families, but I think they are interested.

It has been my sense from responding to telephone calls, even when I was a councillor, that people take an interest, whether it's a bylaw regulating pets or a bylaw regulating noise, noise attenuation plans, and on other issues, such as local rezoning of a commercially used building. We have one in Port Perry now, a commercially used building. They are applying for rezoning and people are genuinely interested.

There is a process now for people to become more engaged. I think that's the future. As people become more educated and more informed, they want to participate. They may not want to participate on every issue, but certainly they have the right.

There are means, electronically and otherwise, to vote today. That's what our municipality is going to propose next time. People who have difficulty getting around, who may not have public transit, can vote. There will be electronic ways to accommodate people to participate, and I'm certain this will apply to the referendum process as we move forward. These are modernizations, as we move into a new century, to allow people to publicly participate in the debate.

I think you always go back and you always say, "What falls within municipal jurisdiction?" It's absolutely critical that we have a grasp of that. For the public today, I think the division of authorities and responsibilities within the Municipal Act is there to be understood.

I can simply describe them. We use terms such as upper-tier municipality, be that a region or a county level of government, and I would say that in that upper tier you usually find higher-order, more expensive costs that are shared among the whole tax base. In the region of Durham, they would include police, water and sewage, and the delivery of social supports and social infrastructure.

They also have, as we've always heard, some duplication between the upper tier, which is the region of Durham, and the lower tier, which is the municipality, be it Scugog, Clarington, Whitby or others I've mentioned. The lower-tier municipality more clearly would have the tax collection function, but there again, if we have a tax collector in eight of the lower-tier municipalities, I question if there isn't some duplication there and I question that in the age of computers and tax rates we don't have a centralized, more efficient organization of collecting the tax.

There is also the clerk, who really maintains the order of council's activities and bylaws. We would also have the fire service, which is a lower-order service. There are those who argue that today it should be an upper-tier service, that we should be looking at combining such services as police, fire and ambulance at the municipal level. I believe those would be appropriate questions for a referendum, whether we should merge fire departments. That's a very important community safety issue, but nonetheless it falls within the responsibility of municipal government. Should we have a fire chief in each of those municipalities or one fire chief and a coordinated service

with overlapping boundary agreements. Those are appropriate lower-order questions that could find their way on to the public ballot, this participatory democracy forum.

Public works, of course, is another area of overlap and some duplication could be sorted out by a referendum process. We know there are regional roads in the area of Durham, or any of the regions in the province, such as York and Toronto, and there are lower-tier roads. Which roads are upper tier and which are lower tier? A person driving in a vehicle probably couldn't sort it out. Sometimes we'll see a snowplow or road maintenance people travelling and crossing each other on the same road, and they'll say, "This is a regional road and this is a local road." Those are areas that could be sorted out in a referendum as well and not affect anyone except within their jurisdiction as to how they organize how they deliver service. I think it's appropriate.

Bylaws could include such things as bylaw enforcement. Bylaw enforcement could easily be attached to the clerk's department. It could be attached, by the way, to police, fire and ambulance. Who is to say? It is all part of providing security and a process in a community. Those are questions that could be decided by local government and regional government in referendums to say, "This is how we're going to organize and deliver services within our area."

I think it's a very empowering piece of legislation from that perspective. Having served for several years at the local level, this is long overdue and it's a format I certainly endorse.

But on issues such as overlap within the province, from what I've said so far we have services that are lower-tier services, and parks and recreation would be included in that and the running of our arenas. As you move up, we've got the fire, the clerks. When we go up to the upper tier, we've got police and water and sewer and clearly the delivery of social support systems.

1600

One asks oneself, with this governance question that's before us—and I know certainly the member from Carleton-Gloucester has spoken about the four municipal areas, the regional governments that have merged in Hamilton-Wentworth and Ottawa-Carleton. I say to him that this is the very question that the province is giving them the tools to look at: coordination of services within a municipal jurisdiction.

I think—and perhaps on closer explanation of this bill someone might point out to me that it would be impossible—that Ajax and Pickering, two lower-tier municipalities in Durham, have been talking for the last two years about merging. In fact, they have made the decision just recently to merge the delivery of municipal transit. By doing that they are providing better service at less cost. Instead of having two administrators and two different buses and two different schedules and boundary roads that overlap with each other, they have one coordinated service. It's an appropriate question for all of Durham to be asking. I live there. I'm not dictating, as a province, that they mandate that, but municipal transit is an area

where they should be looking at services for all the people, whether they are people with disabilities—Handi-Transit—or people who live in remote areas who have no access to public transit and yet they're paying for it.

I think these questions and the issues that are permitted within this Bill 62 are long overdue, and I certainly endorse them. I've got some notes here on Haldimand-Norfolk, but I think some of the other members may want to dwell on that, because it isn't something that I'm directly involved in.

There is one other thing here with respect to the referendum piece, which is really all I'm addressing in this. I think the member from Ottawa-Gloucester did mention that there are a lot of sections in the bill, which I could outline for you. There are actually four parts to the bill and in those four parts they address everything from town names to functions and different regional acts. I think they will be covered in the debate over the next few days.

When doing a referendum, there will be those for and those against. What they have done under the Municipal Elections Act is outlined appropriate expenditure levels and contribution levels. For instance, let's say there is a group who wants to close a certain facility or merge a certain activity and maybe there's a vested interest. Maybe there's a public sector group that wants to maintain two public works yards, or whatever. They may invest money to win the referendum so they can maintain this duplication. That could be some rich developer wanting to influence the outcome. So we have put in disclosures and limits on the amount of contributions. I think that's a very important part of this whole thing. It may not seem so—it's more technical in nature—but if someone had twice as much money as someone else to spend, arguably they could influence the outcome of any referendum.

The government intends to establish campaign financing rules similar to those under the Municipal Elections Act. The maximum contribution to a campaign for a person, corporation or trade union would be \$750. Anyone who spends money promoting a particular side, other than simply making a campaign contribution, would have to register his campaign and report on campaign expenditures—not more than 50% per electors—and provide financial disclosure. We've got complete disclosure so that there isn't any secret campaign or secret agenda. These rules are intended to ensure that voters can find out who is behind a particular campaign for or against a municipal question. I think the requirement for open, transparent and accountable publicly elected people is long overdue. It's right in here in the language, Mr Speaker, and I'm sure that you're satisfied with that.

The municipality itself would not be able to take part in a campaign or to spend money—so the town couldn't do it—promoting a particular point of view. All it does is facilitate. There's a requirement, as I said earlier, to have public meetings. It can only spend money on required notices as they relate to when and where the votes and the public meetings will be held, and providing a space for those public meetings.

I think Mr Clement, our minister, has listened and responded. I am sure he has spoken with municipal leaders, whether it's the Association of Municipalities of Ontario, or ROMA, the rural association, to allow local governments to make local decisions that best suit their outcomes.

I can't see any reason why this particular section wouldn't be widely endorsed. Even if we talk about the megacity of Toronto, I know enough, after being here five or six years, that I know Toronto's made up of a number of communities. Those communities have common interests. What's most important is that we spend money on the people, not the process.

I think there would be those who would argue that Durham region has provided excellent service at a policing level for all the people and all the residents of Durham. Some would not have been able to support the sophisticated level of policing, for instance, the crime prevention unit or the helicopter unit, if they weren't under the umbrella of a larger, upper-tier government. I could make that argument for many parts of local government, that there are advantages and disadvantages to the decisions we make. Nothing is perfect.

I would say that transit clearly falls under an umbrella of shared service. With expensive buses, whether it's Oshawa's, Pickering's or Ajax's utilities, if they work together we can get more for less. That wouldn't be at the expense of people, it would be to the advantage of people.

I think the whole point here, very simply put, is that this referendum opportunity, this participatory democracy opportunity, is exactly that. It provides a formula and a format for people to be involved in making decisions in their communities. The new way of being a responsible politician would be to listen to those referendums, as this legislation intends, and respond.

It's a new way, as Mr Smitherman would know, of working with your constituent groups, listening to what they're telling you and dropping your own little agenda, just for a little while, and doing what the people want.

As I said, there are eight lower-tier municipalities and I can see that they may have different bylaws in rural areas than in urban areas. Farming activities with their odours and smells, noise and dust don't comfortably coexist with urban life. All these other issues that may be intolerable in an urban area are absolutely tolerable and absolutely required in a rural area.

I can speak to this with confidence and comfort, that it really fills a need at the local and regional levels of government, so that they are able to make decisions, with their people participating. That will serve the greater good of the greater number, and that is the intention of democracy.

I've pretty well run out of arguments. I will take the last two minutes to summarize a couple of things because I wouldn't want to give all of the time away. I know people are interested. There are still five or six people here. There are two Liberals and one NDP.

Part I, point 1, of the explanatory note: "To make by-laws under sections ... of the Municipal Act." Point 4: "To enter into agreements respecting the construction and operations of homes for persons with special needs." Point 5: "To restrict persons from providing services or facilities relating to waste management without the consent of the municipality."

There is a whole section dealing with the cities of Sudbury, Hamilton, Ottawa, Haldimand-Norfolk. There is a whole part dealing with the city amendments acts with respect to the Municipal Act.

Part III is a very technical part of the bill, dealing with the Municipal Elections Act.

"Part IV ... enacts the town of Moosonee Act, 2000. A new town is created and the Moosonee Development Area Board, which it replaces, is dissolved." That one is kind of a vague piece.

I appreciate the opportunity that has been afforded me to speak on this important part of public participation.

1610

The Acting Speaker: Questions and comments?

M. Jean-Marc Lalonde (Glengarry-Prescott-Russell) : On peut voir jusqu'à quel point le gouvernement a procédé à présenter la loi 25 en décembre dernier sans faire des recherches approfondies, sachant qu'on aurait des conséquences au niveau de toutes les municipalités de la province.

Monsieur le Président, lorsqu'on regarde le dépôt de la loi 8, qui a été passée en troisième lecture et qui a reçu la sanction royale en décembre dernier, nous nous apercevons qu'il y avait beaucoup d'erreurs, des erreurs qui affectaient surtout les municipalités comme celle d'Ottawa.

Nous avons toute la chance possible, avec ce projet de loi-là, de corriger les erreurs que nous avons faites. Nous avons remarqué la ville d'Ottawa, qui maintenant sera appelée la cité d'Ottawa, qui est bien mentionnée dans ce projet de loi, mais on a omis de mentionner à nouveau des recommandations qui étaient du rapport de la commission Glen Shortliffe. La commission recommandait hautement que la ville d'Ottawa soit reconnue ville bilingue. Mais encore une fois, nous avons mis ça de côté et nous avons dit, «Bien, c'est la responsabilité du nouveau conseil de prendre la décision.»

Lorsque nous regardons dans ce cas ici, on dit que 50 % de la population doit participer à un référendum. Nous savons hautement qu'avec les fusions des municipalités, de plus en plus il y a moins d'intérêt dans les communautés. Cela veut dire que nous allons avoir une participation au scrutin de novembre prochain beaucoup inférieure à ce que nous avons vu dans le passé.

Monsieur le Président, ce gouvernement, encore une fois, met en place des projets de lois qu'ils ont encore oublié d'étudier de façon approfondie afin de s'assurer que le secteur rural est bien desservi.

Encore une fois, je ne supporte pas ce projet de loi.

Mr David Tilson (Dufferin-Peel-Wellington-Grey): I'd like to congratulate the two members from Durham and Carleton-Gloucester for their presentation with

respect to this bill. It was an excellent presentation. I expect that most of the opposition members will be speaking against this legislation, because they spoke generally against referendum legislation when we discussed it in the past. I remember one of the Liberal members literally filibustered one of the committees in her opposition to the whole topic of referendums. As the member from Durham commented, it is responsible for us to listen to our constituents, and there are issues in municipal ridings.

The opposition, I'm sure, will speak against it, even though during the restructuring issues of the city of Toronto there were a number of referendums that came; some were over the telephone, some were a page long, some were a line long. Some of them were very unclear. But the opposition took great delight in supporting many of those referendums, even though I expect we're going to hear member after member from the opposition stand up and oppose those things.

Of course, the purpose of this legislation is to make it clear, to make it clear specifically what the questions are, whether they're questions of planning issues, whether they're questions of restructuring issues, whether they're questions of waste management issues. There are all kinds of jurisdictional issues on which municipalities may seek assistance from their constituents.

There are also areas, of course, as was pointed out, where the Minister of Municipal Affairs and Housing could place non-binding questions on the municipal ballots if the minister wanted to simply test local opinion.

So I congratulate both members on their presentation to the House.

Mr James J. Bradley (St Catharines): I thought as part of this bill they might include the two new airplanes the government is buying for the convenience of the Premier and members of the cabinet. I thought that might be part of the bill, because it's announced on a Thursday afternoon, and now the press gallery who are watching this would know; they can't be tricked. But this was announced on a Thursday afternoon before the Easter weekend. Whenever governments announce something late in the afternoon of the last day the Legislature is sitting before a long weekend, in this case a four-day weekend, you know that it's not something they want to have covered. I know the most important thing so far was, "Are you supporting Tom Long?" All the people phoned from all of the television stations way back to headquarters and said: "Never mind anything that happens in the Legislature today. Just ask those ministers if they're supporting Tom Long."

Our people who are here, of course, our press gallery who are here, would no doubt like to ask other questions. They know a good story. For instance, the question on advertising that I asked this afternoon was one worthy of coverage; I know that. Mr Klees thinks it's a very good question, and I've often thought his judgment was quite good until he decided to run for the Alliance.

But I just want everybody to know that the government is buying two new airplanes. Now they're going to

say, "Oh, don't worry, they're for fighting fires" or they're for emergencies or something. Let me tell you what they're for. The Premier doesn't like the present aircraft that belong to the province. They're not modern enough. You get up to 8,000 feet and his feet get cold, when it goes up in the sky. They need something for the comfort and convenience of the Premier and members of the cabinet and senior government officials.

Mr George Smitherman (Toronto Centre-Rosedale): How many sets of golf clubs?

Mr Bradley: I was wondering if that was in this bill. It obviously is not in this bill. But I think all the people of Ontario should know that they're going to pay for the comfort and convenience of the cabinet. I have the press release.

Ms Frances Lankin (Beaches-East York): As opposed to making a comment, I would like to direct a question to the member who shared the leadoff statement. As he commented himself, a number of the sections of this act are quite technical, dealing with newly formed amalgamated municipal jurisdictions, covering all sorts of things from park regulations to fluoridation of water and a number of other things dealing with surplus management etc.

One of the provisions is an interpretation section indicating that nothing in sections 28 to 32 of the existing municipal acts that are amended by this prevents a collective agreement between those parties from providing for an increase in compensation in respect of all or part of the period beginning December 24, 1999, and ending on a day before an effective date of that collective agreement.

The question I have, and I understand it to be technical—it's unclear to me if this section in and of itself places any prohibitions with respect to any period of time prior to December 24, 1999. The member will know that the recent inside workers strike in the city of Toronto took place largely as a result of the difficulties the parties had in arriving at a collective agreement and the merging of collective agreements after such a massive amalgamation of all the various cities and employees and their employment contracts. I'd like to ask the member if he could inform me of the specific intent of this and how far-reaching it is and whether or not it in and of itself, by its exclusive allowance of a certain thing, in fact creates another prohibition.

The Acting Speaker: Response.

Mr O'Toole: On behalf of the member for Carleton-Gloucester, I can assure you that we'll take note of the question that has been raised by the member for Beaches-East York.

I can also say I thank all the members for participating in this important debate: Glengarry-Prescott-Russell, Dufferin-Peel-Wellington-Grey and St Catharines; St Catharines perhaps a bit spurious, but nonetheless he does use this forum for doing his own messaging.

I would say the best point of view was brought up by the member for Dufferin-Peel-Wellington-Grey. He raised the question that during the huge uproar, I think it

was on Bill 103, the city of Toronto bill, they were making such legitimacy of the rather questionable ballots and referendums that they had during that process. That's the whole issue here, that the public did want to participate and there was no formula for doing that. The referendum process—the members of the NDP caucus as well as the Liberal caucus were holding those up as examples of what the people want. Yet, on closer scrutiny, those referendums were false. I personally have, and still keep them as souvenirs, four ballots for that question. They were thrown around rather spuriously.

This provides a forum and a formula for successful public participation in the democratic process. I commend Minister Clement for bringing this in, bringing clarity to the process. Allowing people to participate in democracy is something each of us should be espousing. There may be sections of this bill where you have questions. I think the member for Beaches-East York has asked an appropriate question and I believe deserves an appropriate answer. But for the most part, as Ontario and the people of Ontario grow and become more involved in their government, they need a formula for participation, and our minister has provided it. On balance, I think you'll agree with this legislation. I expect all parties will support it.

The Acting Speaker: Further debate.

Mr Smitherman: I'd like to move unanimous consent to stand down the lead until the return of our party's municipal affairs critic, the member for Eglinton-Lawrence.

1620

The Acting Speaker: Unanimous consent? Agreed.

Mr Smitherman: It's a pleasure for me to have a chance on this afternoon to speak before such a high-quality, if not quantity, crowd of legislators and to follow the presentations by two members opposite.

I would like to say that my best wishes go out and echo concerns of those in the community of Carleton-Gloucester for the incident that occurred today. I know that all members would want to offer their best wishes for a quick healing, both for the individuals affected and also for that community.

I would also, in the same spirit of the weekend and the holiday, make a note to thank my staff members, who have been working hard to try to give me some information to speak about today. To Richard Joy, Wendy Ground and Kevin Machida, who continue to labour away in my office, I thank them.

I know that it must be the spirit of Easter that brings people together, because it was mentioned earlier that today three members of the NDP at least had lunch with the Premier. I was at first hurt that I wasn't invited and then realized that next week I'll have my opportunity to play alongside the Premier, and other members of the government, in opposition to that hockey team the federal government will be putting forward.

I found it interesting that I have a chance to follow on the remarks of the member for Durham and at the same time be provided with this news release from my col-

league the member for St Catharines which indicates today that the provincial government, the Mike Harris government, is going to spend almost US\$10 million on airplanes. I thought it interesting and in stark contrast to an item that I addressed earlier this week concerning the Bethesda House shelter for women and abused kids in the member for Durham's riding, which is in great need of some fairly modest operating dollars. It does provide a very interesting highlight to this government's very priorities.

While I had the attention of the member for Durham, I wanted to follow up on some of the comments he made. I found it very interesting that, in seeking to name all of the members, the leaders of municipalities in his community—he went through an exhaustive list of the eight lower-tier municipalities in Durham region and mentioned the mayors and such by name—one of the things that he didn't mention, that he didn't bring to the fore, that he didn't bring to the debate, and I wonder why, was the extent to which this bill, by its very expectation that 50% turnout is a starting point—in his very municipality, the municipality of Clarington, home to my sister, who lives on John Walter Crescent—only 33% of the people in Clarington voted in the last municipal election. That number shouldn't surprise us, but it seems like it must be taken as a surprise to members of the government, because they have set an artificial threshold.

This bill is one that has an artificial threshold. That isn't just a circumstance in Clarington. In Oshawa, the municipality next door, 28.2% of the people voted in the last municipal election. In Ajax, another municipality in Durham, 33% voted. In Pickering, just to keep that trend line going, 37% voted. In Whitby, 33% voted. Do we see a trend here that suggests that the threshold of 50%, which the government has established, is unreasonable? For reasonable people watching at home, the answer to that quite clearly is yes.

The member for Carleton-Gloucester—and I find a great affinity to his riding name, given that Carlton and Gloucester Streets are two very important streets in my own riding of Toronto Centre-Rosedale—went through a list of some of the issues that he would expect municipalities might want to consider and talked about things like snow shovelling, arenas, grass-cutting. That's somewhat patronizing and speaks to the instincts of this government in this bill; that is, that they view municipalities and people interested in municipal issues in a very narrow sense. The reality is, of course, if we look at the government's downloading exercise, that increasingly municipal governments are expected to play a role in issues which have historically been the domain of the provincial and even federal governments.

Last Thursday, one week ago today, we were provided excellent evidence of that. I stood in this House and asked a question of the Minister of Transportation. I asked that minister why it was that, as gridlock was gripping the greater Toronto area, the provincial government was unwilling to play a role in funding public transit. Historically, people hear the words "public transit" and

they assume that is a responsibility where the provincial government has played a role. Alas, because of the downloading exercise, this government no longer plays such a role. But one really wonders, with this definition available to the provincial government of declaring provincial interest, whether a question with respect to public transit that might provide a result that was embarrassing to the government would be allowed. I think then the Minister of Transportation would be scrambling about and trying to create a rationale for such a question to be taken off.

The reality of that 50% threshold is very clear. The threshold is designed to reward the apathetic and not in any way to reward those people who go out and vote in our municipal elections. One thing needs to be brought to the fore, and I think that's very clear to everyone except the government, and that is that in the instance where municipal elections occur, in the absence of a very, very strong race for mayor or for the top job, the expectation that a 50% threshold of voter turnout will be achieved is unrealistic. To have this bill hinge so dramatically on that point is to deceive the people of Ontario. This bill is a tease act, and I would say that it is, in that instance, on the issue of the 50% threshold, fundamentally dishonest.

Imagine for a minute, as a community participant, being involved in a referendum campaign, throwing everything that you've got into it, working hard on it as a well-meaning constituent wanting to make, as a citizen, an impact on the future of your municipality, fighting with everything you've got, organizing, using volunteer time, soliciting precious resources from communities to participate in that campaign, and finding that 42% or 43% of the eligible voters in that municipality cast a ballot and having the results of that tossed out, simply because 42% or 43%—a number that I have made up and which, quite frankly, if we look at the average numbers, would be very high—doesn't meet the government's test, this 50% threshold. Imagine for a second that a high-jumping competition was set—not that I'm much of a high-jumper, as you could imagine—and the starting point was the world record. This is the kind of circumstance we've got in Bill 62.

I repeat what I said: I believe that if it's taken and read with any real interest at all, people will find that it is a bill that is fundamentally dishonest.

Perhaps we should seek out other names for this. One of the great joys that people have in taking a look at what this government is up to is not giving face value to the names that it chooses but seeking to adorn their government bills with other names. Perhaps because of the powers that this entrenches in the hands of the government and particularly the Minister of Municipal Affairs, this should be the Centralized Control bill, or the Tony Clement for Emperor bill. One thing is for certain: It could not be called a Clarity bill.

If you were really that concerned about trying to provide an opportunity for residents to be involved in municipal decision-making and to bind municipalities with those decisions, would you really set a threshold that

was, by the simplest research, found, proven, demonstrated to be virtually unattainable? The 50% threshold is fundamentally dishonest.

1630

This isn't the only flaw in the bill. One begins to wonder whether the intention of this bill is to divert attention away from some of the other aspects; as my colleague from St Catharines likes to refer it, whether there are hostages in this bill, whether there are sections that are designed to change the nature of other legislation that has previously been passed. We have a hard time trying to understand how the government realistically felt that it was moving forward in a way that would meet with public satisfaction when they set this threshold so artificially high.

I found it interesting that when the parliamentary assistant to the Minister of Municipal Affairs spoke to this bill with, if not passion then prepared text, he failed to mention that in his former life as the mayor of Cumberland in his last election 29% of the people in that municipality, 29% of the eligible voters in Cumberland, participated in the municipal election. Would the same member stand and say that spoke to a level of apathy within his community? He's one that praises his community, as all of us do, but in fact if we take a quick look at the record—I welcome the member back—the highest number that we could find for voter turnout in Cumberland was 39%. Yet the same member stands in strong defence of the Minister of Municipal Affairs and his bill, Bill 62, and says this is a good thing, that it's got an important role to play in giving Ontarians a role to play in the decision-making and the future of their municipalities. This threshold is fundamentally dishonest.

This isn't just a phenomenon that occurs in Durham region and in eastern Ontario. In fact, if we were to take a look at the last municipal election in Ontario and look at, say, 10, 15, 20 municipalities, so far our research indicates that only two, the city of Toronto, where 51% of the people voted in one of the most hotly contested races you could ever imagine—there were two sitting mayors, both from the two largest municipalities forming this new amalgamated city, in a race that generated extraordinary media coverage and was exceedingly well run, at least from the standpoint of one of those candidates, who chose me as her campaign manager. That was 51%. I'm not talking about the referendum; I'm talking about the voter turnout—a 51% voter turnout in the city of Toronto in the last municipal election. Even with those circumstances contributing to the kind of media attention that generates public interest, we just barely made it across the threshold. The government knew that when they chose this threshold and that's why this is a fundamentally dishonest bill.

We have a long list of municipalities that are affected that way and from time to time I'll give you some other numbers that I think will help to highlight the extent to which the government hopes to hide behind the title of their bill, knowing full well that the chances that it will be put into effect are very rare indeed.

We've also got this power held back by the central authority, in this case the Minister of Municipal Affairs, who bears a striking resemblance, at least in the way that he goes about doing business, to the new Prime Minister of Russia. He's tough and he bucks no criticism and he has maintained a veto. Through this legislation, that minister will determine through declarations of provincial interest whether the issue is appropriate or not for discussion, whether the people in the chosen municipality are to be given the opportunity to cast their view as to whether the issue is important enough. This ability, this power vested in the hands of the Minister of Municipal Affairs is just further evidence of a controlling instinct on the part of this government and that is to ensure that at every turn they have the opportunity to stand in the face of those who would dare to criticize them. This is a government that doesn't like to be criticized.

With respect to an issue, as an example, that is all the rage, I see that the minister and the member from Oak Ridges is here. I can't imagine an issue that is capturing more public attention in York region at the moment, aside maybe from the gridlock which the government is unwilling to address, than the Oak Ridges moraine and the very nature of it from the standpoint of its environmental impact. That important issue that captivates the interest and attention of residents up there is unlikely ever to be the subject of the kind of plebiscite, the kind of referendum that would help to shape the way that a government approaches it. Why is that? Because it's potentially embarrassing to the government and because the government has the capacity through this declaration of provincial interest to simply say, "That's off limits to you down there at the municipal level," in a patronizing kind of head-patting way that we see all too often from this government.

On the one hand, through downloading exercises, they are quite prepared to push more responsibilities on to the municipalities, yet when it comes time for them to be held accountable, to be expected to play a role in the development of those same areas, they choose instead not to.

We've seen this extraordinary centralization of power in the hands of the provincial government. We've seen this over time, not just through bills like this, but through the increasing reliance upon regulation, as an example. This Legislature, the very nature of it in the last few weeks since its return, the absence of government legislation, indicates that because previous omnibus bills they've brought in have provided so much power through regulation to members of the cabinet the very relevance of this place is limited.

There have been two noteworthy examples of issues that have gone to public referendums in the city of Toronto in the last little while. The member for Durham went out of his way to seek to critique the referendum that was done around amalgamation. While one can argue about the process, 76% of people who cast ballots voted against amalgamation. But under this legislation, that kind of an initiative wouldn't have occurred. Instead,

citizens in Toronto will be given the opportunity perhaps to talk about lawn cutting or whether they want their driveways shovelled along with their sidewalks, and the like.

Similarly with respect to casinos, the government has a stated policy—stated, but one might argue, not followed—of allowing a municipality to have a vote on that before any casino is imposed on that community. One wonders really whether this legislation is going to enable that.

I find it interesting as well that when we look at the numbers of municipal turnout in the last election, the community that the very minister who has authored this bill represents—two of the members who serve that community are here today—Brampton falls at the bottom of the list in terms of voter turnout. That is not necessarily to criticize the citizens of Brampton. Perhaps that speaks more to the relationships that go between voters and the municipal elections where there isn't a hotly contested race for mayor. In the last municipal election in Brampton, the turnout was 23.5%, less than half of the threshold necessary for referendums to be binding in this legislation that is before us.

Then it imposes upon municipalities this kind of silence. They've done it with tax bills as well. Municipalities can't seek to explain responsibility for problems with situations created by the province in their tax bills. The city of Toronto has been stopped from doing that. Imagine for a minute the kind of hypocrisy that is involved here. This government opposite spends millions of dollars currently in battle with the federal government over the issue of health care, and that tactic is a distasteful one to many people. But in fact what this government has said is, "It's good enough for us, but municipalities will not have such a chance to be involved in this kind of a debate."

If you accept this bill at face value, I would argue that you are easily deceived. The government didn't intend in any way for this to be practical legislation. It seeks to service their need for rhetoric. But the 50% threshold in particular is designed to ensure that the use of this mechanism is never made possible for the citizens it is rhetorically designed to serve.

1640

Mr John Hastings (Etobicoke North): On a point of order, Mr Speaker: I'd like to bring to the Speaker's attention—I'm sure he's heard it before—that there seems to be a declining, substantially deteriorating show of respect in this House for addressing members by where they're from. I've heard from all parties recently, "Mr So-and-so," or "Mrs So-and-so." It seems to be a very prevalent point, Speaker. I'm wondering if that's the new standard, and if it is, then would you inform us of same?

I also wonder if the member from Rosedale Centre would like to reconsider his use of a certain word I heard in the last minute—or is that also acceptable now?—that word being "hypocrisy."

The Speaker (Hon Gary Carr): He wasn't calling any of the members hypocrites. It may have been in reference to the bill.

All members will know that you should refer to the members in here by their ridings.

Mr Smitherman: On the same point of order, Mr Speaker: I usually go to some effort to make reference to ridings where I can remember the absolute name, and I certainly, in the 20 minutes that I spoke, did not make reference, on a personal basis, to any member by their first or last name.

The Speaker: Members are still getting to learn the ridings, and in fact you got the member's riding wrong; it's Toronto Centre-Rosedale. So we are starting to learn. But all members will know that we do refer to members by their riding and not by their name.

Questions and comments?

Mr Tilson: I'd like to comment on the remarks made by the member for Toronto Centre-Rosedale.

The member has raised a good point of order, although, to be fair, many of us have long riding names. I, for one, have four names and I used to have two names. It took me a while to even learn my own riding. So I hope you are lenient, quite frankly. Not to contradict my friend, but I think it's going to take us a while to learn all the names of our ridings.

I want to deal specifically with the issue which may get to the crunch of the debate with respect to referendums, and that is, as the member has pointed out, for a matter to be binding the result must be supported by a majority of the voters—50% plus one—and there must be a minimum of 50% turnout for the election for that question to become binding. Now, the member has listed off a whole slew of results, which I think are correct. Traditionally around the province, turnout has been low for municipal elections, and I guess that's the perspective, although I don't know what he means by that if he's saying, "Well, you know, if we wish to have referendums you shouldn't have that requirement," whatever the election result is, whatever number of people turn out—50% plus one—as opposed to, "Well, you must be very strict."

These matters that are put forward by municipalities are very serious concerns and we must treat them very seriously. If you don't meet those high standards, then that referendum should not be binding. You can't be flippant about this. You must have strict terms. The members for the government have listed off the requirements for referendums, and they're very strict. I support those strict requirements.

Mr Lalonde: I have to congratulate my colleague from Toronto Centre-Rosedale. He was definitely positive when he said yes, this bill should have another name. But I do recognize why the two members have spoken in favour of this bill. The government has bought two new jets—they're not jets, but airplanes—of approximately \$10 million, but if they want to get on those planes they have to speak in favour of what the Premier is saying at the present time. But there's one thing that we have to

recognize. Once again, I didn't have the chance to speak to that point before.

When I said the Glen Shortliffe report recommends that the city of Ottawa be officially named bilingual, the Ottawa Citizen had a survey in Ottawa. Of the people who responded, 82% said yes, the city of Ottawa should be considered as being a bilingual city, because we know on this planet there are over 50 countries in the world that use French services to all the people across the globe.

I think it's very important that when we're talking of economic development and when we're talking of the national capital region, it has to be a municipality that has people in position who are able to speak in both languages. The way it is, we're not talking of firing or letting anybody go at the present time. Arrangements could be made so that it could be done by attrition, but we have to make sure that we service the public in both official languages in the national capital.

Once again, I don't think this bill will meet the requirement of all the municipalities in Ontario. We will have 510 municipalities as of January 1, 2001.

Mr Bradley: I enjoyed the member's remarks very much. He was on point virtually all the way. I was glad he mentioned that the government this afternoon, late on Thursday afternoon, announced they are purchasing two brand-new aircraft from the United States. That was part of his speech that I must respond to in a very positive way, because we recognize that a lot of interesting news comes on a Thursday afternoon before a four-day weekend for members of the Legislature.

For instance, the "Ontario Realty Corp has been informed by the OPP that they have reviewed the information provided two weeks ago, and the OPP have determined that they will now undertake a formal investigation. In addition, at the request of the auditors and after consultation with the OPP and the Ministry of the Attorney General, the ORC pursued and was granted a civil order to seize information from specific companies and individuals relating to work or transactions with the ORC. These documents are required as part of an ongoing audit."

The member is trying to concentrate his attention this afternoon on the provisions of this bill, and he'd being distracted, as he mentioned at the beginning of his speech, by the fact that the government is making some embarrassing announcements very late in the afternoon before the Easter long weekend. I know that must perturb him, as do some of the provisions of the bill.

Essentially, what this bill is about is control. This government, which claims to want to support local democracy, is in fact snatching from local municipal councils the opportunity to place on the ballot questions which they deem to be appropriate. It doesn't work both ways. The provincial government can still put questions on the ballot that it deems appropriate—it'll determine what those questions are—but municipalities can't do so without the approval of the provincial government unless they fit certain criteria, unless the wording is acceptable

to Mike Harris and the Conservative government of Ontario. If anything's anti-democratic, that is it.

The Speaker: Further questions and comments? Seeing none, the member for a response.

Mr Smitherman: It was with interest that I heard the member from Dufferin-Peel—I hope I'm doing justice to his riding name. I find it interesting that he suggested this 50% threshold is necessary to make such important issues valid, but is that to say that a mayor who is elected in a contested race, with 43% of the people having voted, is not a valid, duly elected representative? I think not.

The member's very communities fail that test. The town of Caledon—42% turnout in the last municipal election, which topped Orangeville, another prominent municipality in the member's riding, which didn't achieve 40%, and had 39.37%. I think the government has by design developed a bill that is unattainable from the standpoint of actually having binding results, and that makes this piece of legislation fundamentally dishonest. I think government members will know that. The parliamentary assistant to the minister, the member from Carleton-Gloucester, should take that information back to the minister, if he hasn't already made that point, based on the information from Cumberland alone—29%, I think, when he was elected, and a historic high of 39%.

We know he's a fine member. You can use this in your literature. We see him working hard here every day. But when he was elected mayor with 29% of the people voting, was his election then put in question? Was he seen as a lesser mayor because 50% of the people on the voters' list hadn't voted? I think not. I think citizens at home and people looking at this piece of legislation will quickly come to understand that the government doesn't intend for this to be workable.

1650

Ms Lankin: I appreciate the opportunity to speak to this bill. I listened carefully to the parliamentary assistant's leadoff presentation. I thought it was particularly interesting that he did take the time to explain some of the concerns that he thought might be raised by others and attempt to give some response. I thank him for that. I think it's a useful addition to the discussion.

I do have to say that his answers to the concerns that he anticipated being raised haven't eliminated those concerns in my mind. I might enumerate some of those for him as we proceed through this discussion. One of the first things I want to indicate, recognizing that the bill deals with a large number areas, is that I probably intend to keep most—I'm sorry. Mr Speaker, could I at this point in time ask for unanimous consent to stand down the lead speech until the critic arrives?

The Speaker: Is there unanimous consent? Agreed. We can do that, then. We'll move on and stand it down until that time.

Ms Lankin: It seems to be a day for forgetting technicalities. I appreciate that. Thank you.

I probably will concentrate most of my remarks this afternoon on the issue of referendums, or, as the government is referring to this, direct democracy. I would like

to begin from a philosophical framework. The member for Dufferin-Peel-Wellington-Grey spoke to the fact that in his impression most members of the opposition were opposed to referenda as a mechanism. I guess I have to say that he's not entirely wrong. I think there is a place for referenda in the political system, and there is certainly a role for direct democracy and participation by constituents. Whatever we can say in this House about the things we disagree about, those are laudable goals, that all participants in the political process, particularly those who are elected politicians, would agree with, among ourselves. The involvement of citizens in that political process, in the process of democracy, is incredibly important. Whether we're on different sides of an issue, we understand the importance of being able to communicate, being able to get information, being able to represent our constituents and being able to have them involved in the decision-making. Many of our pieces of legislation seek to do that. Many of them allow for participant involvement. Many of them demand public constituent meetings around various issues. I'm thinking of the planning processes that guide municipalities, for example. Much of what was done around the creation of an Environmental Bill of Rights and the roles that have been created there—again, it's about involving the citizenry.

When it comes to referenda, which I see as only one mechanism in direct democracy and in involving people in decision-making around issues, the concern I have at a broad philosophical level is when that is used, or, in my view, misused, to deal with hot-button issues out there, deeply emotional issues that end up being, I guess—I was going to say “watered down”—condensed to simple questions that prohibit an in-depth examination of all the factors that need to be brought to bear. Many times it would take a considerable amount of time and effort to bring that information. While there's an attempt in this bill to direct municipalities to provide sufficient and clear information for people, I'm concerned that that, in and of itself, doesn't go far enough.

I'm anticipating certain kinds of questions that may end up in a referendum situation, but I am very much speaking from a broad philosophical level, and I should bring it down to the nature of this bill and what it does. One of the reasons that I can't get too worked up about this bill is that I don't believe that it actually creates real rights to direct democracy in the way in which the government is promoting the bill does. The name of the act, Direct Democracy Through Municipal Referendums, is fairly lofty in terms of what it suggests. But the reality behind it, to my way of thinking, actually provides a situation where we are giving more control over what happens in terms of municipal referenda to the provincial government, and in this case in particular to the Minister of Municipal Affairs. So rather than it being a direct democracy or a granting of greater democratic rights to citizens of a municipality, I believe it in fact is taking away leeway that currently exists within municipal governments to involve their citizenry and putting more

power in the hands of a minister of the crown to direct that.

Let me deal specifically with the issue of the role of the minister. The parliamentary assistant did refer to this when he said that one of the concerns he anticipated being raised was that municipalities would not be able to put certain questions on, that this bill would limit what municipalities could do. In fact, it does that. It limits it to things within the jurisdiction of a municipality. I don't disagree with that. In fact, I think many of these limitations recognize the potential problems with a simplistic referenda approach, and so I think many of these limitations are probably very useful limitations. But to suggest that it isn't in a way limiting what a municipality can do or what they can test their citizenry's opinion on, I think is not being completely up front with the public with respect to the impact of this bill.

Taking it a step further, it's not just that the municipality is limited to those things within its jurisdiction; it is the fact that the Minister of Municipal Affairs can at any time declare a provincial interest in a matter. Therefore, that matter, which might rightly fall within the municipal jurisdiction as defined under the municipal act that would be relevant to that particular jurisdiction, even though it might fall within their powers, clearly the minister of the day can declare a provincial interest, thereby elevating it out of the hands of the municipality and their ability to place the question and have a legal, binding referendum.

Again, is that a reasonable limit to place on a referendum? Perhaps. But let's not kid people, then, about what we're doing. In fact, municipalities now have the opportunity; if they want to put a referendum question to the public, they can do that. The question of whether or not it is binding is addressed by this legislation, and I'll get to that in a moment, whether or not that actually offers a real solution or any real rights to the citizenry of a municipality.

But the fact that a matter can be prescribed by the minister as a matter of provincial interest effectively leaves the decision-making and the control over any referendum question that a municipality may wish to place to its citizenry within the hands of the Minister of Municipal Affairs. To my way of thinking, that is not an enhancement to local democracy or local control. It in fact places the control within the hands of the minister of the crown.

If you look to the sections which talk about the binding nature of referenda—again, the parliamentary assistant spoke to this. He outlined that one of the concerns that would be raised would be the level of participation, of turnout, at 50%. I think others have spoken to this, but I must also indicate that it's not that this is an unreasonable limitation. Surely, if you were going to have a participatory vote and something that will be binding on your elected officials to carry out, you would want to have some assurance that the majority of eligible voters at least expressed an opinion. But in the real world in which we live, to suggest that this provision is actually

going to encourage larger voter turnout and therefore will be good for democracy, is a pipe dream.

I think the previous speaker pointed out that in the 1997 city of Toronto election, which was one of the most hotly contested mayoralty races, right in the middle of issues around amalgamation and all of these various things and ballot questions to be considered—he suggested the turnout was just over 50%. I'm not sure if he's talking about for the old city of Toronto. I had believed that the turnout across the whole megacity was about 45.5% or a little over that.

1700

Irrespective, I guess the point is that when you think of the incredible intensity of public opinion and motivation for people to get out and to express an opinion not just on who is going to lead the new megacity into the brave new world but on whether or not there is agreement with the directions of provincial government, I just find it extraordinary to think that giving a legal, binding provision in this legislation is a provision that will be utilized in the real world. Again, I don't think it's an unreasonable limitation that you're placing on it; I just think you should admit that this is not providing some grand new scheme that will be utilized in an effective, meaningful way out in municipalities.

Will they be able to continue to put referenda questions, gauge what the majority of those who turn out to vote feel, and act as they believe is appropriate based on that information? Yes. They can do that now. Nothing has changed, and I don't think a substantial amount will change given those provisions. Again, I'm not objecting to that. I think it just should be admitted, I think it should be acknowledged, that this is a limited, extraordinary-circumstance law, not one that is heralding a brave new world of direct democracy.

There are a couple of other areas that I wonder about. Under this new legislation, the only entities or individuals who can put a question on a ballot are, first of all, municipalities, which is entirely appropriate; secondly, the minister—here comes the provincial control again—can place a question on a municipal ballot. One might wonder why they just don't place it on the provincial ballot rather than messing around down in that area, but the minister can do that. But what is interesting is the question of who cannot. There cannot be a citizen initiative. There is no mechanism for citizens, with some threshold of the number of people who must be involved in petitioning for this, however you want to structure that. There is no citizen-initiated provision here.

Again, I remember the grand plans of the minister who has brought this forward about referenda overall in the province, and he spoke very much in favour of a citizen-initiated referendum. It's interesting that when he has the opportunity to bring forward a bill which he claims to be a bill about direct democracy, the most fundamental aspect of direct democracy, a citizen movement attempting to place a question on the public agenda, is not provided for within this bill. As I said, I can't get too exercised about this.

One of the things about the current government is the great fanfare that's given to a lot of these initiatives, and yet when you look behind, it is pretty shallow in terms of what it actually provides. It's sort of like if you're in drug trials: Some people get the real medication and some people get the placebo. We have taken to calling a lot of the government's legislation "placebo laws," because the way they talk about it, the way they advertise it, the way the minister stands up and punches the air and the Premier punches the air, you're sure that there are incredible new victories here for the common person in the exercise of their democratic rights and participation in municipal politics, and then when you look behind it, you find out that they have given you something to make you feel good but that actually hasn't improved the situation. So the placebo pill is now the placebo bill, and I think that's what we have before us here.

I want to refer to one other section of the bill and perhaps place a question to the parliamentary assistant for his assistance in interpretation. He may know I actually placed a question earlier with respect to the provision of collective bargaining, and I'm sure he will have an opportunity to respond to that. There's another area that I am interested in. It's subsection 34(1) of the bill. Under paragraph 2—this is repealing sections of the act and substituting the following—it indicates, "The election campaign period ends on December 31 in the case of a regular election and 45 days after voting day in the case of a by-election."

I am not absolutely clear in my reading of this and the sections that are repealed, but it appears to me that it may place an even tighter time limitation on the repayment of debt for a candidate who has run and who has incurred some debt in the process of running a campaign. I'm not sure if that's correct and I would ask the parliamentary assistant to respond to that. Quite frankly, one of the things we know as we have seen larger and larger amalgamated municipalities with larger wards in the government's attempt to bring about fewer politicians is that the costs of running in a democratic election are escalating dramatically at the municipal level in a number of large urban municipalities in particular. I suspect, when I think of expenses of travel in some of the large rural wards that people might seek election in, the same might be said, but I'm obviously more familiar with large urban areas. I wonder if the financial barriers become compounded by restrictions in terms of the management of campaign funds and campaign debt.

I'm raising this to explain to the parliamentary assistant why I ask the question. It may be that in fact the section does not do that and then my concerns will be unfounded, but because I may not have an opportunity to give him any more background, I want to explain that. Surely we understand that it becomes onerous, the more money you need to raise to run an effective campaign. These campaigns are not financed by political parties; these are individuals who are running and who are fundraising. If they have had to borrow money in order to mount an effective campaign and the period of time

within which they have to resolve all of those outstanding debts is somehow limited to a greater degree by this legislation, that can become a barrier to making the decision to run in the first place.

I won't prolong it because, as I'm indicating to you, I don't know that that is its effect. It appears, on the face of it, to do that, and that's why I raised it as a concern.

Let me just conclude my remarks by saying that in many ways there is much less to this bill than meets the eye. While the government is trying to sell it as some kind of breakthrough in local democracy, really what I believe it is delivering is more provincial control over a referendum process. For a government that has seen municipality after municipality participate in referendums and express an opinion about the future of their municipality and this government has absolutely ignored the results of those referenda and gone on with its own agenda, it's hard to believe that with the provisions like ministerial declaration of provincial interest, ministerial ability to place the question, the kind of jurisdictional question restrictions that are here, the approval process, the ability of the minister to challenge the nature of the question, the clarity of the question, the chief elections office—with all of those things, it's hard to believe that this government in particular, given their track record, won't use that to manipulate at the local level what may or may not be asked of the local population.

That leaves me less than enthusiastic about the direct democracy portions of this bill and, as I indicated, less than exercised therefore about whether or not this bill will ever provide a meaningful mechanism to people.

The bottom line here is that a municipality is the closest type of government to the local citizenry, a government which already, through structures like community councils and all sorts of local committees, is more in touch with the citizenry than any other level of government. That this provincial government should set out limitations on how they go about conducting ballot question polling of their citizenry, again, runs contrary to what the government claims to be doing in providing some new mechanism of direct democracy.

In finishing, I note that the member for—I am trying, after the admonition, not to use individual names, but all the riding names have changed. The member for Durham indicated that the referendum that took place in the megacity ballot within the various municipalities in the old Metropolitan Toronto, now the new city of Toronto, wouldn't happen again. He talked about having four ballots and how this legislation is so important with respect to that. In fact, there's nothing in this legislation that actually regulates the process of how the balloting takes place. So again, there's a lot of straw men being put up here by the government, both in terms of its claims of what will be accomplished and in terms of the ills that it claims this bill will correct. None of it means very much, unfortunately. If we have the opportunity to see this bill in action, the public will get the real understanding of what placebo legislation, placebo bills mean. This is one if I've ever seen it.

1710

Mr Tilson: I'd like to comment to the remarks made by the member for Beaches-East York. She, as have others before her, particularly in the opposition, has made comments that this legislation, specifically the legislation dealing with referendum directions on questions that are being sent to the electorate, is against democratic principles. One of the arguments she makes, for example, is that one political body, a municipality, decides to have a referendum on something, and she says, "Well, the province shouldn't have that right to say that you can't have that question, because it's not within the jurisdiction of the municipality." She says therefore that's against democratic principles. I say to her the difficulty is that that's one political body, the municipality, and the province is another political body. If it's clearly not within the jurisdiction of the municipality and the municipality wants to raise questions with respect to federal interests or provincial interests, why should the municipality have the right to go to great expense and effort to make political statements on matters that they have absolutely no jurisdiction about?

So I challenge her, as I challenge the comment the comment, "Oh, well, it's too tough, the less than 50% turnout of the electorate, and you must have 50% plus one of those that do turn out." I'll tell you something: If 45% or even 40% of the population in a municipality turn out and vote 85% in favour or against a particular question, then I'll tell you that municipality better take a long hard look at that. It may not be binding, this legislation says under that hypothetical example, but I say they'd better have a good look at it because that municipality's electorate feels very strongly about it.

Mr Bradley: The member would be familiar with the referendums which were held in Toronto last time, and particularly those on gambling questions, the 1997 city of Toronto referendum questions, with a 51% turnout: "Are you in favour of the opening of a casino in Toronto?" No, almost 78%; "Are you in favour of the opening of permanent charity casinos in this city?" No, 66.5%; "Are you in favour of video lottery terminals in the city?" No, 77.8%; "Are you in favour of deferring property tax assessments until the provincial government has released tax impact studies and provided an opportunity for public hearings?" Yes, 83.8%; and "Do you agree that the cost of welfare, social services and social housing should be downloaded by the province on to the property tax bill?" No, 88%.

Despite the fact that there were all kinds of referendums that took place, all kinds of questions, the government ignored virtually everything, and we have now, surprise, surprise—I'll have to ask the member for Beaches-East York, because looking at what appeared to be a quasi-casino, I have to ask her, are there any slot machines at Woodbine at the present time? Somebody told me there were 1,700 slot machines there, yet we had a pretty strong indication from the people of Toronto that they didn't want them. So those must have gone in the

back door. They certainly didn't go in the front door, so they must have gone in the back door.

Of course, I remember when they asked about a uni-city in Toronto, did they want one big city, because they hadn't read Andrew Sancton's book *Merger Mania: The Assault on Local Government*. I saw that there seemed to be about 77% against it. The Harris government, which proclaims itself as extremely democratic and grassroots, of course just threw that result out the window and melded Toronto into a uni-city.

Ms Marilyn Churley (Broadview-Greenwood): I must admit that I've been watching the debate from the confines of my office where I've been trying to—

Mr Bradley: Like the press gallery.

Ms Churley: Like the press gallery. Hello out there. I've been trying to catch up on my paperwork before the Easter weekend. I'd like to wish everybody a happy Easter, happy holiday.

I was just amazed at how calm and reasoned, once again, my friend and colleague from Beaches-East York was: her reasoning and her ability to see some of the good things in the bill and then discuss in a very reasonable way what some of the problems are.

I'm not going to be so reasonable because, although I applaud her for that, I think we're seeing the death of democracy in this province under the Mike Harris government. This thing is pitiful. We went through a referendum here in Toronto and the majority of people said they didn't want a mega-city. They said it loud and clear.

It was my colleague from Beaches-East York who fought really hard, with support from me and others, and got this government to agree to a third—

Interjections.

Ms Churley: Oh, boy, I've got them roused up—to get a third councillor for East York. But we are now seeing the demise of democracy in this province.

Interjection.

The Speaker: Order.

Ms Churley: She's getting excited over there, the member from Scarborough.

We hardly have any hearings any more on important bills. The government sometimes tries to get us to agree to accept bills in the House before they're even printed. Then we have to fight to get committee hearings. The bills are rushed through. We see all of these things day after day. We see time allocations on bills. We get bills we don't have time to read properly. The community doesn't have time to read them properly.

This does nothing for democracy. There are some things in it that are good, I suppose, but overall the powers that municipalities need aren't there. It's a joke.

Mr Coburn: I just want to respond to a couple of the queries the member for Beaches-East York raised. I believe one was with respect to the clarification in this bill of collective agreements.

Bill 25 neglected to recognize the time from when the bill was passed on December 24 until January 1, 2001. This Direct Democracy Through Municipal Referendums

Act recognizes that period and it can be included in negotiated compensation in contracts.

The other item was with respect to accrued expenses after an election period. I believe it's quite clear, and maybe I'll read it so that it can be in the record.

"The election campaign period ends on December 31 in the case of a regular election and 45 days after voting day in the case of a by-election.

"Despite rules 2 and 3, if the candidate has a deficit at the time the election campaign period would otherwise end and the candidate notifies the clerk in writing on or before December 31 in the case of a regular election and 45 days after voting day in the case of a by-election, the campaign period is extended and is deemed to have run continuously from the date of nomination until the earliest of,

"(i) the following June 30 in the case of a regular election and the end of a six-month period following the 45th day after voting day in the case of a by-election,

"(ii) the day he or she is nominated in a subsequent election for an office on the council or local board in respect of which a deficit was incurred, and

"(iii) the day the candidate notifies the clerk in writing that he or she will not accept further contributions."

I hope this clarifies that for the member. Then maybe the member can get as excited as we are and punch the air, and say: "Yes, I really do support this bill. It is for the betterment of democracy and provides more autonomy at the municipal level and accountability for the taxpayer."

We have some fine examples across the province where that has been accomplished.

The Speaker: Responses?

Ms Lankin: Let me say I support the member for Broadview-Greenwood in everything she said about this act. I don't know where this came from over there, guys, but drop it. It's becoming like an epidemic of some kind of a hand motion over there.

I appreciate your attempt to respond to a couple of those questions. I think I'll come to you specifically about the campaign period one, because it still is not clear in terms of what that amended in the existing legislation. It appears to me still to present a greater restriction. We can certainly talk about that. I thank you for attempting to respond.

1720

I say to the member for Dufferin-Peel-Wellington-Grey that in fact the point I was making with respect to the question pertaining to municipal jurisdiction was that that can be overridden at any time by the provincial minister declaring a provincial interest. I think you misunderstood, as opposed to misstated, what point I had put on the record. Let me just clarify that because I don't like there to be misunderstanding among members in this House.

As to the argument he makes that if there isn't a 50% turnout and if it's only a 45% or 48% turnout and the majority express an opinion one way or another on a referendum question, then that municipality better listen

even though it's not legally binding, that happens now. There's nothing that prohibits that now. Again, I'm not saying 50% is an unreasonable limit if you're looking at suggesting that something is going to be legally binding on elected representatives and is going to move away from elected representative democracy to another form. But let's be real: It isn't going to happen in the real world of Ontario municipal politics.

The Speaker: Further debate? The member for Brampton Centre.

Applause.

Mr Joseph Spina (Brampton Centre): I wonder sometimes when you go on stage and you start to speak and people begin to applaud. You're always afraid of falling short of the performance.

Interjections.

Mr Spina: Should I pause and wait for all the comments? If you throw fruit, ladies and gentlemen, make sure it's edible. My diet would appreciate it. I'm pleased to speak on this bill on two areas. The first is really the elements that cover cutting government waste and improving efficiency. Just as a quick summary, since 1995, our government has been committed to reducing red tape and trying to eliminate as much government waste as we've been able to do.

On this front, I think we have led by example. We cut the number of politicians here at Queen's Park in this very last election from 130 down to 103. It's the first cut of its kind in the history of this province since 1933. It's commendable that we have now the same number of MPPs representing the people of Ontario at Queen's Park as we have representing the same population in Ottawa. This saves our taxpayers, of course, \$11 million a year.

Hon Margaret Marland (Minister without Portfolio [Children]): We're doing a better job.

Mr Spina: My colleague from Mississauga South says that we are doing a better job than the federal MPs. We would agree with that 100%.

In addition, we have restructured the MPP compensation, eliminating the tax-free allowances and the gold-plated pension plan and instituted a standard corporate practice RRSP program like they have in any other environment. We've reduced the size of the public service, as we committed to do in 1995, by 16,000 people or positions, for a savings of \$650 million a year.

On the issue of direct democracy through the municipal reform act, we talked about the referendum issue, which has been discussed at great length by a number of our people here. The members, particularly from Toronto—I get a real charge out of these people from Toronto who sometimes live in a fishbowl. Put that one in your ear, Mel. If passed, this act would provide a legal framework for the voters to have a say in their local decisions. If they speak loudly enough, the municipal council would be binding and required to listen.

They keep bringing up the issue of the mega-city referendum. Well you know something? That particular referendum was unsanctioned, uncontrolled and inconsistent. It lost all its credibility. It had biased questions.

Some 16% of the population actually responded to it. The irony is that one reporter actually had 10 PIN numbers. North York didn't even participate. There were boxes of ballots in apartment buildings. In fact, Scarborough even posted their ballots in the newspaper. What kind of control is that? What kind of credibility does that kind of a referendum carry? Why did it happen? It happened because it was unstructured, unregulated and therefore lost all its credibility. Why should the provincial government listen to a bogus referendum like that? This legislation would permit council to ask a concise yes or no question, none of this fuddle duddle that the Quebecers have on their referendum. This province has led the fight for participatory democracy and has imposed these types of pressures on itself.

Other parts of the bill deal with administrative matters. That brings us closer to the goal of fewer politicians and lower taxes. We include in this bill the regions of Haldimand-Norfolk, Hamilton-Wentworth, Ottawa-Carleton, Sudbury—and the notes tell me other parts of the province—but I specifically want to name another part of the province in this discussion, and that is the area called Moosonee.

Moosonee currently is an area governed by the Moosonee Development Area Board. What this bill will do is incorporate the town of Moosonee. It will afford the people of that town a direct democracy through this act that will contain provisions of great importance to them. The local people will now be allowed to vote for a mayor and four councillors, as opposed to being governed by a board appointed by the province.

Right now, with this bill, that's what's happening. This bill would establish now the new town of Moosonee, with a five-member elected council. The incorporation of Moosonee will lead to stronger, more accountable local government and provide local efficiencies by eliminating the duplication between the board and the province. This government is committed to building local autonomy, accountability and a strong local government wherever possible.

The town of Moosonee will come into being on January 1, 2001, subject of course to this bill being passed in this Legislature. Currently, it receives provincial funding in recognition of its unique geographical and financial circumstances, and those funding commitments will continue by the province of Ontario. The consideration was whether or not Moose Factory would be able to join the town of Moosonee. That was certainly very much considered, but the reality is that a substantial portion of that area is federal Indian land reserve and therefore would be very difficult to incorporate under the new town of Moosonee.

We talked about other kinds of municipal restructuring and I know that this has long been a topic of consideration in Peel county. In Peel, we have two cities and a town: the city of Mississauga, the city of Brampton and the town of Caledon. In 1974, when it was introduced, I think regional government had a purpose. It had a very strong and distinct purpose when regional government

was introduced by the Bill Davis government of the day. It was fairly impactful legislation. It wasn't without certain bits of acrimony, as with any change encountered, but the reality was that the regional government, in Peel at least, for which I can speak from experience, allowed a number of small towns and villages in the Mississauga area—Port Credit, Cooksville, Meadowvale and a number other small communities—to be brought into the new city of Mississauga.

1730

In Brampton, we had the town of Brampton, we had the township of Chinguacousy and we had a housing subdivision called Bramalea that was in that township but never really existed as a municipality. In Caledon, we had a number of other small communities—the town of Bolton, Wildfield and some others—that were all struggling as small towns or villages to be able to provide the services that were needed for their citizens.

Regional government solved that issue in the long run. It gave them the critical mass to be able to create services for the citizens of Peel in all three of those municipalities under its jurisdiction, to be able to provide composite water and sewer services, a composite police force, a more integrated regional road system that went a long way towards tying all of those towns, villages and cities together.

What has happened over these 26 years that the region of Peel has been in existence? The current structure has become fairly large. Does it reflect the population of the region? Perhaps; perhaps not. In discussion with our region of Peel people, there's no question that they will tell us they are the best example of regional government anywhere and will provide all the appropriate statistics to verify that, to show the efficiencies, to show that the regional government, the two-tiered structure we have in Peel works and that no other option would be better than that structure.

On the other hand, considerable discussions have taken place over the years. For example, just looking at the municipal city council in Mississauga, we have 10 plus the mayor; in Brampton we have 16 plus the mayor. In 1989-90, I was president of the Brampton Board of Trade and we made a number of delegations to council to consider reducing the size of council. That was 11 years ago. They very quietly and conveniently assigned it to a committee and subsequently buried it, shoved it on one of those government shelves that collect dust kind of thing. They certainly were not even going to consider reducing the number of councillors on the city council.

Let's look at the structure of that. Out of the 17 members of Brampton council, we have 11 wards, five regional councillors and the mayor. The regional councillors are separate from the city councillors. In Mississauga, it's different. The 10 municipal councillors also represent the city at the regional level. Let's look at these numbers in comparison to the population. The population of Mississauga is somewhere in the neighbourhood of 600,000, with 11 people on their council. The population of Brampton is just over 300,000,

with 17 members on council. Is that too many? Is that too few? I think this is an opportunity. This bill would certainly go a long way to allowing a regulated, structured opportunity for our citizens to consider the options.

If we were to restructure Peel, do we consider a new city of Peel if one were to go beyond the status quo? There's a problem, if you consider that, because what happens then to the town of Caledon, being fairly widespread, being quite diverse, being a mix of small towns and nodes of urban pockets, and joined all together by masses of farm and agricultural land? Do you run the risk of dividing that up between Orangeville, Brampton, Bolton or perhaps even a chunk to the city of Vaughan? That's really a difficult issue to try to approach.

On the other hand, if you did not have a city of Peel, what would be the other option the citizens could consider? A city of Mississauga, a city of Brampton and perhaps a new city of Orangeville, which could include a chunk of Caledon, and divide that up. Move the boundary lines around. These are all kinds of options which the citizens could in fact consider.

I guess the important thing is that by bringing in this kind of legislation and by allowing the province to have the say and the regulatory environment as to the structure, focus and style of the referendum, it eliminates spurious questions that could be tossed on the ballot willy-nilly. If someone had a bone to pick with anyone, whether it's municipal council, their local aldermen, taxes, dogs dirtying the local park or people not keeping their animals on a leash—any of these kinds of spurious issues could be tossed on a ballot willy-nilly, no control. What you want is regulation, legislation, something that had not existed. We don't need litmus tests to test the winds and see how the population might go—and then again it might not be a majority of the population. It might be an area like Toronto, where 16% of the people actually voted. We'd end up with a boondoggle like the so-called referendum run in Toronto. We'd have people like Sewell running around this province thinking they know better than everybody else.

The reality is that this provides a focused structure for referenda to be considered so the population can have some direct input. The California situation, where there were tax hikes being proposed and the municipality agreed to put it on the ballot—that's the kind of thing we should be allowing to be put, to allow direct democracy, to allow direct votes by the citizens: whether or not their taxes should be increased, whether or not there is a rationale for their taxes to be increased. That's the kind of thing that we as a Mike Harris government are trying to implement: the opportunity for the citizens to have a greater say, just as we do in our caucus.

We talk about the different caucuses of the different governments over the years. Very often, the inner circle of a Premier or a Prime Minister—and particularly we hear this happens in Ottawa, where the Prime Minister has absolute, total control over everyone and no one dare leave the nest. Nunziata had no choice. I applaud John Nunziata for taking the stand he took. But we, rather,

have a lot of information, a lot of opportunity in our caucus, where we have the opportunity to discuss and kick around ideas and massage proposed legislation, and put it through and discuss it. That's the hallmark of the Harris caucus. Mike Harris is inclusive. He is not an exclusive Premier. He includes and values the opinions of his caucus members, he includes and values the input of his cabinet members and he listens when we have the opportunity to tell him what we feel and what our position is.

Was Tony Skarica thrown out of caucus? No. Tony Skarica is still a friend and we wish he were able to be a valued colleague, but we look forward to the opportunity to see another member in the PC caucus in the by-election that's coming up some time, perhaps this year.

This is a good piece of legislation. It's an opportunity for people to have more efficient government and for the public have an opportunity for direct input in their government.

1740

The Speaker: Questions and comments?

Mr Smitherman: At the risk of offending—

Hon Mrs Marland: I want to hear Mr Conway.

Mr Smitherman: You've heard Mr Conway so many times. At the risk of offending the member for Brampton Centre, and I certainly don't want to wake the sleeping giant over there, I wanted to—

Interjection.

Mr Smitherman: I've got the conch, Minister.

At the risk of offending them, I wanted to mention that today being the last day before a holiday weekend, we're into a situation where, for any of those people who have witnessed that popular show *The West Wing*, this is the day they talk about throwing out the trash. When there's a tough issue, a lot of media scrutiny likely to come that won't be very favourable to the government, they throw it out with the trash.

That's what they've done today on two accounts. Not only do we learn today that the government has taken all of those savings the member for Brampton Centre got excited about in terms of the reduction of politicians, they've spent that and more, almost \$10 million, on new luxury aircraft to fly the Premier and cabinet ministers, those that are on the pecking order—I'm not sure that applies to the minister who's with us now—about the province. One must wonder how much room there is aboard that aircraft for golf clubs.

Then, if it wasn't enough that we learn about this new \$US10-million expenditure—

Interjection.

Mr Smitherman: What's he chortling about? The member from Oshawa wants to know if there's room for his gun rack. I'm not sure about that.

In addition to the \$US10 million for aircraft, we hear that the Ontario Realty Corp is mired in an investigation that the OPP will be launching. They've taken a look at it, and now after months of insistence on the part of the Liberal opposition, the OPP is in there with a fine-tooth

comb, taking a look at all the problems this government has created with their buddies.

Ms Lankin: I am pleased that the member from Brampton spoke to the section of the bill dealing with Moosonee and Moose Factory. In fact, I think that's one section of the bill that is probably supportable. Our critic will be able to talk to that when he does his leadoff next week, as it's a community with which he's very familiar.

I think it's interesting that the government members who have spoken so far to this bill and talked about the different areas in it have neglected to go into any detail with respect to a couple of provisions, like the removal of the so-called Henry VIII clause. This is a clause that, in enacting amalgamation legislation, the government brought in, which gave the minister the power by regulation to change any law at any time, to do anything they wanted in the back room with a stroke of a pen, no public scrutiny.

What I find interesting about it is that at the time, when challenged, they stood with great pride and provided all sorts of rationale and reasons to defend this clause. It wasn't until people understood the import of it, and in fact the fundamentally anti-democratic nature of it contained here in a bill to provide greater democracy, that the government got backed into a corner and said, in very weak defence, "Well, we don't plan to ever use it." Well, that made the situation worse. I mean, talk about a joke. So people then pushed further—and I guess it shows that the power of the people does work even with this government from time to time—and they made a commitment that they would introduce yet again another bill to correct yet again another problem, like we've seen so often with this government in the way in which they ram through legislation. So now this bill will repeal that clause, and that's a good thing. But the government is not talking about that.

Also removing the provision allowing any 75 people in the municipality to request the restructuring commissioner to be called in—quite an unreasonable provision when you think about it. Now it's being removed. When we pointed it out, they defended it, and here, in a bill to promote direct democracy, they're taking that away from the people. Well done, folks.

Mr Carl DeFaria (Mississauga East): I was hoping this evening to stand up here and join all the members of this House in supporting this bill, because all along members in opposition have indicated to us that they want a more democratic process, a process where people would have a say in what's going on in the communities, and the Direct Democracy Through Municipal Referendums Act, 2000, is exactly in response to those kinds of comments.

For example, during the debate on the mega-city, the members in opposition always attacked the government, saying that there was a referendum, and now we are passing legislation that deals exactly with that kind of thing to indicate to the municipal governments exactly what kind of referendum they can have, because the mega-city referendum by the city of Toronto was mainly

to tell the provincial government what to do, and it's not within the jurisdiction of municipal governments to tell the provincial government what to do. It's the opposite: The provincial governments have jurisdiction. They create the municipal government, and they have the jurisdiction to tell the municipal governments what to do.

This legislation allows municipalities to deal with issues in their area of jurisdiction, and it requires 50% of the voters to participate, and that again goes with direct democracy. Once those 50%-plus voters participate, whatever their decision, it would be binding on the municipal government. I just can't understand why the opposition is not supporting this bill.

Mr Bradley: What I would recommend, and I hope the member has done so, is that he read this book called *Merger Mania: The Assault on Local Government*, by Dr Andrew Sancton of the University of Western Ontario. Dr Sancton, by the way, is an expert on local government. He has been at the University of Western Ontario for about 15 years.

Interjection.

Mr Bradley: I know the member for Niagara Falls will want to read this because they're trying to force Niagara-on-the-Lake, which is in his riding, to be part of one big region, or part of Niagara Falls, and I know that he got elected virtually by the margin he had in Niagara-on-the-Lake. So he would want to support those people in ensuring that it's preserved.

So that's Dr Andrew Sancton of the University of Western Ontario, *Merger Mania: The Assault on Local Government*. I recommend everybody read this book, and I hope the member from Brampton has read the book as well.

The Speaker: Response?

Mr Spina: I just want to thank the members for Toronto Centre-Rosedale—did I get it right, George?—Beaches-East York, Mississauga East and the honourable member for St Catharines, of course, who always has enlightening information. I will check the book out. Thank you, sir.

The member for Toronto Centre-Rosedale goes on about other things rather than what we were talking about. I'm going to address those just for a second, even though my colleague from Durham says to me that if I'm going to hit the ball, I should at least try to stay near the fairway.

1750

You weren't around, sir, in the last term when I was in a crash in one of the old planes that this government was using for the Premier and some cabinet ministers. The reality is, they are 26-year-old aircraft that were a danger to everyone and it's about time they were replaced.

With respect to the ORC investigation, he says this investigation was at the insistence of the Liberal opposition. If you check Hansard, every reply that has come from the Chair of Management Board has been that the investigation was instigated by the Chair of Management Board, the minister himself, far before the Liberals even knew about what was happening.

Thank you, member for Beaches-East York. I think I heard you say—please correct me if I'm wrong—that you might be able to support the referendum portion of the bill if—

Ms Lankin: Moosonee.

Mr Spina: Oh, Moosonee. OK, good.

Interjection: Section 5.

Mr Spina: Section 5. We'll keep that straight for the record. Thank you, member.

I just want to thank them all. Remember that more direct democracy in the form of referendums has been a consistent government commitment since 1995.

The Speaker: It's almost 6 o'clock. Is there further debate? Would the member want to continue? OK, further debate.

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): I want to say a few things about Bill 62. I think it's a good thing that we're talking about the health of democracy both municipally and provincially. Like my friend from Cumberland, I'm from the eastern part of the province. I've been watching with some interest the debate around the restructuring of the new Ottawa and I must say I've been struck by the powers that have been vested in the transition committee—breath-taking. But nobody seems to much care. There are a few editorial writers at the Ottawa Citizen who care. I understand that in periods of transition there are some extraordinary things a person might want to do. But it is a good and appropriate thing we do, talking about the state of our democracy, because I have to say I am increasingly concerned about the civic culture of our country today. From what I can tell, our politics is increasingly diseased by money and our parliamentary culture is increasingly corrupted by executive power and by the nefarious influence of the lobbyists.

The previous speaker just said what a good thing we did when we rid this place of a bunch of members of the Legislature. A lot of people agree with that. I only make this observation: If you look at the literature, one of the points about which there is a remarkable consensus is the extent to which the Canadian parliamentary system is blighted with overly powerful executives—cabinet—irrespective of the party stripe. What have we done about that? We've done nothing.

There is a recent book published by the University of Toronto Press, the author of which is Donald Savoie. It's called *Governing From The Centre: The Concentration Of Power In Canadian Politics*. It's a look at the state of the government of Canada in the 1990s. All members should read that book because what it basically says—and what it says about Ottawa, let me tell you, is even more applicable to every provincial government in the land. Savoie is not just an academic who is looking at it from the outside. He's a guy who has worked in the Prime Minister's office or the Privy Council office in very recent times. What does Savoie argue and what does he conclude? He basically says this: Thirty years ago, Pierre Trudeau said that the average MP was a nobody 50

feet from Parliament Hill. It was true then; it's even more true now. But he makes a really interesting point today. In 1999 he would say that 75% to 90% of cabinet ministers are nobodies at the cabinet table, and he produces 400 pages of script with a lot of first-person testimony to make his case.

I would say to the previous speaker and to anybody else, if we have a democratic impulse—and I like to think we all do—what, if anything, do we intend to do about that reality? Lord Hailsham said in Britain 25 years ago in a biting critique of a much more democratic place, Westminster, that what they had was an elected dictatorship. I think that's what we've got. We're going to have all kinds of cute little cures. We're going to plebiscitarian democracy. The only Canadian-born Prime Minister of Great Britain, Andrew Bonar Law, once said: "I am their leader. I must follow them."

We are really going to be a proud, gutsy bunch of plebiscitarians. Of course, who could be opposed to certain referenda at the municipal level? I certainly wouldn't be. We've had some very lively ones in this province on such issues as fluoridation. It brought out the best in my democracy, I always sensed. Who could forget those great debates in Montreal over whether or not you should have fluoridation as a public policy? The talk show crowd loved it because nothing produced a more lurid divide in the community than that kind of debate. The great plebiscite on conscription in 1942—that certainly brought out the best in Canada. We want to have more of those on important subjects. "I am their leader. Therefore I must follow them."

My question is, what are we going to do about the real ills, the real cancers that are eating at hard-fought democratic advances? I've got to tell you, and I don't want to sound like a Cassandra—and I don't mean this as a partisan observation. Savoie's critique is more about a Liberal place. But I'm going to tell you, it's a very generally applicable one. It's not just Savoie. If you read Ned Franks, his most recent, the *Parliament of Canada*, is a pretty devastating critique of the gap now between the promise of parliamentary government and the real performance, the actuality of it.

I never thought I would live long enough to say that I'm about ready to embrace the congressional system of divided government, but I'm very close. At least under that deeply flawed system, as it has been practised by our American cousins in the congressional system, there is a counterweight to the very considerable authority of the executive branch. Where is the counterweight to executive authority in Canada today, whether you're in Ottawa, Toronto, Quebec City or Edmonton? I can't find it. What I see is not only its absence but its growing power through back channels of big money and lobbyists.

I'll have more to say about this next week.

The Speaker: It being 6 of the clock, this House stands adjourned until 1:30 of the clock on Tuesday. We wish everyone a happy Easter.

The House adjourned at 1759.

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A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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Marilyn Mushinski, Richard Patten
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Chair / Présidente: Frances Lankin
Vice-Chair / Vice-Président: Garfield Dunlop
Gilles Bisson, Claudette Boyer, Brian Coburn,
Garfield Dunlop, Raminder Gill, Pat Hoy,
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Clerk / Greffière: Anne Stokes

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