



Legislative Assembly
of Ontario
Second Session, 37th Parliament

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de l'Ontario
Deuxième session, 37^e législature

**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Monday 29 October 2001

Lundi 29 octobre 2001

Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

Clerk
Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY
OF ONTARIO

Monday 29 October 2001

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Lundi 29 octobre 2001

*The House met at 1330.
Prayers.*

MEMBERS' STATEMENTS

LONDON HEALTH SCIENCES CENTRE

Mr Steve Peters (Elgin-Middlesex-London): After three weeks of stonewalling and refusing to address concerns of patients and parents over cuts at the London Health Sciences Centre, it was nice to see you blink in London last week, Minister of Health.

The hospital's scoping exercise is riddled with inaccuracies and incorrect information, an exercise that has gone terribly wrong.

Dr Lawrence Hurst, chair of plastic and reconstructive surgery, said that the scoping document says that 339 patients had uninsured procedures in one year, and this is wrong. The true number is 42 cases. The \$73,000 profit from these cases is, again, pure fiction; the training program will be irreparably damaged; and none of the major stakeholders were ever consulted.

Dr Guy DeRose of vascular surgery points out more incorrect information that was supplied to the board: a cost of \$600,000 a year—not true; that the procedure is experimental—again, not true; and that the waiting list will be reduced—incorrect again.

Tuesday night the hospital's entire department of surgery, representing 50 surgeons, will be appealing to the board to reconsider this ill-conceived, error-riddled process.

Before this minister gets too absorbed with his leadership aspirations, now is the time for you, Minister, to show some real leadership. The minister must immediately intervene into what's going on in London. Consider the value of this academic centre that provides tertiary and quaternary care. Stop the scoping exercise and ensure that the appropriate funding is allocated to the London Health Sciences Centre now. Show some leadership.

PORT HOPE LIONS CLUB

Mr Doug Galt (Northumberland): I rise in the House today to recognize the 70th charter anniversary of the Port Hope Lions Club. For seven decades, this club has played an important role in Port Hope and the surrounding community, supporting in excess of 30 noteworthy causes. They have been successful in raising

funds in a variety of manners such as bingos, street fairs and car draws.

These funds have been reinvested in the expansion of the recreation centre, the creation of a local swimming pool and the erection of a Friendship Arch some five years ago. In 1996, they made a declaration of continuing community service to the mayor of Port Hope, re-dedicating and pledging themselves to the continuing civic life and welfare of their community.

They have also regularly canvassed for the Canadian National Institute for the Blind.

As the oldest Lions Club between Montreal and Toronto, The Port Hope club has also been key in sponsoring other Lions Clubs in the neighbouring communities of Bowmanville, Whitby, Peterborough, Oshawa, Cobourg and Bewdley. This is indeed an exceptional legacy of outreach.

The Lions Clubs International motto is; "We serve," and The Port Hope Lions Club exemplifies this in all of their community endeavours.

On Saturday I will be attending the 70th charter anniversary to recognize the efforts made by the Port Hope Lions. Please join with me in acknowledging the worthy contributions this organization has made over the past 70 years.

SOINS À DOMICILE

M. Jean-Marc Lalonde (Glengarry-Prescott-Russell) : Je prends la parole aujourd'hui pour exprimer mes graves inquiétudes concernant le manque de personnel de soutien pour les services de soins à domicile, plus précisément, dans le secteur rural. Le gouvernement avait bien indiqué qu'il augmenterait le niveau des services en place puisqu'il était préférable de garder les personnes âgées dans leur foyer aussi longtemps que possible.

Voici la situation actuelle pour le secteur rural depuis la privatisation des services. Le bureau d'Ottawa se voit avec une pénurie de personnel désirant desservir les petits hameaux tels que Navan, Cumberland et Sarsfield. À cause de la distance entre leurs clients, ils ne peuvent desservir le même nombre de personnes dans le secteur rural que dans le secteur urbain.

Une autre grave lacune s'ajoute au sérieux problème. M. Édouard Cléroux senior de Navan se voit recevoir des soins à domicile deux jours par semaine mais de deux différentes personnes : une francophone et une unilingue anglophone. Hors, M. Cléroux est une personne âgée de

88 ans, francophone, qui ne peut aucunement parler ou comprendre l'anglais.

Les membres de la famille Cléroux essaient depuis des mois de rectifier ce problème, mais sans succès. M. Cléroux n'a pas de choix que de continuer avec le même service, qui le rend inquiet et complètement vulnérable.

Étant donné ces faits, comment peut-on expliquer aux gens du secteur rural qu'ils ne sont pas à la même hauteur des autres, puisqu'ils ne reçoivent certainement pas la même qualité de services ?

J'implore le ministre pour veiller à ce que tous les gens de l'Ontario reçoivent la même qualité de services et qu'ils ne se sentent pas délaissés et pénalisés en raison de la négligence du gouvernement.

LABOUR DISPUTE

Mr Gilles Bisson (Timmins-James Bay): Again we find ourselves in the same situation over the last couple of weeks when it comes to the residents at the St Mary's Manor in the city of Timmins. We've been after the Minister of Labour for some two weeks now to intervene on behalf of the workers, the very workers who are going to be fired by their employer because the employer does not want to go to the bargaining table to find a contract for those people that have joined for the first time a union of the St Mary's Manor.

I've asked the minister on a number of occasions to facilitate a process that would bring the employer to his senses and I'm going to offer him another one today. The Canadian Union of Public Employees has filed procedures under the Labour Relations Act against the employer for bad-faith bargaining. I'm asking that the Minister of Labour speed up the process to hear that prior to November 4 because, as you know, Minister, November 4 is the date that the employer is going to fire all those employees. We're asking the Minister of Labour to facilitate the Ontario Labour Relations Board hearing of the workers ahead of the date we have now, which is January, and move it up sometime before November 4—I see I've got your attention, finally—to try and get this heard.

I think all of us would have to agree that at the end of the day, this is not a fair situation for the workers. You can't allow an employer to say, "Heck, I don't want a union, so I'm just going to fire people." That's not the Ontario I believe in.

HARVEY PARTNER

Mr John O'Toole (Durham): I rise in the House today to pay tribute to the late Harvey Partner, who served for over 20 years as a hydro commissioner in Clarington. Last Thursday, Veridian Corp, our local electric utility—I might say successful electric utility—held a ceremony at the Clarington operations centre in Bowmanville. At that time, they dedicated this building in memory of Harvey Partner.

Mr Partner was the first chairman of the reorganized Newcastle Hydro Electric Commission and began serving the communities of Bowmanville, Newcastle and Orono as early as 1980. He was chair of Orono Hydro for eight years, but his role as a hydro commissioner doesn't begin to describe all the things he did for his community.

Harvey Partner was the quintessential volunteer. He served as captain of the fire department, president of the Orono Chamber of Commerce and as a trustee for the Police Village of Orono. He was a sponsor and coach of many local teams, and a successful business person who spent over 30 years in the retail business of plumbing, heating, electric installation and service.

I would like to recognize the members of the Partner family, who were in attendance and honoured with this week's opening: Mr Partner's wife, Bernice, sons Harvey Jr and Jim, daughters Pat Mercer, Wendy Partner and Bonnie Jackson, and grandchildren.

I'd also like to congratulate John Wiersma, George Van Dyk, Pauline Storks and Dave Clark of Veridian Corp for recognizing Harvey's important contribution and for the successful opening of their operations centre in Bowmanville, part of Veridian Corp. Thank you for the opportunity to talk about my riding of Durham.

1340

IMMIGRANT SETTLEMENT AND COUNSELLING SERVICES

Mr Dave Levac (Brant): I rise today to speak on behalf of Lill Petrella, executive director of Immigrant Settlement and Counselling Services in my riding of Brant. Ms Petrella has written me about her concerns of the challenges facing the mental health program and subsequent concerns about the disparity in funding compared to other mental health programs in Brant.

The agency operates the multicultural mental health services program which provides assistance to the culturally diverse population of Brant experiencing a serious mental illness. The program has received no increases in its core operating budget since 1984, despite growing program costs. Even with a shortfall of almost \$67,000, all expressed concerns to the ministry program consultant regarding their budget shortfalls continue to fall on deaf ears, always with the same response: "There is no new funding."

Ms Petrella writes, "Our agency practises sound fiscal management and has always utilized program funds in a responsible manner. The bimonthly transfer payments which we are currently receiving from the Ministry of Health do not cover program expenses. Furthermore, we are no longer in a position to absorb these costs from fundraising initiatives intended for other programs within our agency."

There are other mental health programs in Brant that receive 100% of their costs and funding for new facilities and initiatives from the Ministry of Health, as well as their lease, while their agency continues to struggle to meet program costs and receives zero per cent for rent.

I ask the Minister of Health today to end this disparity and make sure that our municipality receives equal funding.

AWARDS OF RURAL EXCELLENCE

Mr Garfield Dunlop (Simcoe North): Last Thursday evening I had the privilege, along with Dr Galt, to attend the third annual Awards of Rural Excellence in Alliston. The awards ceremony recognized the outstanding work being done in rural Ontario. Just some of the recipients of the award were the Brant Agri-Business Opportunities Association, which won the 2001 economic development award, and the J. Steckle Heritage Homestead, which won the 2001 award for outstanding volunteerism.

The Minister of Agriculture, Food and Rural Affairs also announced last Thursday that the province would invest \$240,000 in support of the Ontario Rural Council, which is one of the sponsors of the awards ceremony. The Ontario Rural Council is a forum that brings together those who share a commitment to building strong rural communities and organizations. The council provides a unique and important opportunity for multi-sector co-operation within the rural sector. The government supports growth in rural Ontario and we are glad to support this organization that provides a unique and important opportunity for co-operation by government, industry and residents of the rural sector.

I'd also like to recognize the Foundation for Rural Living, another sponsor of last Thursday's ceremony. As most members know, the foundation's mission is to ensure the very best quality of life for all rural citizens toward a vibrant Ontario. I'd like to thank the foundation for all of their excellent work. I'd like to also thank Minister Coburn for his support of this organization.

I'd also like to welcome all of the young people and their teachers and parents who are in the audience today.

BORDER CROSSING AT WINDSOR

Mr Dwight Duncan (Windsor-St Clair): On Friday of this week the provincial Ministry of Economic Development and Trade is going to be hosting a meeting to discuss the border situation with a number of officials from the states of New York and Michigan and Ontario and the federal government. I urge the ministry to extend an invitation to our local municipal politicians—our mayors and so on. In addition, I would say the federal Minister for International Trade, M. Pettigrew, will be in my community of Windsor this week, on November 2, to see at first hand the problems we are experiencing at our border crossing.

My leader, Dalton McGuinty, attended about two and a half weeks ago, along with my colleagues from Essex and Windsor West, to meet with local business leaders. I implore one of the ministers in this government to come to our city and meet with our business leaders, and I implore the Minister of Transportation particularly to

make the decision today, as a first step, to upload Huron Church Road to the provincial government. That is the busiest border crossing in the country. This government downloaded it some four years ago, and the municipality cannot afford its upkeep.

So I invite them to come to our community this week. Don't be the last ones to the table; be the first to the table. Show some leadership. Take a role that can be meaningful, not only to my community but indeed to the whole province. The Minister of Transportation's silence on this issue is appalling. It's time you did something like the rest of the governments around North America are doing.

ROYAL CANADIAN LEGION BRANCH 43

Mr Jerry J. Ouellette (Oshawa): I'd ask all to join me in congratulating Emil Baumgartner, president, and the entire executive of Royal Canadian Legion Branch 43 in celebrating its 75th anniversary on October 26.

During these 75 years, Branch 43 has been tirelessly serving veterans, their families and our community of Oshawa well. Branch 43's charitable donations through their poppy drive and other club events include \$180,000 in 1978-79 to various charities, and today's are too numerous to mention. From the November 9 to December 31, 1929, records showing how Branch 43 helped 42 families with \$383.88 of assistance or today's veterans and their families whenever they need it, to instituting a bursary program that awards two local high school students with a four-year scholarship program to further their educational needs, Branch 43 truly touches the entire community.

From its humble beginnings in the old council chambers where it started in 1933 to the momentous laying in 1933 of the cornerstone of the then-called Post 43 on Centre Street, today the club is located at 471 Simcoe Street South, thanks to the members' dedication and commitment to raising the building funds needed.

They are also founding members of Oshawa's rich sporting tradition. All minor baseball in Oshawa has been sponsored by Branch 43 since 1948, and the Oshawa Legionnaires Junior A hockey club has been sponsored since 1974.

I would once again like to ask you to join me in congratulating the 1,800 members of Branch 43 on their 75th anniversary, and I would like to personally say thank you for all your dedication to our community.

VISITORS

Ms Marilyn Churley (Toronto-Danforth): On a point of order, Mr Speaker: I know everybody in this House will want to join me in welcoming grade 5 students from Withrow Public School in the riding of Toronto-Danforth, who are with us today in the gallery.

Mr Joseph Spina (Brampton Centre): On a point of order, Mr Speaker: There's a class visiting here from

Messiah College in Grantham, Pennsylvania. They join us every year to watch how we conduct Parliament in the Legislature in Ontario, and I just want to welcome them from Pennsylvania.

MOTIONS

PRIVATE MEMBERS' PUBLIC BUSINESS

Hon Janet Ecker (Minister of Education, Government House Leader): I have several motions here. I'd like to seek unanimous consent to put forward a motion regarding private members' public business.

The Speaker (Hon Gary Carr): Is there unanimous consent? Agreed.

Hon Mrs Ecker: I move that notwithstanding standing order 96(d), Mr Sergio and Mr Peters exchange places in order of precedence such that Mr Peters assumes ballot item number 40 and Mr Sergio assumes ballot item number 45; Mr DeFaria and Mr Kells exchange places in order of precedence such that Mr Kells assumes ballot item number 70 and Mr DeFaria assumes ballot item number 36; and Mr Beaubien and Mr Gill exchange places in order of precedence such that Mr Gill assumes ballot item number 34 and Mr Beaubien assumes ballot item number 61.

The Speaker: Is it the pleasure of the House that the motion carry? Carried.

APPOINTMENT OF HOUSE OFFICERS

Hon Janet Ecker (Minister of Education, Government House Leader): This is regarding the Deputy Speaker position.

I move that the order of the House dated October 15, 2001, be rescinded and, notwithstanding the order of the House dated October 26, 2000, David Christopherson, member for the electoral district of Hamilton West, be appointed Deputy Speaker and Chair of the committee of the whole House; Bert Johnson, member for the electoral district of Perth-Middlesex, be appointed First Deputy Chair of the committee of the whole House; and Mike Brown, member for the electoral district of Algoma-Manitoulin, be appointed Second Deputy Chair of the committee of the whole House.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

Motions?

Hon Mrs Ecker: Mr Speaker, I believe I would like to have another couple of conversations with the House leaders in the next few minutes on the final motion, so I may, if we have agreement, ask for unanimous consent on it at the end of question period.

The Speaker: That's fine. I look forward to that.

1350

ORAL QUESTIONS

SERVICES FOR THE DEVELOPMENTALLY DISABLED

Mr Dalton McGuinty (Leader of the Opposition): My question is for the Minister of Community and Social Services. Minister, you will be aware that the Toronto Star has been running an eye-opening and, I would describe, very sad series on the plight of Ontarians with developmental disabilities and their families.

There are families in Ontario to which some very special children have been born. These are kids who, in a very real sense, will not grow up. These children look to their parents on an ongoing basis for some help. In some cases, where these children find themselves in their forties, their parents, elderly now, are helping them with their baths, using the toilet, brushing their teeth, shaving them, changing their diapers and those kinds of things.

This is exhausting work and it is provided entirely out of love by parents to their children. By the way, that work performed by those parents for their children saves taxpayers tremendous money. I believe that those families need our help.

Minister, can you tell me, what is the minimum standard of help which all of these families are now receiving?

Hon John R. Baird (Minister of Community and Social Services, minister responsible for children, minister responsible for francophone affairs): The ministry and the government of Ontario provide a range of supports to help people with developmental disabilities. Two years ago, we increased that budget by \$35 million, last year we increased it by \$50 million, and we announced an unprecedented funding commitment of \$67 million in capital and an additional \$197 million expended over the next four or five years.

We provide a range of services in terms of the standard: special services at home, residential supports, day programming, a range of employment supports, and a particular program, Foundations, to help young people when they leave the school system, and a range of supports. If the member opposite wants to talk about specific ones, of the array of programs, old and new that we've just begun, I'd be pleased to discuss it with him.

Mr McGuinty: Minister, I can tell you that you are not ensuring that today in Ontario there is a minimum standard to which each and every one of these families is entitled. That is not the case.

I encourage you to read the stories that appeared in the Star. What is happening on the front lines is that if you are capable as an advocate and looking out for the interests of your child, and you can push hard, then you get help in your family. But if you don't, then you do what so many thousands of those families do. They lead lives of quiet desperation, and now they are very worried,

especially as the parents get on in years, about what is going to happen to their children.

On top of that, if these children do end up in a group home, they can face very horrific problems there. There are stories of abuse: sexual, verbal, physical and financial. There are no ministry standards for dealing with abuse. You've investigated recently 274 incidents—only 12 of those were in fact investigated. The Provincial Auditor tells us that you are not doing nearly enough to follow up on these reported incidents.

Why is it that you have no standards, Minister, to protect our most vulnerable children from abuse?

Hon Mr Baird: The ministry does influence a whole series of standards through a number of methods, including annual licensing reviews, annual inspections to ensure compliance, the reporting requirements; in addition, we do a number of random audits.

I'm the first to acknowledge that we can do more. That's why we sought an unprecedented funding increase in the budget to help people with developmental disabilities—the biggest funding increase, in fact, in Canadian history.

We're dealing with the issue in a number of ways. One, we're addressing where the critical need is that the Associations for Community Living and other local service providers around the province have cited, and that's funding for staff to ensure they can attract and retain the very best qualified people to work with these, our most vulnerable citizens. Of that, \$31.7 million will go toward this year alone. That money has not only been committed, it is out the door and being spent and benefiting people right across the province of Ontario.

That's the first part of a five-year investment. We want to do more training, and in year two of this unprecedented funding reform, we'll be doing initiatives with respect to training and ensuring the setting of standards. Many agencies use an organization called Accreditation Ontario to validate in terms of the quality of life that these—

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

Mr McGuinty: Minister, here's what the Provincial Auditor said in connection with the incidents of abuse that had been reported to your ministry. He said in his 1999 report, "We found no evidence that the ministry had reviewed or, where necessary, followed up on many of the serious occurrences reported."

That's his assessment of your failure to protect our most vulnerable children, who find themselves in families where parents are struggling to continue to assume their heartfelt responsibilities.

To sum it up, Minister, we have no minimum standards in Ontario when it comes to providing assistance to these families. There are no minimum standards in place, obviously, to ensure that you follow up on incidents of reported abuse.

It seems to me that one of the most important ways that we might judge a government, Minister, is how well you are doing when it comes to protecting our most

vulnerable. I ask you once again, why is it that you are failing to protect some of our most vulnerable citizens—children with special developmental disabilities—and why are you failing to help their parents, who are struggling to assume their responsibilities?

Hon Mr Baird: I certainly welcome participation in this debate from the member opposite. This is something which I personally have been working on for more than two and a half years. As to the member opposite, this is the first question he's asked in this regard in the two and a half years since I've been minister.

I can tell you I'd be quite prepared to listen to the comments of the president of the Ontario Association for Community Living, who said after our announcement, "This commitment to multi-year funding will be a tremendous help in addressing critical needs over the coming years."

I could look at the president of the Superior Greenstone Association for Community Living: "Thank you again for keeping your word and working so hard to ensure the supports and services required for people with developmental disabilities are available."

Or I could look to his own caucus: "One of the good things that the budget did" is that it did some good things for the developmentally handicapped, "and they ought to be congratulated" for that, "because it was long overdue." That's Greg Sorbara, his own member for Vaughan-King-Aurora.

GOVERNMENT ADVERTISING

Mr Dalton McGuinty (Leader of the Opposition): My question is for the Chair of Management Board. Mr Minister, we learned with some surprise that last Friday you put out a release entitled New Rules for Government Advertising, and it says that you will now have new standards that will provide a distinction between government advertising and partisan advertising.

Well, talk about closing the barn door after the cows are out. Six years later, you've spent close to a quarter of a billion dollars on partisan advertising. All along apparently you couldn't afford enough textbooks for our children, you couldn't afford enough hospitals and nurses for our sick, and more recently your government couldn't even afford to keep working for them the best biohazard experts that we had on the job.

Now that you can finally admit that you have spent close to a quarter of a billion dollars in partisan advertising, Minister, I'm wondering, when is the Ontario Progressive Conservative Party going to reimburse Ontario's working families the full amount?

Hon David H. Tsubouchi (Chair of the Management Board of Cabinet): It's a very strange statement to be coming from the Leader of the Opposition considering their dismal record in terms of advertising as well. Certainly the record speaks for itself, the fact that the Liberal government of which the Leader of the Opposition was a part had far more spending in advertising than this current government did.

Secondly, for the very first time you would think the Leader of the Opposition would say, "Thank you." It's an important step to take. They certainly had the opportunity to do this when they were in government. They certainly chose not to take those steps. For the very first time, we're able to differentiate very clearly, and this is a response to the Provincial Auditor's report as well; we now have standards that govern paid advertising. So clearly if it's something they believe in, and it's something that we have done, he should be in a position to say, "Thank you for doing something that we believe in too."

Mr McGuinty: Clearly you responded because you felt the heat; it's not because you saw the light, Minister.

We're very, very interested in these new standards of yours. We have yet to get hold of a copy of them. But if we look back on the close to one quarter of a billion dollars you spent on partisan advertising, I'm just wondering, Minister, on behalf of taxpayers generally but more specifically our hard-working families, which among that quarter of a billion dollars, which among those probably close to 100 ads, according to your new standards, were partisan? And of course, if they are now deemed by you to be partisan, will you now also, Minister, reimburse our families?

Hon Mr Tsubouchi: The Leader of the Opposition has talked about finally seeing the light. You certainly had an opportunity, sir, during the five years in which you were in government. Probably at the time you figured that was a train coming at you through a tunnel.

I've got numerous examples of advertisements that were done by the Liberal government of which he was a part, in which a lot of the complaints they had—

Interjections.

Hon Mr Tsubouchi: I hear members over there squeaking at me now. I would certainly be glad to hold them up and show pictures of various people, which I'm sure they don't want me to do. The fact of the matter is, the government saw fit to act on this. The government saw fit to bring in some rules that clearly define what government advertising—

Mrs Sandra Pupatello (Windsor West): What are you talking about?

1400

Hon Mr Tsubouchi: The member says, "What are you talking about?" There are numerous examples. For example, there was a Ministry of Natural Resources ad.

The Speaker (Hon Gary Carr): Answer?

Hon Mr Tsubouchi: I'm responding to the member from Windsor. Here is an advertisement from the minister at that time, who was Lyn McLeod, showing a picture of that particular minister. I have numerous examples of this sitting in my binder.

Mr McGuinty: I really appreciate your history lessons about what happened in the last millennium, but I wonder if you might focus on this century, this millennium and the activities of your government.

Apparently, you find nothing wrong with any of the ads your government has run in the last six years. You

find nothing wrong with the close to \$250 million of taxpayers' money you spent on partisan advertising, which tells me your new standards are nothing but propaganda.

If you really want to get to the heart of the matter, you know what has to be done. I put forward a bill twice in the Legislature. What it does is take the decision-making regarding advertising out of the hands of any of us here in this chamber and puts it in the hands of the Provincial Auditor, an independent third party who can make a determination as to whether an ad is in the public interest or in the interest of the party that happens to be governing. If you want to do the right thing, if you really want to crack down on partisan advertising, then why won't you take my bill and run with it?

Hon Mr Tsubouchi: I heard some suggestions as to what to do with Leader of the Opposition's bill, and they're certainly not to run with it.

The Leader of the Opposition says, "Let's not talk about the last millennium." I can only assume he's talking about the time the Liberals spent in government as being the last millennium, which means of course he's talking about himself as a dinosaur.

The fact of the matter is, the Provincial Auditor made some suggestions. We responded to the Provincial Auditor's report. Now we have the advertising content directive and guidelines to provide standards governing paid advertising. This is something new. This is something we, as a government, felt was necessary to do, and that's why we advanced it.

Certainly that member had an opportunity for five years and saw fit not to do anything, and now he's squeaking at me. Sorry, that's the answer.

BRUCE GENERATING STATION

Mr Howard Hampton (Kenora-Rainy River): My question is for the Minister of Finance. Today we have even more evidence that your dirty deal to sell off our electricity system—in this case the Bruce nuclear generating station—is going to cost the people of Ontario a lot of money. Despite your efforts to keep the information secret, the privacy commissioner has forced you to disclose that in your lease of that generating station, British Energy is getting a \$7.7-billion asset for next to nothing.

Since the chairman of British Energy is rubbing his hands in anticipation of the profit they're going to make in Ontario, tell the people of Ontario what it's going to cost them when you sell off this public asset at bargain basement prices.

Hon Jim Flaherty (Deputy Premier, Minister of Finance): The reality, with respect to the Bruce nuclear situation, is that an investment which in the end will be more than \$3 billion is being made by Bruce Energy.

With respect to the issue of the publication of documents relating to the lease—and it is a lease, not a sale; OPG remains the owner of the Bruce nuclear facility—I'm sure you'll know that the lease documents were released to the CBC some months ago. That's hardly

keeping documents confidential. I think they did a special on it, if I recall. So the leader of the third party will know that the important lease documents have been in the public domain for some months.

Mr Hampton: The finance minister will know that he has tried to keep the Provincial Auditor from evaluating this deal. Our member for Nickel Belt put forward a motion over a year ago to have the Provincial Auditor look at this lease deal, and your members tried every step they could, every procedure they could to avoid that happening, just as you tried to keep the information secret from the privacy commissioner.

The fact of the matter is that for a \$7.7-billion asset, British Energy is only going to pay rental fees of \$16 million a year. What a giveaway. And when it's over, the people of Ontario will have to pick up the cost of decommissioning the nuclear facility and the cost of storing the nuclear waste. You're giving away the profits to your corporate friends for virtually nothing, and you're loading the people of Ontario with all the debt down the road.

Tell me, Minister, how do you justify trying to keep this secret from the people, how do you justify trying to keep the Provincial Auditor away from it and how do you justify such a giveaway to your corporate friends?

Hon Mr Flaherty: I think that if any government were trying to keep anything secret, they wouldn't give it to the CBC. The lease agreements have been in the possession of the CBC for months. They seem to be news to the leader of the third party, but they're hardly news to the rest of the people of Canada—certainly those who watch CBC.

As the Premier indicated to members last October, the Provincial Auditor is auditing the transaction. It's something he has chosen to do. We support his efforts in that regard. We look forward to seeing the auditor's report. In addition, as with any transaction of this size, we had Salomon Smith Barney provide a fairness opinion which was related to the agreement, and the government's own financial advisers reviewed this transaction as well. So there are many levels of review of this, including a review by the Provincial Auditor, who is an officer of this assembly. I'm sure all members would think that is appropriate, given the importance of this transaction to the future of our province.

Mr Hampton: Minister, if you think all the documents are out, then table all the documents, including your government's evaluation of those documents, here today.

You cite Salomon Smith Barney. This is the company you hired to put the deal together. They get \$7 million for putting the deal together. Of course, after they have received the \$7 million, they're going to tell you it's a good deal. They made \$7 million on the transaction. What do you expect?

The Provincial Auditor was delayed from looking at this deal for over a year and a half by your government. You used every stalling tactic, every procedural step you could to avoid having this deal reviewed by the

Provincial Auditor. So I say to you, before you sell off any more stations, nuclear or coal-fired or anything else, if you believe that all the information is out on this deal, then put all the documents on the table here today.

Hon Mr Flaherty: I know the member opposite doesn't believe in the private sector being involved in creating energy in this province. This is a \$3-billion investment of private sector money in electricity production in Ontario. We welcome it. I know you don't welcome it.

Under the terms of the agreement, an initial payment of \$625 million before various closing adjustments will be paid in three instalments, as well as annual lease payments. Annual fixed and variable payments in the first year are expected to average approximately \$150 million. In addition, if Bruce Power terminates the agreement, there is a provision for a \$175-million penalty to be paid to Ontario Power Generation, and Bruce Power cannot terminate the lease before January 1, 2006.

These are good, protective provisions for the people of Ontario. This power is going to come on stream. It's good that we have the private investment. It's good for the future of Ontario. I know you don't believe in the private sector, but if you look at the experience around—

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

PRIVATIZATION OF PUBLIC SERVICES

Mr Howard Hampton (Kenora-Rainy River): A question to the Deputy Premier—and I say that selling off a \$7.7-billion asset for a couple of hundred million dollars is never a good deal.

I want to ask you about your definition of choice in health care and education. One of the things you and your colleagues boasted about this past weekend at your policy conference was more private choice in education and more private choice in health care. To us, that means private and elite hospitals for the well-off and crowded emergency rooms for the average person in Ontario. It means more taxpayer money for private schools while our public schools crumble from lack of budget.

Tell us, please, Deputy Premier, and tell the people of Ontario now, before any leadership contest is held, what it means to offer "more private choice" in health care and education.

1410

Hon Jim Flaherty (Deputy Premier, Minister of Finance): Dealing with the education issue, the member will be aware of the budget initiative this year with respect to introducing a tax credit for those parents who choose to send their children to independent schools. Ontario has now joined the majority of Canadians and the majority of Canadian provinces in providing some grants to assist parents who for religious, cultural or other reasons choose to send their children to private schools. Of course, they have to pay their full public education taxes in the first place before they pay out of their own pockets to send their children to those schools. I know

that the member opposite would deny that choice to those parents. I gather that some of the Liberal members, although not all of them, would also deny that choice to those parents for their children. That is not our position.

Mr Hampton: The question was to ask you to define what you mean and what your government means by “more private choice” in health care and “more private choice” in education. Does it mean there’s another step now beyond the tax credits for private schools? Does it mean that you actually get into setting up private clinics and allowing private clinics in health care, and subsidizing them with public money?

Before the last election, your government said you were opposed to public money for private schools. After the election, people found out that was not true. Before you waltz into a leadership campaign, we think you owe it to the people of Ontario to tell them directly what “more private choice in health care” means, what “yet more private participation in education” means. We believe it means lower-quality schools and crowded emergency rooms for the average person and elite services for the well-off. Please tell us your definition, Minister.

Hon Mr Flaherty: I could begin by saying that our government views that individuals in our society have rights and that parents have the right to make some choices for their children, that these family decisions ought to be made by families in Ontario and not by the leader of the third party and, quite frankly, not by government, that parents generally know best what’s good for their own families in this province.

On the health care side, the government has repeated that we are committed to the principles of the Canada Health Act. They require universal access, as the member opposite knows. There’s certainly room in the health care sector for private involvement. Indeed, more than 30% of health care expenditures in Ontario come from the private sector today. In fact, if we go back to 1994-95 and up to the present, there are only four sources of health care funding: the provincial government, the federal government, private insurance and individuals. All three of the latter, every one except the federal government, are contributing more to health care today. It’s only the federal government spending—

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

MINISTRY OF EDUCATION SPENDING

Mr Gerard Kennedy (Parkdale-High Park): I have a question for the Minister of Education. Last year, you took a staff person into your office, you paid that staff person the annual equivalent of \$215,000, more than your deputy minister, and the primary qualification of this person, David Small, was as leadership and election campaign adviser to Brian Mulroney, Michael Harris and Jean Charest. For Jean Charest, this person took a six-month contract in that person’s office and then became Jean Charest’s campaign manager in his leadership contest.

Minister, I want to ask you, on behalf of parents and students who have to go to schools in this province every day without textbooks, without education assistants, how you justify paying \$180,000 of taxpayers’ money for your personal political advice.

Hon Janet Ecker (Minister of Education, Government House Leader): The honourable member, not surprisingly, is wrong again in his facts. This individual was not retained by the ministry office, was not put on staff. He was a consultant who, through the due process, was hired by the ministry to provide communications advice on policy initiatives this government was bringing forward. We were very clear what they were, we were very clear where we were going with them, and Mr Small had expertise that was necessary to help this government communicate those initiatives. I would suggest to the honourable member that he might want to check his facts about what he’s doing instead of spreading allegations that have no basis in fact.

Mr Kennedy: I hope Mr Small threw in that response for free, because it isn’t worth very much to the people of Ontario. What they want to know is how the Minister of Education is paying a personal political adviser \$180,000. That is as much money as 19 elementary schools raised in their private fundraising efforts. That is seven education assistants who aren’t there this year, and families are struggling and the minister know this.

Minister, you were over budget by almost \$4 million in your office requirements last year. You spent over \$5.5 million on advertising and communications and you spent \$180,000 on personal political advice. I want to ask you, what assurance will you give this House that this expenditure will not take place again this year and that David Small won’t show up on your leadership campaign?

Hon Mrs Ecker: I know you love to spread these allegations around, but this ministry and this government have hired, and will continue to hire, expertise in a whole range of areas—whether it’s communications, whether it’s some other area of expertise—because we want the best advice we can get to help us put forward the best policy initiatives and to help us communicate those in the most effective fashion.

I find the honourable member’s allegations quite offensive, not based on fact. If he has proof of wrongdoing, he should prove it instead of standing up here and trying to besmirch the government or individuals who might well provide expertise to assist this government.

PUBLIC SERVICES

Mrs Julia Munro (York North): My question today is for the Chair of the Management Board of Cabinet. This government has been very vocal about its commitment to quality public services, and we’ve heard a great deal about the steps it is taking, and has taken, to ensure that Ontario has the best public service in the world.

Not many people pay that much attention to what goes on in the public service. Most people just know that they

pay their taxes and they want to see something for it. This means that they expect their government to be forward-looking and proactive, not only to solve problems but also to make improvements.

I realize, and I believe other people realize, that government has a more difficult job than businesses in the private sector. But I also know that when I'm in a rush, I don't want to spend hours in a line, no matter what it's for. I would like to know what some specific tangible examples are of the progress this government has made in improving services to the people of Ontario.

Hon David H. Tsubouchi (Chair of the Management Board of Cabinet): The member is quite right that this government has been very proactive in terms of challenging how we can improve services for people in this province. In fact, the majority of people who have accessed government services have indicated overwhelmingly that they are satisfied with the services and how they access them in the public service. This is the result of changes we have made in the delivery of these services, making them more efficient and certainly more convenient for people across the province to access.

I must say I congratulate the former Minister of Consumer and Business Services, Bob Runciman, and my current colleague Norm Sterling for the lead they've taken in initiating such things as the automatic kiosk, the Web site organized by service as opposed to the old bureaucratic silos they used to have, and certainly the government information centres. I might just indicate that the people of Ontario who have accessed these services have indicated overwhelmingly, in the high 90 per cents, their satisfaction with the services and how they're delivered.

Mrs Munro: I appreciate the answer from the Chair of Management Board. I have often seen the government of Ontario kiosk in shopping malls but did not know that they had been so successful. This is truly indicative of the innovative approach this government has taken in a number of matters.

This minister has said a great deal about his commitment to further improving the public service and making it a world leader. From the previous answer, I think we can all see that on a local level there have been improvements in a real and tangible way. Can the minister tell us more about how he plans to measure the future progress this government makes in improving services, and how are we to know if this government's services are indeed world leaders?

1420

Hon Mr Tsubouchi: I thank the member for York North again. I might say that I guess I can add the member from Toronto-Danforth to that group. As I was giving my first answer she said, "You're so wonderful." So I'll add you to the group of the high nineties percentile who are satisfied with government services.

I must say that imitation is the best form of flattery. Since we've embarked upon these initiatives for the Ontario government and for the people of Ontario, 130 nations have visited Ontario to see how we have trans-

formed the types of services and how we provide them, and we've received numerous awards. I'd like to take a moment to inform the people of Ontario that among these awards are the Commonwealth Association for Public Administration Management, the Canadian Council for Public-Private Partnerships, the Institute for Public Administration in Canada, and the CIO Canada ITX Awards for Technology Innovation.

I believe these achievements speak for themselves. The recognition we've had in this province speaks for itself, and certainly it's for the benefit of the people of this province.

Interjection.

Hon Mr Tsubouchi: I assume that also includes the member for Toronto-Danforth, who I am sure is saying how good these services are once again.

IPPERWASH PROVINCIAL PARK

Mr Gerry Phillips (Scarborough-Agincourt): My question is to the Attorney General regarding Ipperwash. We have a copy of the typed notes from the police command post on September 5 and 6, the day before and the day of the shooting death of Dudley George. They were, as you know, prepared from handwritten notes taken at the police command post. We've now found that at least six critical elements that were in the handwritten notes—three of them referring to the Premier, by the way—were edited out of the typed version prepared and given to defence counsel. You've had four weeks now to be aware of this situation.

My question is this: who made the decision to edit those comments out and why did they make that decision?

Hon David Young (Attorney General, minister responsible for native affairs): The member opposite raised this issue a number of weeks ago; that's quite true. Immediately thereafter I began to ask questions of the appropriate individuals within the ministry. What I learned, somewhat to my surprise, based on the inference of the question, was that not only the original, handwritten document that he referred to was produced to the accused and their counsel but also the typewritten document that he has referred was produced. So in fact there was complete disclosure, I am advised, and, based upon that, it was all in the hands of the accused.

At no time during the trial did anyone raise an issue as to disclosure. All the information was there; they could do with it what they would. Frankly, they didn't think it was an issue then, but of course the member opposite is trying to make it an issue now.

Mr Phillips: The Attorney General has acknowledged that there were dramatic changes made between the handwritten notes and the typed version. The question remains: who made that decision and why?

I would like the public to be aware, and I am publishing the six very significant changes from the handwritten notes to the typed. One says, "Premier is in constant touch, good communications." This is the police

command post, handwritten notes. No reference in the typed notes.

In another issue, Mr Beaubien and, it indicates, two other people made a fax and sent it to the Premier. Five minutes later the command post was called and it was stated the Premier's office would be acting on it. No reference in the typed notes.

In another place, the commanding officer said, "Premiers no different treatment from anybody else—we're ... on right track." In the typed version, no mention of the Premier's comments.

In another very serious one, one of the police officers went to see the First Nations. They indicated that they are happy to have the burial ground dealt with.

The question remains, Attorney General, who made the decision to omit from the typed version these extremely critical and important comments, three directly involving the Premier?

Hon Mr Young: This might be an issue if the member opposite had facts like the ones he thought he had at the commencement of this dialogue some four weeks ago. But in fact both the handwritten note and the typewritten note were provided to the accused. That is the information that I have been provided with.

If it was an issue then, the individuals involved, the individuals with something at stake, could have raised it with the judge. But they thought it wasn't necessary. There was no issue as to disclosure then; there is no issue as to disclosure now.

In spite of what the member opposite thinks, he is not a judge; he is a member of provincial Parliament who must be respectful of the judicial system. He thinks he's Judge Gerry; he is not.

RURAL JOBS STRATEGY

Mr Toby Barrett (Haldimand-Norfolk-Brant): My question is for the Minister of Agriculture, Food and Rural Affairs. Minister, we all know that rural communities in Ontario are essential for the economy and well-being of the province. We also know that one quarter of the province's population live in areas outside of our urban centres. We also know that having rural young people continue to live, work and invest in their own areas is essential to maintaining the vitality of these communities. However, in my riding and, I know, elsewhere, many young people leave for the city right after high school, either for further education or to get a job, and often they don't come back. What are we doing to encourage young people in rural Ontario to stay closer to home?

Hon Brian Coburn (Minister of Agriculture, Food and Rural Affairs): I thank the member from Haldimand-Norfolk-Brant for the question. I am pleased to report that our investment in the rural youth job strategy is paying off big time, with more than 10,000 jobs and work experiences for young people in our rural communities. That is a result of a \$35-million investment we made for long-term job creation, and this increases the employability of our Ontario youth.

To the end of June, our investment of almost \$25.4 million has resulted in the injection of nearly \$64 million into getting rural young people good jobs and good training in their own communities. This rural youth job strategy is paving the way for businesses, entrepreneurs and communities to eliminate barriers to employment in rural areas for our rural youth.

Mr Barrett: I wish to thank the minister for those facts and figures. I consider \$64 million quite significant.

Minister, the rural youth job strategy fund has supported many different projects in my riding of Haldimand-Norfolk-Brant. The young people in my area consider it an opportunity to get some valuable work experience. Could you give us a few more details of what specifically the program has done, for example, for rural businesses, light manufacturing and the need for a skilled labour force in rural areas and small-town Ontario?

Hon Mr Coburn: One that I like to talk about is the Excellence in Manufacturing Consortium, better known as EMC. That has been a highly effective program in several communities. This is a project that addresses marketing issues and training needs for our rural businesses and it brings together non-competing businesses to help generate an environment that provides opportunities for interns to increase their skills, training and development expertise. It also improves the quality of the local labour pool. It provides an excellent opportunity for our youth to learn in these internship programs.

More than \$22 million has been invested in EMC projects, resulting in 1,900 young people obtaining work experience at more than 170 manufacturing companies, and the good news is that over 80% of them have obtained full-time jobs.

These consortium projects in Owen Sound, Brantford, Stratford, Midland, Collingwood and Orangeville have proven to be very successful and an opportune time for our youth to gain additional skills.

MINISTRY OF HEALTH AND LONG-TERM CARE STAFF

Ms Marilyn Churley (Toronto-Danforth): My question is to the Deputy Premier. Dr Martin Preston is the scientist, the public servant, who developed a new method for identifying and tracking the E coli that killed seven people in Walkerton. As a reward for this important scientific work, your Minister of Health fired him.

Today, Dr Preston will be testifying at the Walkerton inquiry. He has publicly warned of more Walkertons in the future. I want to know, why are you firing the experts and putting more lives at risk? Is that the real reason he was fired, because he wouldn't shut up?

Hon Jim Flaherty (Deputy Premier, Minister of Finance): I understand that Mr Justice O'Connor is having another day of hearings in Toronto today and some of the issues being canvassed relate to documents that have been produced to the public inquiry into the events at Walkerton.

The member opposite will recall that it was this government that chose to have a full public inquiry, headed by an eminent judge of the Ontario Court of Appeal. I was the Attorney General at that time, and of course had some involvement in seeking to have Mr Justice O'Connor participate. He has been conducting a thorough public inquiry. The commission has reviewed over one million documents provided by the government, a large task but a task in which there has been full co-operation by the government of Ontario.

1430

Ms Churley: Minister, you're completely ignoring my question, and I'm going to ask you again. Justice O'Connor of the Walkerton inquiry thinks that Martin Preston is worth listening to, and that leaves all of us asking why you don't. You don't have to be a scientist to understand that Mr Preston is warning that there could be another Walkerton in Ontario.

Minister, if you want to be seen as worthy of being the next Premier of this province, shouldn't you start by coming clean about hushing up this scientist, and shouldn't you take heed of what he is saying? Do the right thing, and hire back Dr Preston and the other scientists that you just laid off. Will you do that, Deputy Premier?

Hon Mr Flaherty: With respect to this specific question, I refer the question to the associate minister of health.

Hon Helen Johns (Minister without Portfolio [Health and Long-Term Care]): I'd like to thank the member opposite for the question. As the member across well knows, the individuals who were working in the standards and methods development unit that she is talking about were not involved in the laboratory investigation of Walkerton. She knows that; she has been told that. They were not involved in developing tests that were used in Walkerton or in the investigation in Walkerton in any way.

The team at the public health laboratories who led the investigation used methods approved by the Centers for Disease Control and Prevention out of Atlanta—she well knows that—to identify the strains involved in Walkerton and to provide an accurate, standardized testing that enabled medical officers of health across the province to respond to water quality issues.

This is not the way the story should be told. The truth is that—

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

GOVERNMENT SPENDING

Mrs Sandra Pupatello (Windsor West): My question is for the Minister of Community and Social Services. I'd like to return to the issue of the Andersen/Accenture contract, signed at \$180 million before you renegotiated this boondoggle of a contract. After the renegotiation, you have to date paid them \$193 million in excess of the original amount. Not only that, we now

have a copy of the federal lawsuit launched against this same company, where they are alleging professional negligence, conspiracy to conceal information. This is in fact the same company that you're dealing with.

This company would dearly love to meet with me, and I would love to sit down and talk to them. I have asked them to bring to such a meeting all of the revenue that they have received from this contract from the Ontario government and all the documents that would support all of those receipts. They suggest that the government of Ontario would not be comfortable sharing that information. I can't believe that would be true; you're their greatest defender.

Minister, would you please allow this company to share with me all of that information when we meet?

Hon John R. Baird (Minister of Community and Social Services, minister responsible for children, minister responsible for francophone affairs): Day after day, the member for Windsor West comes into this House and makes scurrilous accusations against companies and against the government of Ontario and against public servants. Every day, she has come in here and talked to a question like this. Every day, I find out after question period that she's totally wrong, and I'm not going to presume she's right on this one.

Mrs Pupatello: Minister, "scurrilous" is taking Ontario tax money and paying an outside company money you could well have given to your own civil service to do it for you at half the price. You're the one who neglects your own civil service, which could be doing this kind of work for the taxpayers of Ontario. This is a contract you negotiated, which the Provincial Auditor said was outlandish and did an enormous review and gave you a scathing report after that audit was done. Now we are asking you to allow us to see the records, the supporting documentation for \$193 million of taxpayers' money, and that was after you renegotiated a \$180-million contract. This is the same company that, when you started to renegotiate, started making significant contributions to the PC party.

Minister, stand on your feet today and say you're prepared to allow us to see all that information. You wouldn't dare try to bully this company. You wouldn't bully this House. You have been a defender of the contract, and now we have the right to see that detail—

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

Hon Mr Baird: We have strong access-to-information laws in the province of Ontario, and of course they'll continue to be respected.

This project got off to a difficult start. No one in this House does not acknowledge that fact. But the reality is that this project is going to be successfully delivered on time and on budget and is going to yield, as it already has, \$350 million in savings to taxpayers. The public servants at the ministry and our partners at Andersen, now Accenture, can be very proud of the work they have done. We've seen substantial reductions. We're clamping down on fraud and yielding a better welfare system.

The member opposite wants to turn back the clock. She wants to go back to the old money-for-nothing welfare system of the past, she wants to get rid of workfare, she wants to get rid of fraud measures, she wants to go back to the old technology. The old technology didn't work, it didn't support the welfare system, it didn't support a \$5-billion system. Thank goodness this government is finally attacking this substantial problem. Thank goodness this government is finally taking action to clean up a welfare system that her party left.

HIGHWAYS 7 AND 8

Mr Ted Arnott (Waterloo-Wellington): My question is for the Minister of Transportation, and it concerns Highways 7 and 8 from Kitchener to Stratford. On the rural segment between New Hamburg and Stratford, there have been a significant number of car accidents, claiming the lives of seven people since 1997. Obviously I'm very concerned about these fatalities, as are Wilmot Township Mayor Wayne Roth, his council and area residents. We recognize that the ministry is planning to take action to improve safety at the intersection of Highways 7 and 8 and Regional Road 1, work that should be undertaken immediately. But we also want to ensure that every possible avenue is explored in terms of meeting the best possible standards for safety on this stretch of provincial highway.

Based on my consultations with my constituents, I believe that a corridor study, which is a major study encompassing and addressing safety, traffic, increases in volume and growth, is needed for this highway. Will the minister initiate a major corridor study of Highways 7 and 8 between Kitchener and Stratford?

Hon Brad Clark (Minister of Transportation): I want to assure the member that this government shares his concern about safety on our highways in his community. I'm pleased to inform the member that an assessment is in fact being initiated to identify what improvements need to be made on Highways 7 and 8 from New Hamburg to Stratford. In August this year, staff from my ministry met with the member himself and the mayor of Wilmot and reviewed various locations of concern along Highways 7 and 8. As a result of this meeting, staff of my ministry initiated an operational review of the Highways 7 and 8 and Regional Road 1 intersection. This review has resulted in some interim improvements that can be implemented over the short term. The ministry will also be initiating a study shortly to address roadway conditions between New Hamburg and Shakespeare to identify long-term improvements.

Mr Arnott: I thank the minister for his answer, and I'm asking this supplementary on behalf of my colleague the member for Perth-Middlesex, who also wanted to have this issue raised in the Ontario Legislature. The member wanted me to inform the House that this stretch of highway is a key route to Stratford in his riding and that his constituents will appreciate the study of this corridor with a view to a better, safer highway in the future.

Our experience, however, is that traffic volume is increasing due to economic development and growth throughout our area. Will the minister address these growing pressures in our area and put a tight timeline on his review? Can he give us a timeline?

Hon Mr Clark: As I previously stated, my ministry has completed an operational review of the intersection of Highways 7 and 8 and Regional Road 1. We've taken concrete action to identify additional improvements that can be made.

Furthermore, an assessment is being initiated to review the need for improvements to Highways 7 and 8 between Shakespeare and Stratford. Since we're at an early stage in the process, unfortunately we cannot commit to a completion date. However, I can assure the member that safety along this highway is an important consideration for the government and is being acted upon.

Let me remind this House that Ontario has the safest roads in Canada, and we will continue to work toward our goal of having the safest roads in North America.

1440

BAY OF QUINTE WALLEYE FISHERY

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): My question is for the Minister of Natural Resources. The Bay of Quinte has been a world-class walleye fishery—

Interjections.

Mrs Dombrowsky: Maybe the minister would like to wake up before I answer the question.

The Bay of Quinte has been a world-class walleye fishery which has stimulated and supported local business, tourism and fishing derby promoters for decades. On October 22, your ministry issued invitations to a meeting on October 25—only three days' notice—to about 20 resource users, to consider individual perspectives about the Bay of Quinte fishery.

However, the rumour among the stakeholder groups before the meeting was that it was the intention of your ministry to completely close the walleye fishery in district 8, which stretches from Brighton to Amherst Island. Motivated by this drastic possibility, over 80 concerned stakeholders arrived at the meeting to learn about the ministry's plan.

As it turns out, their worst suspicions were true, and your ministry officials presented your plan to close the walleye fishery for a period of three years as soon as January 2002. Constituents have likened this to your government's lack of process when you cancelled the spring bear hunt.

Minister, will you commit—

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

Hon John Snobelen (Minister of Natural Resources): I thank the member opposite for the question; I'm sure there was in fact a question somewhere in there. I was distracted because Minister Tsubouchi was attempting to steal my jacket.

I can say, in seriousness, that I am pleased to hear that ministry staff continues to try to work with stakeholders across the province on very important issues of how to use our natural resources. We have a long history of doing broad public consultations on how to use those resources.

I can also tell the member opposite that, in the case of pickerel fishing and other species, and in the case of all those consumptive practices of fishing or hunting in Ontario, in accordance with the wishes of the angling and hunting community in Ontario, conservation and protection of species will always be job one for the Ministry of Natural Resources.

Mrs Dombrowsky: To suggest that your ministry has engaged in broad public consultation, I'm sorry, is not an accurate description. In fact, the memo that was sent out indicated they were contacting 20 resource users and stakeholders.

The mayor of Napanee, which is known as the walleye capital of Canada, was not even invited. Yet the impact of this decision will be devastating for many private and commercial businesses and non-profit agencies in his community. He, along with other constituents, is concerned about the failure of your ministry to consult extensively with other stakeholders about less drastic measures that could improve the health of the fishery. Aquaculture operators in my riding have indicated they could provide the ministry with reasonable alternatives to improving the fishery.

Minister, is a closure of this fishery a done deal, or are you willing to engage the people in the community who will be most affected by a moratorium? Will you commit today to broad public consultations as soon as possible with stakeholders to improve the health of—

The Speaker: The member's time is up.

Hon Mr Snobelen: I'm sure I join with the member opposite—in fact, with all members in this chamber—in supporting the work of volunteer groups across the province in helping to keep the habitat for our fisheries in good order and also for some restocking efforts across the province. There are literally thousands of volunteers who help us with fishing.

I can say in response to the member opposite, if this is her question, so that she will understand this very clearly, the Ministry of Natural Resources and the angling and tourist communities in Ontario are committed to conserving species and, when they are at risk, they will set the angling limits at levels that respect the size of the stock and the availability of stock. That's so we can preserve it for future generations. That was our case yesterday and it will be our case tomorrow.

SAVE PROGRAM

Mr Norm Miller (Parry Sound-Muskoka): My question is for the Solicitor General. After a beautiful summer, we now find the days getting colder. For many people in my riding of Parry Sound-Muskoka, colder weather means one thing, and one thing only: snow and

snowmobiling. People all over Ontario enjoy this outdoor activity with clubs and trails everywhere.

Minister, last June you were in my riding to announce the SAVE program. Perhaps now is a good time to tell us more about this important new initiative, the SAVE program.

Hon David Turnbull (Solicitor General): An absolutely excellent question. You're correct that in June I announced the formation of three new SAVE teams. The OPP have these teams. SAVE stands for snowmobile, all-terrain vehicle and vessel enforcement. Ontario has the most recreational vehicles of any administration in the whole of North America. In fact, of that we have some 365,000 snowmobiles. That's why the OPP formed these teams. The OPP covers 95% of the province's waterways and most of our snowmobile trails. The primary responsibility is for search and rescue. Last year in Ontario, unfortunately 90 people were killed in accidents involving recreational vehicles. This is a tragic and absolutely unacceptable toll, and often alcohol is a factor.

Mr Miller: As you rightly mention, often accidents to do with snowmobiles do involve alcohol. I will make my constituents in Parry Sound-Muskoka aware of the fact that drinking and driving charges also apply to the trails. Would you tell the House and the recreational vehicle owners more about the makeup of these SAVE teams and how they will make our trails safer?

Hon Mr Turnbull: The job of these teams is twofold: one is enforcement and the other is education. The government is now spending \$2 million a year on these new front-line teams. The investment provides the OPP with new equipment, including 18 all-terrain vehicles, 18 snow machines and nine boats. The teams are highly mobile and can be moved anywhere in the province as needed. They will be dedicated to reducing injuries and fatalities.

Irresponsible and reckless operators are dangerous to everybody. I am putting them all on notice here and now. We will go after you and we will prosecute you. I encourage everybody to have an enjoyable, safe winter.

COMMUNITY CARE ACCESS CENTRES

Ms Shelley Martel (Nickel Belt): I have a question for the associate minister of health. You and the Minister of Health have both confirmed that you're undertaking a review of community care access centres. What is the mandate of this review?

Hon Helen Johns (Minister without Portfolio [Health and Long-Term Care]): Let me say, as I think I've said before, that there's a lot of concern out in the public about community care access centres, so the government has decided to look into community care access centres. We've had a number of concerns raised as a result of a number of studies that have been done about community care access centres. We have a Price-waterhouse study. We have a study that was done with respect to Hamilton. We have a ministry-appointed

individual into Hamilton right now. We are looking to ensure that we strengthen the quality of care that is provided in the community and we will continue to work on that process to ensure that the quality of care is available in communities all across the province.

Ms Martel: Minister, you know that thousands and thousands of seniors, the disabled and those being discharged from hospitals could be very adversely impacted, depending on the outcome of this review. That is why the Ontario Coalition of Senior Citizens' Organizations, which represents about 130 seniors' groups in this province, has written to you to express their concern about this review and to demand to know why they have not been invited for consultation. They have asked for a meeting with you as soon as possible to express their concerns about community care and to understand the clear mandate of this review.

I ask you, Minister, are you prepared to meet with this coalition as soon as possible, and will you guarantee broad public consultation with respect to this review of CCACs?

Hon Mrs Johns: I'm always happy to meet with individuals who want to discuss a policy decision that is being made. As the members opposite will know, there's been a substantial amount of consultation done by each of the studies I've mentioned previously. But if anyone has information with respect to CCACs and how they work in their community and changes that they believe should be made, I'm always happy to hear about those changes and I'm always happy to hear from seniors in Ontario.

1450

PETITIONS

AIR QUALITY

Mr James J. Bradley (St Catharines): This is to the Legislative Assembly of Ontario.

"Whereas the Harris government's wholly owned Nanticoke generating station is North America's largest dirty coal-fired electricity producing plant and Ontario's largest producer of the chemicals and acid gases which contribute to deadly smog and acid rain; and

"Whereas the Nanticoke plant, which has more than doubled its dangerous emissions under the Harris Conservative government, is now the worst air polluter in all of Canada, spewing out over five million kilograms of toxic chemicals each year, including many cancer-causing chemicals and mercury, a potent and dangerous neurotoxin; and

"Whereas the Ontario Medical Association has stated that 1,900 Ontarians die prematurely each year and we pay \$1 billion annually in health-related costs as a result of air pollution; and

"Whereas the Harris government has the opportunity to make a positive move on behalf of the environment by proceeding with the Sir Adam Beck 3 generating facility,

which would produce air-pollution-free electricity in this province and would provide an alternative to the constantly increasing demands placed upon the Nanticoke coal facility; and

"Whereas the Beck 3 generating facility would also provide a major boost to the economy of Ontario through investment and employment in the construction and operation of the facility and in addition would offer additional energy for the power grid of the province of Ontario;

"Be it resolved that the Mike Harris government, as chief shareholder of Ontario Power Generation, order the immediate development and construction of the Sir Adam Beck generating station."

I affix my signature. I'm in full agreement.

HOME CARE

Ms Shelley Martel (Nickel Belt): I have a petition addressed to the Legislative Assembly of Ontario. It reads as follows:

"Whereas the Ontario community care access centres deliver home care services to seniors, the disabled and those discharged from hospital so they can remain in their own homes; and

"Whereas Ontario community care access centres need an additional \$175 million from the Ministry of Health this fiscal year just to deliver their current level of health care services; and

"Whereas the Ministry of Health has refused to fund this necessary increase and has further failed to provide the CCACs with equity funding last year and this year, despite a 1998 promise made by the former Minister of Long-Term Care, Cam Jackson, to do so; and

"Whereas this deliberate underfunding by the government of the Ontario CCACs has forced the CCAC boards to adopt a deficit reduction plan which severely reduces the home care services that can be provided; and

"Whereas this reduction has a dramatic impact on clients who cannot afford to pay for these services and will be forced to go without necessary home care;

"Therefore, be it resolved that the Conservative government immediately fund the additional \$175 million requested by the Ontario CCACs this year and, further, provide the equity funding that was promised in 1998."

This is signed by hundreds of Ontarians. I agree with them. I've affixed my signature to it.

CRUELTY TO ANIMALS

Ms Marilyn Mushinski (Scarborough Centre): I have a petition addressed to the Legislative Assembly of Ontario that reads as follows:

"Whereas the Criminal Code of Canada considers animal cruelty to be a property offence; and

"Whereas those who commit crimes against animals currently face light sentences upon conviction; and

"Whereas those who operate puppy mills should, upon conviction, face sentences that are appropriate for the

torture and inhumane treatment they have inflicted on puppies under their so-called care;

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

"That the Ontario provincial government petition the federal government to move forward with amendments to the cruelty of animal provisions in the Criminal Code as soon as possible."

I am pleased to affix my signature to this petition.

HOME CARE

Mr Michael A. Brown (Algoma-Manitoulin): I have a petition signed by thousands of Ontarians.

"To the Legislative Assembly of Ontario:

"Whereas the need for home care services is rapidly growing in Ontario due to the aging of the population and hospital restructuring; and

"Whereas the prices paid by community care access centres (CCACs) to purchase home care services for their clients are rising due to factors beyond the control of CCACs; and

"Whereas the funding provided by the Ontario government, through the Ministry of Health and Long-Term Care (MOHLTC), is inadequate to meet the growing need for home care services; and

"Whereas the funding shortfall, coupled with the implications of Bill 46, the Public Sector Accountability Act currently before the Legislature, are forcing CCACs to make deep cuts in home care services without any policy direction from the provincial government,

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

"(1) That the Legislative Assembly direct the provincial government to take control of policy-setting for home care services through rational population-based health planning rather than simply by underfunding the system; and

"(2) That the Legislative Assembly direct the provincial government to provide sufficient funding to CCACs to support the home care services that are the mandate of CCACs in the volumes needed to meet their communities' rapidly growing needs; and

"(3) That the Legislative Assembly make it necessary for the provincial government to notify the agencies it funds of the amount of funding they will be given by the government in a fiscal year at least three months before the commencement of the fiscal year."

This petition is signed by a great number of constituents in the Little Current-Howland area.

OHIP SERVICES

Ms Shelley Martel (Nickel Belt): I have a petition that has been sent to me by members of the special education advisory committee of the Hastings and Prince Edward District School Board. It reads as follows:

"Whereas the Harris government's decision to delist hearing aid evaluation and re-evaluation from OHIP coverage will lead to untreated hearing loss; and

"Whereas these restrictions will cut off access to diagnostic hearing tests especially in geographic regions of the province already experiencing difficulties due to shortages of specialty physicians; and

"Whereas OHIP will no longer cover the cost of miscellaneous therapeutic procedures including physical therapy and therapeutic exercise; and

"Whereas services no longer covered by OHIP may include thermal therapy, ultrasound therapy, hydrotherapy, massage therapy, electrotherapy, magnetotherapy, transcutaneous nerve therapy stimulation and biofeedback; and

"Whereas one of the few publicly covered alternatives includes hospital outpatient clinics where waiting lists for such services are up to six months long; and

"Whereas delisting these services will have a detrimental effect on the health of all Ontarians especially seniors, children, hearing-impaired people and industrial workers; and

"Whereas the government has already delisted \$100 million worth of OHIP services,

"We, the undersigned, petition the Legislative Assembly of Ontario to immediately restore OHIP coverage for these delisted services."

I agree with the petitioners and sign the petition as well.

CRUELTY TO ANIMALS

Mr Carl DeFaria (Mississauga East): I have a petition that reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas the Criminal Code of Canada considers animal cruelty to be a property offence; and

"Whereas those who commit crimes against animals currently face light sentences upon conviction; and

"Whereas those who operate puppy mills should, upon conviction, face sentences that are appropriate for the torture and inhumane treatment they have inflicted on puppies under their so-called care;

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

"That the Ontario provincial government petition the federal government to move forward with amendments to the cruelty of animal provisions in the Criminal Code as soon as possible."

I affix my signature to this petition.

AUDIOLOGY SERVICES

Mr Rick Bartolucci (Sudbury): I have a petition to the Legislative Assembly of Ontario, and it's entitled,

"Listen: Our hearing is important.

"Whereas services delisted by the Harris government now exceed \$100 million in total;

“Whereas Ontarians depend on audiologists for the provision of qualified hearing assessments and hearing aid prescriptions;

“Whereas the new Harris government policy will virtually eliminate access to publicly funded audiology assessments across vast regions of Ontario;

“Whereas this new Harris government policy is virtually impossible to implement in underserved areas across Ontario;”—like northern Ontario—

“Whereas this policy will lengthen waiting lists for patients and therefore have a detrimental effect on the health of these Ontarians;

“Therefore, be it resolved that we, the undersigned,”—from Sudbury, Sault Ste Marie, Timmins, North Bay and Cochrane—“petition the Ontario Legislature to demand the Mike Harris government move immediately to permanently fund audiologists directly for the provision of audiology services.”

I affix my signature to this petition as I am in agreement with it, and give it to Amy to bring to the table.

1500

Mr Gilles Bisson (Timmins-James Bay): I have a petition here from the people of Timmins, Cochrane, Kapuskasing, Porcupine and different places, and it reads as follows:

“Whereas services delisted by the Harris government now exceed \$100 million in total;

“Whereas Ontarians depend on audiologists for the provision of qualified hearing assessments and hearing aid prescriptions;

“Whereas the new Harris government policy will virtually eliminate access to publicly funded audiology assessments across vast regions of Ontario;

“Whereas this new Harris government policy is virtually impossible to implement in underserved areas across Ontario;

“Whereas this policy will lengthen waiting lists for patients and therefore have a detrimental effect on the health of these Ontarians;

“Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature to demand the Mike Harris government move immediately to permanently fund audiologists directly for the provision of audiology services.”

I sign the petition.

DOCTOR SHORTAGE

Mr John O’Toole (Durham): I’m pleased to present a petition on behalf of my constituents in the riding of Durham. Steve Risebrough and his wife Gloria are just two of many.

“To the Legislative Assembly of Ontario:

“Whereas the provincial Durham riding, including Clarington, Scugog township and portions of north and east Oshawa comprise one of the fastest-growing communities in Canada; and,

“Whereas the residents of Durham riding are experiencing difficulty locating family physicians who are willing to accept new patients; and

“Whereas the good health of Durham riding residents depends on a long-term relationship with a family physician who can provide ongoing care; and

“Whereas the lack of family physicians puts unnecessary demands on walk-in clinics and emergency departments;

“We, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows: that the government of Ontario will:

“Do everything within its power to immediately assess the needs of Durham riding and the Durham region and work with the Ontario Medical Association, the College of Physicians and Surgeons of Ontario, local health care providers and elected officials to ensure there are enough family physicians available to serve this community;

“Make every effort to recruit doctors to set up practices in underserved areas and provide suitable incentives that will encourage them to stay in these communities;

“Continue its efforts to increase the number of physicians being trained in Ontario medical schools and also continue its program to enable foreign-trained doctors to qualify in Ontario.”

I’m pleased to sign this and support it, not just for my constituents but because it’s the right thing to do.

EDUCATION PEACE PLAN

Mr Tony Ruprecht (Davenport): I have a petition signed by a number of residents from Davenport and addressed to the Parliament of Ontario. It reads as follows:

“Whereas Ontario students are experiencing a disruptive learning environment and currently do not have access to a full range of extracurricular activities;

“Whereas extracurricular activities are an essential part of a quality, well rounded education for our students;

“Whereas Dalton McGuinty has put forth the Students First Education Peace Plan as a positive, viable option in restoring goodwill and extracurricular activities for our students;

“Whereas the Ontario Liberal plan is a reasonable compromise creating benefits for all partners in Ontario’s education system, particularly students,

“We, the undersigned, petition the Ontario government to immediately adopt the Students First Education Peace Plan to restore goodwill, quality education and extracurricular activities in our schools.”

Since I agree with it, I sign this document.

HEALTH CARE

Mr Bruce Crozier (Essex): I have a petition to the Legislative Assembly of Ontario:

“Whereas we believe that universally accessible, publicly funded health care is sacred and must be protected;

“Whereas Mike Harris intends on turning his back on working families and transforming our system into an American-style two-tier system, where only the rich will get quality health care;

“Whereas we believe that Mike Harris had a secret agenda to promote two-tier health care in Ontario and now the secret is out;

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

“Do not turn your back on Ontario’s working families. Fight Mike Harris’s agenda to destroy medicare and fight his plan to create a two-tier health care system.”

In support of this, I affix my signature.

LONDON HEALTH SCIENCES CENTRE

Mr Steve Peters (Elgin-Middlesex-London): To the Legislative Assembly of Ontario:

“Whereas the London Health Sciences Centre is a world-class academic health sciences centre serving people throughout southwestern Ontario; and

“Whereas the Ministry of Health has forced the London Health Sciences Centre to find \$17 million in annual savings by 2005; and

“Whereas the London Health Sciences Centre has agreed to cut 18 programs in order to satisfy directions from the provincial Ministry of Health; and

“Whereas these cuts will put the health of the people of southwestern Ontario, and particularly the children of southwestern Ontario, at risk; and

“Whereas these cuts will diminish the London Health Sciences Centre’s standing as a regional health care resource; and

“Whereas these cuts will worsen the continuing physician shortages in the region;

“Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature to demand that the Mike Harris government take immediate action”—and keep blinking—“to ensure that these important health services are maintained so that the health and safety of people throughout southwestern Ontario are not put at risk.”

I am in full agreement with this petition, signed by people from Aylmer, St Thomas, London, Strathroy—the list goes on and on.

ORDERS OF THE DAY

MUNICIPAL ACT, 2001

LOI DE 2001 SUR LES MUNICIPALITÉS

Mr Hodgson moved second reading of the following bill:

Bill 111, An Act to revise the Municipal Act and to amend or repeal other Acts in relation to municipalities /

Projet de loi 111, Loi révisant la Loi sur les municipalités et modifiant ou abrogeant d’autres lois en ce qui concerne les municipalités.

Hon Chris Hodgson (Minister of Municipal Affairs and Housing): Mr Speaker, I will be sharing my time with the member from Etobicoke-Lakeshore and the member from Oak Ridges.

It gives me great pleasure today to speak to second reading of Bill 111, the Municipal Act, 2001. As I said when I introduced it, this has been a long time in coming.

Many members will know that I got my start in politics at the municipal level. I know from personal experience that municipalities play a vital role in the day-to-day lives of everyone in this province. As municipalities have grown larger and the list of services they provide has grown longer, the task they face has grown more challenging.

As recently as the 1950s, there were more than 1,100 municipalities in Ontario. They provided some hard services—roads, water, sewer pipes—and very few of the so-called soft services. By the 1980s the number of municipalities had shrunk to fewer than 850, and the list of municipal services that people expected, both hard and soft, had begun to grow. Today there are 447 municipalities in Ontario, and each one provides a complex web of hard and soft services in a fast-changing and challenging world.

Governing these municipalities is a body of legislation that has its roots in the Baldwin Act of 1849. At that time, Upper Canada was still being settled and built. The Baldwin Act created municipalities as democratically elected bodies with powers to levy property taxes, mainly to fund the construction of infrastructure—roads and schools, for example—to serve a largely rural society.

Times have changed and, as I said earlier, the municipal role has gone through huge changes. But the philosophy at the heart of municipal legislation remains the same. Since the beginning, municipal legislation has spelled out exactly what municipalities are permitted to do. If the legislation does not say they can do something, they can’t. Whenever a municipal council wants to take on something new or respond to some local need, the municipal lawyers have to look through hundreds of pages of laws to see if the authority is there. If it isn’t, they have to come to this Legislature to ask for a change or an addition.

The result, after more than 150 years, is a body of legislation that is large and unwieldy. Parts of the current Municipal Act are redundant, referring to municipal duties that have long since disappeared into history. It is little wonder, then, that municipalities have for many years been asking for a comprehensive overhaul.

That’s why this government, back in 1995, made a commitment to bring forward a new Municipal Act. We promised an act that would be modern, streamlined and easy to use. We wanted to introduce an act that sets out areas of responsibility for municipalities but doesn’t tell them in great detail exactly what they are permitted to do and how to do it. At the same time, we wanted to make

sure to maintain the fine balance among competing interests that has been established over the years, a balance that gives municipalities the authority they need to meet local needs while ensuring a dynamic, barrier-free economy in which Ontario towns and cities can maintain their competitive positions. After several years of discussion with all affected stakeholders, I can assure my colleagues that this legislation continues that balance.

1510

The government released draft legislation in 1998, under my predecessor, Al Leach, and it generated a lot of discussion. Since then, the government, under the leadership of Steve Gilchrist and Tony Clement, has worked with key stakeholders, including both municipal and business groups, to find common ground and achieve a consensus.

Over the last seven months, I've had the honour of steering these discussions. Earlier this year, an understanding was reached among key stakeholders on most of the fundamental issues. At the conference of the Association of Municipalities of Ontario in August, I released an outline of the government's proposed direction. The reaction from all stakeholders was very positive. It was with this high level of support from municipalities and the business sector that I introduced this legislation on October 18.

Let me go over the highlights of this new Municipal Act. If it is passed by the Legislature, it would give municipalities the tools they need to tackle the challenges of governing in the 21st century. It would allow municipalities to organize and deliver their services as they see fit, involving the private sector where appropriate, in keeping with local needs. It would give municipalities broad, flexible authority in 10 areas of jurisdiction. These 10 areas are public utilities; waste management; public highways; transportation systems; culture, parks, recreation and heritage; drainage and flood control; parking; economic development services; structures not covered by the Building Code Act, including fences and signs; and animals. It would also give them natural person powers, to be used in areas in which they have authority to act. Those are the same powers a person has to conduct day-to-day business without the need for specific legislative authority.

As well, this proposed legislation would maintain certain municipal governmental powers such as the authority to tax or to regulate or license certain activities. The legislation proposes some limits to these general municipal powers. For example, a municipal bylaw would not be permitted if it conflicts with a provincial law. Some matters are of significant provincial, as well as local, interest. They include natural environment, health, safety and nuisance. In these areas, the proposed act sets out municipal powers in more detail. Provisions governing these powers would be streamlined.

This broader authority would be balanced by a substantial accountability framework. Municipalities, as you are already aware, Mr Speaker, are subject to a great many accountability measures including, of course, elec-

tions every three years. The proposed legislation would add a few more. For example, licensing and user fee processes would be made tighter and more transparent. Municipalities would be required to report to taxpayers on improvements in the efficiency and effectiveness of their service delivery. They would be required to pass bylaws setting out procurement policies and procedures. These measures are already standard practice in many municipalities.

The proposed new act also includes measures to give municipalities more authority to make their communities safer. It will respond to municipal requests by enhancing municipal powers to deal with crack houses, body-rub and adult entertainment parlours and other problem properties as public nuisances by allowing municipalities to pass bylaws on matters that, in the council's opinion, are or could become nuisances, or ask the courts to close down these problem properties. Such a request would have to be made after giving notice to the Attorney General and with the agreement of the police in order to avoid the possibility of jeopardizing an ongoing police investigation related to the property.

The proposed new Municipal Act would give municipalities the authority to better manage raves and body-rub and adult entertainment parlours by clarifying that municipalities can seek community views before making related licensing decisions. Community input could help identify conditions to attach to the licence and determine whether the conditions are being met. The proposed act would also help municipalities deal with heavily fortified buildings used as clubhouses by motorcycle gangs or by others, by allowing municipalities to enact bylaws to address excessive fortification of buildings.

Although the proposed new Municipal Act would take effect on January 1, 2003, the community safety measures would take effect when the legislation receives royal assent.

The proposed Municipal Act would also contribute to Smart Growth by giving municipalities more authority to set up corporations and involve private sector partners in financing and undertaking public projects.

The proposed new act would also formally recognize the importance of consultation between the province and municipalities that directly affect them. This new Municipal Act, if it is approved by the Legislature, would become the cornerstone for a new, more mature, more productive relationship between Ontario's municipalities and the provincial government.

I talked a few minutes ago about the long consultation process leading up to the introduction of this act and the support we have received. Let me just tell my colleagues about some of the reaction to the legislation when it was introduced on October 18.

The president of the Association of Municipalities of Ontario, Ann Mulvale, called the day of introduction an historic day for municipalities and she predicted the proposed act would improve provincial-municipal relations.

Mississauga Mayor Hazel McCallion noted that her city staff have been working with the Association of

Municipalities of Ontario and the province for years on Municipal Act reform. She said she was pleased with the results.

The Ontario Chamber of Commerce said in a news release that Ontario businesses had been worried that municipalities would have greater access to use user fees and licensing fees as a source of revenue; however, spokesperson Ron McNeill said in the release, "The new act strikes a balance on these issues." Today's announcement indicates that the minister is listening to the concerns raised by the business community.

The president of the Toronto Board of Trade, Elyse Allan, noted in a news release that the board has been involved in the discussions on Municipal Act reform for several years. "We welcome the introduction of the new Municipal Act," she said.

This legislation clearly has the support of people who will be most affected by it. It's a big step forward for Ontario municipalities and the people they serve, and that's good news for all the residents of Ontario who depend on and need these services. I encourage my colleagues to support this legislation.

The Speaker (Hon Gary Carr): Further debate?

Mr Morley Kells (Etobicoke-Lakeshore): I am pleased to have the opportunity to speak on second reading of Bill 111, the Municipal Act, 2001. I would like to focus my comments on how the passage of a new Municipal Act would allow Ontario businesses to remain vital, to remain competitive and to prosper.

As part of this government's commitment to deliver a new act, we consulted extensively with those who would be most affected by this legislation. This included the business community. We needed to make sure that a new act wouldn't upset the delicate balance that has been achieved over the years among various competing interests. Many business organizations, through their input into our consultation process, helped shape the new Municipal Act. This government expresses gratitude to those organizations for their involvement in this important process. These organizations include the Ontario Chamber of Commerce, the Canadian Federation of Independent Business, the Ontario Home Builders' Association, the Toronto Board of Trade, the Retail Council of Canada, the Ontario Trucking Association, the Urban Development Institute, the Canadian Council of Grocery Distributors and the Ontario Restaurant, Hotel and Motel Association, just to name a few.

I believe this legislation provides more clarity to the business community in their dealings with municipalities, and I believe we have maintained the essential balance between good municipal government and service delivery and the need to ensure a dynamic, barrier-free Ontario economy.

Allow me to briefly outline a few of the proposed provisions that I think will be beneficial for Ontario's business community. Under this proposed legislation, municipalities would continue to be able to licence businesses; however, this legislation includes increased accountability measures, with emphasis on greater clarity

and transparency. First of all, the proposed legislation specifies that licensing only be used for the purposes of health and safety, nuisance control or consumer protection. Municipalities would be required to link any conditions they impose on licensing to one of three areas. This would ensure that there is a clear focus on why a municipality may choose to licence.

1520

If this legislation is passed, municipalities will also be required to hold public meetings before establishing or amending a licensing bylaw. The Ontario Chamber of Commerce has publicly stated that establishing the principle that business licensing must be related to health and safety, nuisance control and consumer protection is a very positive step. The OCC supports the proposal which ensures that the most contentious user fees receive the greatest public scrutiny before being enacted. The Minister of Municipal Affairs and Housing, by regulation, would be able to preclude municipal business licensing of self-regulated businesses and to prohibit municipalities from imposing conditions related to testing on the subject matter of certification for trades or occupations that are provincially certified.

Municipalities would also be required to keep a list for public inspection detailing the classes of businesses being licensed, the fees being charged and how the licensing fee has been calculated. This would provide better transparency.

On the issue of licensing fees, this proposed legislation sets out a clear framework for how these fees would be established. If this legislation is passed, licensing fees would be based on directly related costs. These costs must be justified to the public as being directly related to administration and enforcement.

During the consultation process, the calculation of licensing fees was something the business community raised as a concern. I think what's in the proposed legislation goes a long way to address their issues on this topic. Calculation of licensing fees would be up to municipalities and would be appealable to the courts. The cost that would be allowed in calculating a licensing fee includes costs related to the preparation of the bylaw and enforcement of the bylaw, including inspections. Also included would be the costs associated with prosecution and court proceedings and enforcing the bylaw against businesses operating without a licence.

On the issue of user fees, the proposed act includes enhanced accountability requirements, and if the act is passed, municipalities would be required to provide a public list of all user fees. Requiring municipalities to publish a list of fees and provide notice before establishing certain fees or limiting fees to cost recovery would ensure accountability and fairness. User fees would be divided into categories, with different rules applying to each category. The categories and the rules would be established through regulations, and we will continue to work with interest groups on their development. The government believes this is essential. It will foster disclosure and accountability.

Fees that are often disputed would be in a category that would be subject to more process requirements. This could include different notice requirements, sunset provisions and cost recovery limitations.

The proposed act also deals with procurement procedures. We all know that in municipalities procurement procedures have an important impact on the way both the general public and vendors and suppliers perceive the operation of many municipalities. Right now, many municipalities have these kinds of policies in place, while others don't. I believe this creates uncertainty for the business community.

If this legislation is passed, it will be mandatory that all municipalities put in place procurement policies and procedures. We believe this will encourage all municipalities to function in the most fair and open manner when it comes to allocating municipal funds. I believe these proposed changes to licensing, user fees and procurement policies will lead to a greater accountability to the business taxpayer.

In closing, if I may quote from the Canadian Taxpayers Federation's federal director, Mr Robinson, "Citizens, taxpayers, businesses and local governments all stand to benefit from these proposed changes."

Mr Frank Klees (Oak Ridges): I'm pleased to participate in this debate. I want to first of all commend the Minister of Municipal Affairs and Housing for bringing this bill forward. I also want to remind members of this House of the amount of work that was done as well by the former Minister of Municipal Affairs, who is in the House this afternoon, the then Honourable Steven Gilchrist, who I know took a great deal of interest in this legislation. We can't forget the work that was done by him.

Of course, the former Honourable Minister Al Leach, because of his extensive experience in this area, also contributed a great deal.

Mr David Caplan (Don Valley East): Mr Clement.

Mr Klees: The honourable member mentions the Honourable Tony Clement, and we can't, of course, forget his work as well on this portfolio. So we can see that this is a subject that has had a great deal of input from many people.

For years, we have heard about the need for a new Municipal Act. Successive governments have attempted, and failed, to bring this act forward—not for lack of trying, and we understand that. This is not meant in any way to slight members of the opposition, whose efforts we respect but certainly disagree with how they would have gone about this. Somehow, by divine intervention perhaps, they were kept from also interfering with this important piece of legislation.

I want to address some of the structural aspects of this bill. At the heart of the proposed Municipal Act is a new flexibility for municipalities, which we know municipalities have been asking for for many years. It is also balanced with a strong accountability framework that ensures that while on the one hand the municipalities have the flexibility to go about and do the work that they need

to do, they also are held accountable not only by other levels of government but by the public.

This framework includes several new accountability measures, and many that are already in place in the current act. It should be very clear that this act is not a full replacement of the existing act. There are many substantive portions of the existing act that will be continued, but there are significant changes that are being made that are well overdue.

I'd like to speak for a few minutes about the various types of powers that are being proposed under the new Municipal Act that would in fact give municipalities considerably more latitude to do the work they are expected to do by their constituents and how all of these components would work together.

As the members may know, the current act is very prescriptive. Municipal powers are set out in detail in the act, to the extent that if there isn't a specific piece of legislation that actually prescribes that the municipality can do a certain thing or take a certain action, they are prohibited from doing so. So whenever anyone has in the past, whether that be perhaps a councillor on a particular council who comes forward with a new idea or perhaps someone from the business community who comes forward and suggests a new way of doing something that would save money, that would be more efficient, that would be more effective, it immediately sent the lawyers for the municipalities scurrying, checking the various statutes of the act to determine whether they can find the one line in the act that would allow them to do it. If it's not there, then the lawyers' advice—after many, many costly hours of searching the records, searching the statutes—would be, "Sorry, we can't do it because it isn't specifically prescribed."

This act will solve that problem, and it's well overdue. In fact, I know that there have been a number of occasions when I've heard from my colleagues at the municipal level, as I'm sure you have, saying it's time the provincial government stopped treating the municipal council or the municipal level of government as an immature child, that we have to somehow get rid of this parent-child relationship between the municipality and the province. This act has taken that very important step. It means that when municipalities want to do something new, something that hasn't been thought of before, this statute allows that municipality to move ahead.

1530

The general spirit of the new act is that it would give municipalities certain areas of responsibility and general authority to deal with those areas of responsibility. At the heart of that approach is the concept of natural person powers. Natural person powers are the powers that any ordinary person has the ability to do.

Many corporations also have those powers. These are the powers that municipalities will need to conduct day-to-day business, like the power to enter into agreements, to purchase and sell land and equipment, to hire employees and to delegate administrative responsibilities to committees, staff members or other bodies, such as

boards of management. Municipalities would only be able to use those natural person powers that are being conveyed through this act to carry out the duties assigned to them through the spheres of jurisdiction that also will be set out in the proposed act.

I'd like to just take the time to itemize those spheres of jurisdiction for you and for members of the public. They will include highways, and that will include parking and traffic on highways; transportation systems other than highways, and that means things like transit, ferries and airports; waste management, which also includes collection, recycling, composting and disposal; public utilities such as sewage treatment facilities; culture, parks, recreation and heritage, and that takes care of things like arenas, parks, museums and art galleries.

It will include drainage and flood control except storm sewers, things like floodways and the purchase of wetlands; structures, including signs and fences, and this would include things like requiring fences around swimming pools; parking except on highways, and that means parking lots and parking garages within the municipality. There is a category that relates to animals, including licensing pets, operating spaying clinics and regulating the keeping of exotic animals. We're hearing a lot of that, more and more, and I think municipalities need the power to deal with these issues. Finally, there is the area of economic development services, including the establishing of industrial parks or the promoting of tourism.

I want to make it very clear that natural person powers would not give municipalities the authority to deliver services or to get into businesses for which they do not otherwise have the legislative authority to do so. It is the intention of this government in setting out these natural person powers in the areas of jurisdiction that they should be interpreted broadly. This would give municipalities more flexibility to govern within these areas.

The government's intention is also that all existing municipal powers should be continued. There should be no concern that this is an initiative or an effort on the part of the provincial government to somehow restrict municipalities and take away authority that they have had to date. That simply is not the case.

The proposed new Municipal Act would provide, in addition to the natural person powers I've just mentioned, governmental powers. These are things like licensing, regulating and the prohibiting of certain activities. Municipal jurisdictions would be able to use these governmental powers only in order to act within their own areas of jurisdiction. There is not an opportunity here for a municipality to take initiative beyond its own municipal borders unless of course there is, as I said before, some other jurisdiction in legislation for them to do exactly that.

The proposed Municipal Act would place some limits on these general powers. For example, municipal bylaws would not be permitted to conflict with the provincial statutes or existing federal statutes that are already in place.

Bill 111 includes specific provisions to govern the actions of municipalities in certain areas, such as incor-

porating a corporation, making investments and borrowing or lending money.

All municipal powers would also be subject to geographic restrictions. Municipalities would only be able to exercise the authorities conveyed to them through this bill within their own geographic boundaries except where Bill 111 or other legislation specifically exempts them or specifically authorizes them to do otherwise. They would be able, for example, to deliver services outside their boundaries only under specific circumstances.

Now, while the areas of jurisdiction relate to things that are primarily of local interest, there are areas in which the provincial government also has a substantial interest, and these include of course the natural environment, health, safety and the area of nuisance. In these areas, municipal powers would be set out in detail in the proposed act, as they are in the current act. Provisions governing these powers would be streamlined.

A number of specific powers would be set out in the proposed act. These include, for example, the power to require landowners to clear refuse and debris from their land. This is an area that I've had a number of constituents appeal to me on in the past. You know, while most people are responsible citizens relative to their neighbours, it does happen from time to time that people don't take care of their property, and so it negatively affects the value and quite frankly the good enjoyment of their own properties, whether that be farm machinery or whether that simply be other refuse that is kept on this property. This act will empower municipalities to move in on that landowner to force them, effectively, to do whatever is necessary to bring that piece of property into order.

There are other powers with respect, for example, to the relationship between the local and county or regional levels of government in Ontario's two-tier county and regional systems.

The proposed act would maintain the existing division of powers between the upper and lower tiers of government. This summary that I have provided you with attempts to outline the broader structure of this bill that, as I indicated previously, is really something that successive municipal governments have asked that the provincial Legislature take initiative on.

I think it is high time, particularly given the complexity of our society today, where there are many creative ways in which local governments could deal with issues that are facing them, it's only appropriate that our government provide them with the structure, with the framework to do what has to be done, at the same time ensuring that the appropriate accountability is in place. There are other areas that I don't have the time to deal with here, but I know that as we continue to debate this issue, they will be raised by members of the House.

One of those areas, just in closing, is the ability of municipalities to deal with businesses in their jurisdiction where members of the community have a particular concern about the nature of the activity that may take place. I'm referring to things like bars, which may create

noise within the community and activity within the community that is inappropriate. We've had examples where there is drug trafficking that reportedly takes place, and there are all kinds of activities into all hours of the morning that interfere with the use of people's homes and other properties or businesses in the area. To this point, municipalities have had a very difficult time dealing with that.

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The other subject is body-rub parlours. What municipalities will be able to do under the new legislative framework that we're providing them is to have much more and clearer authority over where and under what conditions businesses like this will be allowed to function within a community.

In closing, I again want to commend our Minister of Municipal Affairs and Housing for bringing this bill forward, and I look forward to what I'm sure will be some positive suggestions, perhaps from members of the opposition who will rise in their places as well in support of this bill, much overdue, and perhaps even have some positive suggestions in terms of how this legislation could be further improved. We're awfully close to perfection here, I'm sure, but we're always open to suggestions.

With your permission, Speaker, I just want to say this: since my change in responsibility in this House has moved me from a chair much closer to you to this part of the House—I am of course in the presence of friends here—my mother has a very difficult time seeing me throughout the course of the day. So she worries from time to time that I'm not here. I want you to affirm to her that in fact I am one of the best attendees in the House, and if there's anything you can do, Speaker, to ensure that I get a little more attention by the cameras, that would be appreciated by my mother. So to her I want to say, "Good afternoon."

The Deputy Speaker (Mr David Christopherson):

Let me just say to your mother that if past history is any experience, I'm sure the cameras will be drawn to you again very soon and very regularly.

With that, I declare that the floor is now open for responses, and I recognize the member for Don Valley East.

Mr Caplan: Thank you, Speaker, and I certainly want to recognize that the member from Oak Ridges is here, and his mother should be assured of that.

I wanted to mention a couple of things. The member from Oak Ridges talked about the 10 spheres of jurisdiction that municipalities have. Interestingly enough, what he did not mention was the fact that this government has downloaded responsibility for things like ambulance, for things like social housing, for welfare, yet in those 10 spheres of jurisdiction which he listed, none of those areas that have been downloaded is included. Isn't that interesting? Perhaps the member from Oak Ridges will tell this House and will tell the people of Ontario why, if municipalities are now forced to fund, to administer, those areas which the Harris government has

deemed their responsibility, it's not contained in this act under the spheres of jurisdiction.

I have a couple of other comments. I refer specifically to part XII, entitled "Fees and Charges." This part bears a great deal of scrutiny, and none of the three speakers had anything at all to say about part XII. Part XII, in outlining fees and charges, is essentially the part, and the people of Ontario should be very concerned, where additional user fees will be imposed, will be increased, will be levied—they're taxes by a different name—on businesses, on hard-working Ontario families across every municipality in Ontario. This too bears a great deal of scrutiny, and if the track record is any indication, this is one that people should be very concerned about.

One other area that I wish to highlight has to do with the area of tax collection. It says, "The Treasurer shall send a tax bill to every taxpayer at least 21 days before any taxes shown on the tax bill are due." Well, tenants are taxpayers—

The Deputy Speaker: Thank you.

Mr Caplan: Sorry. I'll get to that at a later time.

The Deputy Speaker: I have no doubt that you will.

Ms Marilyn Churley (Toronto-Danforth): Let me take this opportunity to congratulate you as the new Deputy Speaker of the House. You're following in my footsteps. I know it's a hard act to follow, but you'll do fine.

I'm disappointed; I am so disappointed in this bill because the government had such an opportunity. I have been waiting anxiously for this to come forward, because I admit that one thing they're right about is that this bill hasn't been changed since 1849 legislation and the time has come.

A lot of people put a lot of work in this but they failed. This is a bill that's going to be a failure. You put all this work into it, and it doesn't deal with the realities of today's cities. What is the point? It's such a baby step forward.

Most people out there aren't going to pay a whole lot of attention to something this thick, with a lot of dry information about it, until we start reducing it and narrowing it down to what it means to everyday, ordinary people in our communities. What it means to them are things like how it relates to their housing, their transit, their property taxes and accountable government.

There are no new ideas in this bill. Everything has changed drastically, even since this government forced the amalgamation here in Toronto and clear across the province. We've seen the effects that the amalgamation has had on Toronto, for instance. Toronto is now what I would call a senior level of government, yet this bill continues to treat them as a junior level of government that is still the child of a so-called senior level of government. Yet they've been downloaded so many responsibilities they can take on and are taking on, but without the ability to tax, without the ability to find funds and revenue to help them do their job. I'm very disappointed that this government didn't take that into account and look at giving cities more privileges and accountability.

Mr Ernie Hardeman (Oxford): I just wanted to rise and congratulate the Minister of Municipal Affairs on introducing this bill. As has been mentioned here for some time, it would appear that this bill has been about 100 years in the making. I think it's reasonable to assume that if we had a bill that was passed 149 or 150 years ago, the life expectancy of that legislation was no more than 50 years. So I presume 100 years ago they were starting to prepare this bill, and I want to commend our honoured minister for having brought it forward.

I also wanted very quickly to say that the member across the aisle was talking about her disappointment in what was in this bill or what wasn't in this bill according to what she thought should be in it. I had considerable opportunity, for about four years, to discuss the makeup of what was needed in this bill with our municipal leaders, and one of the things they didn't want was that the bill define everything they were responsible to do. They wanted the authority to be able to do the things they thought needed doing in their community. I think that's what this bill is intended to do and does very well. I think if we did what the member across the aisle suggests, we would then be back into the same thing we've had with the Baldwin Act of 1849. We would be back to telling municipalities exactly what they can or cannot do.

Having said that, I want to make a point to our esteemed Minister of Municipal Affairs that, as we look to the act, I see a number of places where he mentions the counties, the regions, and then specifically mentions the great riding of Oxford as the "restructured county of Oxford." There are a number of areas in the bill I would ask him to look at to make sure that what is being asked of the county of Oxford is appropriate for the services they presently want to deliver for their citizens.

Mr James J. Bradley (St Catharines): I won't be congratulating the minister, because that's why you have government members. It's the government members' job is to congratulate the minister, and in the opposition to analyze carefully the legislation and bring forward our remarks.

One of the things that's missing in this legislation is any municipal control over condominium conversions. In my own community and in other communities, rental accommodation is disappearing at a very rapid pace. Therefore, we now have a genuine crisis because, willy-nilly, there are conversions taking place from rental apartment buildings to condominiums, and a lot of people can't afford to buy them. We're diminishing the stock of rental housing that's available to people of very modest means. I thought that might be addressed in this act, and it is not.

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Also, we need a very strong provincial statement, not just a general statement, to save the farmland. If you leave it to some—not all—municipal politicians, they will, for instance in our area, pave everything from Toronto to Fort Erie and then they'll think they have achieved paradise, when of course what we need is a strong provincial plan and Planning Act that ensures there is protection of that land because municipalities tend to come under great pressures.

Also contained in this is a secret agenda for privatization. There are some municipalities that may embrace that. There's an American firm lurking down in the southern United States that wants to come in and buy up utilities and operate them in some strange scheme that municipalities, strapped for cash, may jump at. You also seem to allow here bonusing, which is competition using municipal taxes for companies coming into an area. Last of all, this still allows the provincial government to download, as they have the last six years, responsibilities to municipalities.

The Deputy Speaker: Any one of the three original government members who spoke may now take up to two minutes to respond.

Hon Mr Hodgson: I want to thank the member from Etobicoke-Lakeshore and the member from Oak Ridges for their insightful comments. I'd also like to thank my colleagues from across the floor—Don Valley East, Toronto-Danforth and St Catharines—and my own friend and colleague from Oxford, who has an extensive municipal background, for his support of this bill.

I think it's quite obvious that the opposition is going to oppose and try to find other issues outside the purview of the Municipal Act, like the member from St Catharines's reference to "farmland" and other things, where he doesn't trust democratically elected local councillors to shape what their community should look like in the next generation.

Interjection.

Hon Mr Hodgson: I believe that municipal councillors are motivated because they want to improve their community, that they're not in it for the money, that they are accountable and elected, and they need to have the tools to make sure they can make their communities better places to live.

Mr Bradley: There will be no farmland left.

Hon Mr Hodgson: I will remind the member from St Catharines, as he continues to interject, that his government was in power for five years in this province. They've been asking for this reform of the Municipal Act for at least 30 years, and intensively since the early 1980s. Mayor McCallion was president of AMO in the early 1980s. She asked for this, and their government wouldn't do it. They didn't believe that local councillors should have more say and flexibility to shape the destiny of their communities. They didn't believe in the local electorate to make the proper decision on who should guide their decisions.

I have a municipal background. I know that municipal councillors do their best to provide services that their citizens need and I'm very proud of the work that's being done by all 447 municipal councils across this province.

The Deputy Speaker: The floor is now open for further debate.

Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot): I want to indicate at the outset that I'll be sharing my time with the members from Essex and Eglinton-Lawrence.

I'm pleased to rise and join in this debate. Once a year the swallows return to—at the outset I just wanted to say

for the record that I write my own material. I know that's sometimes novel here, but for those watching, this is not scripted by anybody. These words are mine.

Interjection: Where did the swallows return back to?

Mr McMeekin: They return to Capistrano once each year. Their arrival is as anticipated as it is predictable. Like the swallows, the provincial government converges once a year at the annual meeting of the Association of Municipalities of Ontario, and every year the message is the same: "We admire and respect each and every one of you. We look forward to continuing to partner with you. It's time for a new deal, a new act, a new beginning." You kind of get the drift, Mr Speaker.

The rhetoric is always warm and fuzzy. It's always feel-good time. But after every conference, it's back to the same old thing: policy initiatives launched without consultation; more finger pointing; the mugging of municipalities through accountability bills, report cards, performance measures and the like; and further abandonment and/or handing off of historic provincial responsibilities without providing the necessary resources and financial tools to do the job.

Liberals—those on this side of the House—understand the importance of moving away from the short-sightedness of this government. We know—don't we, Caroline?—that cities play a role as the primary social and cultural engines of our province and country, and we're prepared to ask the tough question: what about the cities and towns of Ontario in the context of everything we undertake? Most of all, Liberals have enough common sense to know that a provincial government simply can't offload provincial responsibilities without providing the secure and predictable financial and revenue tools needed to ensure that our cities and towns can survive and thrive.

Today I want to spend some time exploring the historical perspective, move on through some analysis of the last seven years of this government as it relates to the relationship with municipalities, and talk a little bit about trust, respect, downloading, partnership, consultation, amalgamation and the like.

It's been said that we campaign in poetry and govern in prose. There's a lot of prose in this legislation but unfortunately not very much poetry.

We often preface legislation with some definitions of terms, and we've heard much about trust, respect and consultation. I spent a little bit of time over the weekend going to my Canadian Oxford Dictionary. Just for the record, and for those watching who have been impacted by this government's municipal strategy, I want to share with this House how Oxford defines "trust," "respect" and "consultation." "Trust" is faith or confidence in the loyalty, veracity, honour, reliability and strength of another. Also, it's the confident expectation of a person upon whom one relies. "Respect" is defined as the deferential esteem felt or shown toward another and the attention and consideration of their views. Interestingly, it also refers to an avoidance of interfering with, harming, degrading, insulting or injuring another and to treating that other with consideration. "Consultation" is defined

as seeking information and advice and taking it into account in decision-making. We all saw that with this government in the Who Does What process, where you purchased the very best advice you could before you completely ignored it.

Forgive me for being somewhat skeptical, even a little cynical, given some of the experiences we've had in our area of the world. By the way, for the record, I want to say to those who are tuned in today and concerned about this that we on this side of the House don't measure success by the number of municipalities you do in and the fewer municipal leaders you have, as if there is some mythical excess of democracy that only members on that side of the House understand has to be eradicated.

I come from a recent experience—a more distant one, having served on Hamilton city council as the youngest alderman back in my 20s—as the mayor of that great town of Flamborough, the only municipality that actually lowered taxes six years in a row. Our reward was to experience the trust and respect of this provincial government. Like Toni Skarica, my esteemed predecessor, I used to be an incurable optimist, but now I'm cured. In fact, there was so little trust and respect that ultimately our citizens in a by-election moved from deference to defiance, and stood up and turned around a huge Tory plurality and sent a new member to the House. I think what they were saying in essence to the then minister, Tony Clement, was, "You're the weakest link. Good-bye."

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They ignored our pleas, and instead of listening, we saw the wrecking-ball politics of Dudley Do-Wrong, the Dudley Do-Wrong of Ontario politics, the perfect Tory, who believes misinformation enjoys the same utility as information, and that truth in history can be simply manufactured at whim.

I want to just share a little bit about what's happened in Hamilton-Wentworth, the threefold promise out of this trust, respect and consultation that we were speaking about. You'll remember, Mr Speaker, the threefold promise. We were going to get streamlined, more efficient, effective government. We were going to have better services—not just the same services but better services—and we were going to have both of those at lower cost, lower taxes.

What's happened today? We've got more staff employed in the new city of Hamilton than the six constituent municipalities had in place. Government is discernibly far less accountable and certainly far less accessible. We've seen the offloading, which was the real rationale behind this stuff. We've seen, this year, a \$32-million shortfall in the so-called revenue-neutral downloading. We're still some \$35 million short on the business education tax, which Minister Eves, when he was here overseeing the treasury, promised would be moved to a provincial average, you'll recall.

There's been some 80-million-odd dollars in road and road maintenance work downloaded. The transition costs have been six times what they were estimated by the so-called experts that were sent in to review things.

In a more parochial framework, cutting grass in my former municipalities used to cost about \$850 a hectare. It is now up to \$2,800 a hectare. Break-ins in our previously owned municipal facilities in the last year have been more plentiful, more numerous, than in the last quarter-century. Why? Because a lot of the natural ownership of those strong parks and recreation and volunteer groups has disintegrated. We used to be paid by people to come and pick up our garbage. Now it costs us money. And of course there's now a major battle going on between the full-time firefighters and the part-time professionals who have, for so many years, so capably protected the lives and property of our residents, our good citizens.

So there have been a number of problems, a real mess left. Fortunately there are a lot of good people there who are prepared to walk through the mess, through the ashes, and to do what they can to make things better. We'll certainly survive, but one is left every day with the pressing question, "At what cost?"

I want to share publicly what I've shared both publicly and privately with the minister in this House, and that's simply this: it would be absolutely no skin off the nose of this government and this Legislative Assembly if this government were to amend the direct democracy legislation to allow the citizens who were forcibly amalgamated before they saw the light and said it wouldn't happen any more to decide for themselves whether the threefold promise has been kept. I want to say that, because that needs to happen.

The constant reference is to, "Well, we only did what you wanted. You asked us to come in and appoint a commissioner." I think the trick was to find someone in some municipality—in Victoria county it was somebody in a municipality called Emily. I guess Emily asked for a commissioner, so the other 16 municipalities were stuck with it. A wink is like a nod to a blind horse. Anyhow, we've all seen the tragic consequences of what's gone on.

The 1995 election of the Harris Tories has certainly proven to be bad news for Ontario municipalities. During the last seven years, the natural respect for municipal government historically expressed by various provincial governments has, tragically, been replaced with an attitude of contempt for municipal leaders and the communities they were elected to serve. As a result, neighbourhoods all across Ontario are suffering right now because of misguided Tory policies. Municipalities, when thought of at all, were an afterthought with this government.

It's clear to any student of municipal government that when the history of the Harris era is written, the Common Sense Revolution, which spoke to the Harris government's desire to reshape Ontario, became a declaration of war on our cities and towns. The evidence? Believing service realignment to be the order to the day, this government gathered the best advice they could in the Who Does What process, as I previously mentioned, and then ignored it. They then proceeded to offload historic

provincial responsibilities on the backs of municipalities across Ontario and add further insult to injury by pledging that any exchange of responsibilities would be revenue-neutral. Clearly it wasn't, with evidence suggesting a shortfall of at least \$750 million. That, frankly, is why this government has not responded to the several invitations to have the Provincial Auditor come in and do an independent assessment of that. If their numbers were good, you would think they wouldn't fear that. In fact, you'd think they'd invite that—but no. I suspect that in their heart of hearts they know that just isn't going to cut it.

On those rare occasions when they seem to get their policies right, the Harris government developed the very bad habit of implementing those policies in the worst possible way, usually without proper consultation or planning. When things went wrong, as they invariably did, the government response was simple: blame the victim. Their game plan? When in doubt, point fingers, not direction. We saw it in Walkerton. Remember? The problems were the mayor's fault. First they were the NDP's fault and then they were the mayor's fault and the staff's fault and yada, yada, yada. Health care is Allan Rock's fault. When we fought amalgamation, it was all the mayor of Flamborough's fault. You notice it's everybody's fault but theirs. This no-fault insurance they've got is wonderful.

In the brief year and a bit I've been here, I've never heard a cabinet minister get up and say, "My mom told me to fess up when we mess up, and I want to fess up today. We made a mistake. Gosh, golly, gee, it isn't going to happen again. You can bet your bottom dollar that after we apologize to the people of Walkerton for what happened, for whatever role we may have played, we're going to bring in the toughest regulations and we're going to rehire all the inspectors, because when we mess up, we fess up." We haven't heard any of that.

Today the bridges of communication, so essential to good government, have been blown apart. This government has created a chasm between Queen's Park and city and town halls by consistently turning a blind eye to the problems they themselves have created. Nothing shows the Tories' contempt for bridging the gap so well as the transition funding they provided to restructured municipalities. In a stunning display of arrogance, they came to refer this as bridge financing. But get this: they would estimate what was needed and then provide only half of it. This begs the question: what good is half a bridge? A bridge that doesn't go all the way is little more than a diving board.

Enough. It's more important to light some candles of hope to point direction than curse the darkness. That's precisely what Ontario Liberals purport to want to do. The Ontario Liberal Party believes that municipal government is important. We know that strong, healthy, prosperous local communities are best facilitated when there is a strong, healthy partnership between Ontario and its municipalities. Ontario Liberals are bridge-builders. Our vision is one of working with, rather than against,

Ontario municipalities. As Liberals, we are prepared to listen hard and long, and to solicit whatever input is necessary to more fully understand and nurture the process of community building.

Liberals are not just tolerant but radically inclusive when it comes to consultation with mayors and councils, municipal groups and other identifiable stakeholders.

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I want to divert for a minute just to talk about consultation, because the litmus test until recently was, would a consultative framework be put in place to guarantee that there would be a period of time when municipalities in the province would sit down together and discuss prior to handing over, uploading or downloading, responsibilities? I think this government does consult, and I want to give the minister some credit for some of the work he's done, but the difficulty, frankly, is that this government doesn't always consult with a broad enough range of people. I want to say this to potential leadership aspirants on the other side: if there's one thing that this government needs to do better, it's to consult with more than the 3% or 4% of the Ontario population that they're used to consulting with. They need to sit down around tables and actually work it through. They need to go to AMO conferences and ROMA conferences and OSUM conferences and actually stay for the conference, sit at the table and listen to municipal leaders, not just make their fuzzy speeches and then move on.

Today, all across Ontario, our major urban centres are in crisis. Unlike the Tories, Liberals are not interested in any further fiscal abandonment of our cities and towns. We believe special efforts must be taken to kindle and even reclaim historic partnership relationships that once existed between levels of government. Liberals understand that certain major issues and concerns, like public transit, social housing, social assistance, and even emerging health care issues—ambulance, home care, long-term care, community-based hospital funding, what have you—will only be resolved by working together.

I want to just divert for a moment to the frequent references to health care funding. I had the privilege of working as a staff person back in the days when we had that debate some quarter of a century ago about how funding for health care would be handled. I can tell you, the federal government of the day offered the provincial government cash payments to assist with health care, and the provincial government of the day said, "No way. You're not going to fool us that cash-on-the-barrelhead stuff. We don't want cash, we want tax points." And you know what? Tax points was what we got in this province. I know some members opposite like to talk about only so many cents per dollar, but they leave out the tax point part, which is so critical.

I find that ironic in the context of partnership, because I think what we need more than anything else in this province today is leadership from the government side that says to—and they're not perfect; I don't want to pretend collectively that our federal cousins in Ottawa are perfect. But when the national Minister of Health

says, "We want to expand the health care basket," and when he says, "Home care, long-term care, pharmacare and certain aspects of primary care reform weren't part of that original arrangement, and we'd like to put some standards in place so that we can all move forward as things change and in response to the changing demographics," we on this side of the House believe you can't walk away from the table. You can't get up and take your ball and go home and say, "No, we're not going to buy into national standards." We need to be looking at that. I want to say to members opposite and, again, to potential leadership aspirants over there—I know there are many—that we should be agreeing in advance today to whatever reasonable standards the other level of government wants to put in place, not just out of some sort of political will to do that but because our people, real people, are hurting out there, and we can best help them by coming to the table and making sure that health care basket is expanded. I offer that up, for what it's worth.

Early in this year, shortly after I was appointed municipal affairs critic for the party, a position I was honoured to accept when it was offered, we launched, on behalf of the Ontario Liberals, our province-wide Let's Build a Bridge tour. Working closely with several of my provincial colleagues, key municipal leaders and stakeholders with whom we had been networking, our goal was simple: to listen to key municipal leaders throughout the province and to try to take their concerns and their hopes and their dreams and see that translated into public policy.

Throughout the tour and the ensuing months, we had the opportunity to visit some 23 municipalities across Ontario and speak to literally hundreds of key municipal leaders. I think I had consultations with at least 600 municipal leaders across the province. In addition, valuable contacts were made and ideas generated from attendance at the ROMA conference, OSUM, the AMO conference and select meetings with OPAC, the Ontario association of municipal clerks and treasurers and other key stakeholders. We did our homework. We listened. In fact, we billed our tour as a listening tour rather than a speaking tour, because we wanted to hear from real people about the real issues that were impacting them.

Predictably, the issues varied from municipality to municipality. There was much discussion and widespread consensus that the province has failed to adequately consult municipalities on major policy changes. That didn't come as a surprise, but it was helpful to have that affirmed.

As well, virtually every municipality told their own horror story as to the impact of provincial downloading. There was an overwhelming sense that municipalities had been literally abandoned—their words—and that new challenges were being foisted on to local communities without the tools or resources needed to respond.

Every single community spoke of difficulties coping with the downloading of roads, bridges, social assistance, social housing, ambulance transfers and certain new health care costs.

The municipal leaders we spoke with pleaded for a new provincial-municipal relationship predicated on trust, respect and consultation.

As an aside, it may be worth noting that the Association of Municipalities conducted, in a parallel time frame to our political tour—my political tour—a review of the provincial-municipal relationship. AMO highlighted the following, and this is not my study; this is AMO's study.

Some 65% of municipalities in the survey believed the province wants to exercise more, rather than less, control over municipal affairs. Most find the province's new performance measures far too intrusive. In fact, there's a real fear that they're going to be used as a club rather than a tool.

The most important provincial-municipal issues were, by order of importance, the lack of funding, municipal restructuring and its negative impacts, the downloading of services and the micromanagement of municipalities by the province.

An astounding 74% of those surveyed felt the province's dealings with municipalities were unsatisfactory, and some 78% believed that in relation to municipal issues, the province was "on the wrong track." Can you imagine that: municipal leaders actually saying—78% of them—they're on the wrong track?

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In terms of how the provincial-municipal relationship could best be improved, the opinions expressed generally included the following:

Stop the downloading. Anything about stopping the downloading in the proposed new Municipal Act? No.

Work with municipal governments, enabling rather than disabling them. You notice all the frequent references to regulations throughout this? In fact, members of this House won't even have a chance to examine and debate the majority of the bill before it becomes law.

Listen to and communicate better. Well, I give the current minister a few marks for that. I think he's trying. I think he really is trying to listen. He has a great distance to go, and he has in many respects a quite Neanderthal set of colleagues to have to convince over there, so I can appreciate that.

Heed municipal advice and invest more time and consultation to ensure proper planning for change. After referencing several years of consultation, we now read and are told that this consultation that was to be the litmus test isn't going to be part of or buried in the legislation; there's going to be some yet-to-be-determined memorandum of understanding. That causes us some concern.

There was frequent reference to the need for a new Municipal Act. I can certainly understand that. As one who had the privilege of going through the public education system in Ontario and eventually finding my way, I don't know how, into university, as a mature student, by the way, and studying some political science there, the debate with respect to the Municipal Act had always, until this government came to power, been a relatively academic one. You know, the cocktail party

stuff: "Gosh, golly, gee, isn't it awful; 81% of our people live in the 10 largest urban regions of the province, and they don't have any constitutional role. It's shameful." Right?

Most municipal leaders, hearing that kind of talk, heard it and simply moved on. They did their jobs every single day, and they did their jobs well. It only became a problem, I say with respect, with the arrival of this government and their quite draconian policies around downloading, offloading, not listening, lack of consultation and certainly the forced amalgamation followed by the inadequacy of transition funding. In fact, their so-called experts in Hamilton-Wentworth, you may recall, Mr Speaker, because you have the privilege of representing some fine people down there in Hamilton West, and are doing it quite well, by the way—the folks down in Hamilton-Wentworth were quite frankly aghast at the transition costs in fact turning out to be six times what the so-called experts—independent experts who were going to bring that objective, non-partisan analysis to the situation. Anyhow, those are some concerns.

In the 10 and a half minutes or so I still have left, I want to share a little bit specifically about some of the things we heard on our tour. As I mentioned, we toured through some 23 communities. There were some generic things we heard. We heard representatives in Ottawa talk about how they were short-changed and about how one of the former ministers had actually sworn an affidavit that they had been promised at least 75% of the estimated transition funds. It turned out to be 50% in the end, but what's 25% between friends?

Everyone talked about the need for some consideration of new taxing powers. The looming chaos in social housing was described. In fact, the mayor of Cambridge said to us that for the first time in his city's history homelessness was actually a problem, and he attributed some of that directly to government policies.

Other municipalities said the whole SuperBuild thing was one giant game of Russian roulette, and the only way you could really guarantee you'd get your SuperBuild funding for that important infrastructure project was to hire some backroom Tory who had close connections. I guess they call that consultation.

School closures were an issue in many communities, including our own.

Haldimand-Norfolk was an interesting trip. Most of the people we spoke to there said they were getting the worst of both worlds. There used to be six municipalities, and they were combined into one and then they were divvied back up into two. So those who thought regional government was working were ticked off because there were now two, and those who wanted the six were ticked off because there were two. The common thing was that taxes went up in both new communities and the ambulance service and some other things that were working well fell apart.

In Hamilton-Wentworth I've already spoken about the threefold promise, the difficulty with transitional funding, a lot of concern about the report cards, and an

interesting suggestion that report cards perhaps ought to be merged with support cards, that it's easy to sit and point fingers and critique and talk about accountability. This government talks a great line about accountability, this government that, arguably, has been less accountable than many before it. The suggestion was that this government could partner, but partner mostly in the context of taking care of their friends.

The doctor shortage was an issue everywhere. Somebody suggested another helpful piece of advice, by the way, that you do what Australia has done, where they go into rural communities. I was at a conference on rural family health about six weeks ago. It happens to be a passion of mine. There was a resource person there from Australia who said, "They go into the high schools and do aptitude tests. They spot young people who have the aptitude and the interest in medicine and then they mentor them through high school. They provide special assistance for them. They recruit from the very communities where there's a potential doctor shortfall." Do you know what? There's not a doctor shortfall problem in Australia. Why? Because they're trying some outside-of-the-box thinking.

Policing was a concern; offloading of roads and bridges and the lack of funding assistance there; our liquid assets, the water infrastructure, a very noticeable problem and some real concern from municipalities doing a good job about now having to jump through a whole new set of hoops without any funding assistance from the province.

In Timmins we had not only the concern about the brain drain but all the concern about the train drain, with the train being cut out up there and its impact on economic development.

We've had a lot of concerns about the tension between full-time and part-time firefighters, worries about funding and ambulances, but overall there's an amazing and a profound sense of fear among municipal leaders even to speak up and say, "This is what's concerning us," a fear that that would somehow severely hurt their efforts.

Today we've got a new act before us, and after several false starts, I understand some 21 legal drafts and some 300-plus consultations later it's here, but you know what? It's no municipal Magna Carta; I can tell you that. By the way, we're getting all kinds of comments beginning to pour in from municipalities, now that they see it. Some are saying, predictably—and I understand this and I want to compliment the minister for this—that it's like cleaning out the garage. You put it off and put it off and you know it needs to be done. You spend two full days doing it and you've got to burn your stinky clothes, and when it's all done, your spouse says, "Oh, that looks nice, honey." That's it. You were expecting a little bit more than that—right?—a little more affirmation, but that's it, and you think, "I just spent two days doing that."

It's no municipal Magna Carta. It doesn't deal with downloading. It doesn't deal with any kind of end to the arbitrariness of forced amalgamation. It doesn't even,

after all this time, deal adequately with the issue of consultation, although there's been some progress made. At least there's an undertaking that there will be an undertaking, a statement of principle on that.

Ontario municipalities were seeking a modernized act, one that would provide some form of official recognition. Other provinces are doing a little bit more in this area, but we'll come to that in a moment. They wanted a legislated guarantee about the government notifying and consulting with them before taking actions which directly affected their municipalities. I can say that while some progress has been made, at the moment word is coming back from all across Ontario that this act simply isn't good enough. It's just not good enough.

There were a few aspects of the bill that did tickle our fancy over here: the recognition of Sandra Pupatello's rave bill, 2000, which proposes that municipalities be required to issue a permit before a rave. That was incorporated. Michael Bryant's and Dave Levac's Bill 104, restricting fortifications on buildings, was seen as helpful. My good colleague Rick Bartolucci's Bill 24, which would allow for the licensing and regulation of adult entertainment parlours by municipalities—Bill 111 does extend certain powers in that area.

1630

That said, Ontario Liberals, to be sure, have a broader and far more progressive vision of how Ontario municipalities can be assisted in their primary task of building stronger, healthier, more prosperous local communities. In this context, we recognize the new Municipal Act for what it is: little more than a starting point. It is in no way reflective of the important changes that need to occur in order to foster a true new partnership predicated on mutual respect and trust.

On the negative side, this bill fails to spell out those regulations that I referenced. We won't have a chance to debate that.

There are limits on the fees that municipalities can charge. I know that municipalities were looking for a little more flexibility there.

It requires municipalities to trust that this memorandum of understanding will somehow benefit them. We've had lots of processes supposedly with a memorandum of understanding that haven't worked out very well.

It offers no real new powers or tools to raise revenues. It continues to go heavy on the issue of municipal accountability and micromanagement.

It provides no immediate change to ensure the forced end of amalgamations or any guarantee that restructuring decisions will be consistent with the wishes of the community.

It raises questions about the validity of certain locally inspired environmental initiatives, which the Supreme Court has recently ruled on in Quebec. This legislation clouds that.

It fails to prohibit provincial downloading without the provision of necessary resources to handle that change.

All of that having been said, I believe you can't come to the table unless you've got something to say, and we

Liberals do have something, in the last few moments I have, to say.

We would have explored the development of a community charter to ensure that local decisions be made locally. It would have been based on principles of respect and trust and on the desire to affirm communities and their local governments. Self-reliance, greater autonomy, enhanced independence and the provision of broadened powers would have been the tools that we used.

We would have written a reference to consultation directly into the act: that so-called memorandum of understanding.

We would have provided meaningful substance to a new relationship predicated on trust and respect and mutual accountability.

We would have prohibited any arbitrary downloading or off-loading of responsibilities before the way of financing those responsibilities had been calculated and put in place.

We would have prohibited outright the forced amalgamation of any community within the province of Ontario, and in any municipal merger by law we would have looked at the wisdom of requiring the assent of the governed before that happened.

Finally, we would have done what I've suggested to the minister, that the direct democracy legislation should have been amended.

We believe in a tradition of strong local government. We know it's an important part of our democratic Canadian experience. We offer those insights and that wisdom today and we look forward to moving forward with this debate. But suffice it to say that we won't be supporting this legislation unless there are significant changes to it.

The Deputy Speaker: On the same leadoff debate, the Chair recognizes the member for Essex.

Mr Bruce Crozier (Essex): I look forward to an opportunity to speak to Bill 111. I spent eight years on municipal, local government: three years as councillor and five years as mayor of my birthplace and my hometown and the municipality in which I still reside. Over those eight years, I had the opportunity on numerous occasions to discuss issues that involve all our municipalities, particularly in the southwest. I would have thought, considering that the Minister of Municipal Affairs and Housing is an ex-municipal politician himself, that he would have been more sensitive to the overall needs of our municipalities.

This bill, for the information of the folks at home, is a 320-page bill. It's unlikely, in the amount of time the government will give us to debate it, that we will be able to cover all the areas of it. So I'd like, in my few minutes, to make some general comments, not the least of which, I should note, just for my own interest, is that the bill is named An Act to revise the Municipal Act and to amend or repeal other Acts in relation to municipalities, and the short title of the bill is the Municipal Act, 2001. We've seen some pretty creative titles in this Legislature. If there's anything I'm going to compliment the minister

on, it's finally coming in with a bill named for what it really is and not what it isn't.

We have been told that this is just a first step, and the problem and fear I have with first steps is that we may complacently believe this is all that has to be done, that it isn't just a first step but the final step. This government and others in the past have promised amendments to the Municipal Act. This government promised a new Municipal Act some six years ago. I'm afraid that this first step, six years into their period of governing, will be treated by the government as the last step.

Unfortunately, I kind of look at this and some parts of this piece of legislation as though you've been congratulated on being responsible enough to get your driver's licence but your parents won't let you have the car. It's very nice for them to say, "Municipalities, you have to be recognized for what you are, you have to be recognized for being responsible, but we're not quite going to give you everything that's needed to effectively and accountably administer your municipalities."

Being an ex-municipal councillor, I sat through six years of this government when they more or less berated municipal councils as not knowing how to spend their money, not being able to even send out assessment notices without this government having dictated to them what the wording should be. I felt all along that most, if not all, municipal governments in this province are far more accountable, far more responsible than many of the provincial governments we've had, including this one.

For example, municipal governments have always had to have balanced budgets; in other words, at least in my experience, we always had to have a plan for how we were going to pay for what we were going to do, be it through debentures, which were planned paybacks, or through accumulating surplus funds in order to pay for the things we wanted to do. Yet this government, in the beginning of its mandate, ran up \$20 billion in added debt in this province, while at the same time giving away the farm, giving away tax breaks. To me, that was totally irresponsible, compared to municipalities.

I've never agreed with this government when it came down on municipal governments, having to tell them what to do, having to tell them they weren't responsible enough to carry out their obligations. Yet now, as part of this act, they want to tell municipal governments, "You are responsible, and we're going to help you do your job," but they are not giving them everything they need to do the job.

1640

I want to say, as my colleague has mentioned briefly, that we are pleased that three of our private members' bills are more or less incorporated in this legislation. Sandra Papatello had a rave bill in 2000. Now municipalities will be required to issue permits before a rave occurs and will have the ability to license and regulate raves. Michael Bryant and Dave Levac, two of my colleagues, wanted in their private members' bills to restrict and regulate the use of fortifications in buildings, and Bill 111 grants these powers. And of course Rick

Bartolucci's bill, which would have allowed for the licensing and regulation of adult entertainment parlours, is also included in this legislation, and I congratulate the minister for doing so.

There are some things, though, that bother me. One is that there's a promise in this legislation that the memorandum of understanding that commits the province to consult with municipalities before making policy changes wasn't included in the bill. It's kind of like, "I'll make a promise to you, but I won't put the promise in writing. Therefore, if a time comes that I choose not to keep my commitment, I'll probably have some wiggle room to get out of it." It will only be after this bill is passed that this memorandum of understanding, whatever it might be, is going to be carried out. If I were a municipality, I'd be a bit concerned about that.

Of course, as with almost all legislation, the devil is in the detail, and there are going to be regulations that we aren't even going to have an opportunity to see, which will be introduced and enacted later merely at the whim of the minister and won't be debated in the Legislature. That concerns me as well.

The last point I'd like to touch on, in the few minutes I have, is the question of amalgamation. There is nothing in this legislation that prevents the forced amalgamations we've seen over the last few years. I can tell you there are a number of people in my riding, in more than one municipality, who have asked me to research and get information for them as to how they might de-amalgamate, because what we're finding is that it doesn't cost less money. In fact, in many instances it costs more. The people of those municipalities—the constituents, the taxpayers—albeit it was done through their elected representatives, weren't asked how they felt, and many of them are not happy with it any more.

Over the course of second reading debate and eventually third reading, I hope we have the opportunity to discuss many more parts of this bill.

Mr Mike Colle (Eglinton-Lawrence): I follow my colleague from Leamington. As you know, it's the communities, the villages, the small towns and the cities that make this such a strong province—that's where we get our strength—places like Leamington, Aldershot, Flam-borough, Ancaster, Dundas and East York.

My colleague the former mayor of Leamington mentioned the tax bill. Under this act, it's amazing that the tax bill is still prescribed by Queen's Park. Here's a municipal tax bill, paid for by the citizens, the taxpayers and ratepayers, of all these communities through their elected representatives—the mayors—yet that tax form has a veto to the very wording in it by the Minister of Finance. It says in section 344:

"(1) The Minister of Finance may require that tax bills under section 343 be in a form approved by the Minister of Finance.

"(2) A municipality shall not vary the form unless the variation is expressly authorized by the Minister of Finance."

It's right down to the very letters and words. If this doesn't basically tell you all about this act, nothing else

does. They've sat down and consulted with the people in the business of municipal government and said, "We've got this cozy little housekeeping bill. Are you all on board?" And yes, they've all said yes because they're intimidated by this government. But the citizens, the rate-payers and the taxpayers of Ontario are not intimidated by this government.

That's who I'd like to speak to, because this Legislature may make people inside municipal government happy; I don't think it respects or makes the taxpayers happy, the citizens of communities across this province. It's so insulting that even the wording on a tax bill has to be prescribed by the Minister of Finance and then made even stronger than in previous legislation. Certainly, the bill has very low expectations and very little respect for individual communities and their rights.

If you look at another interesting part of this bill, I wonder if the average taxpayer in Leamington realizes that now, if you don't pay certain municipal fees, there will be a lien on your property. You won't be able to have your property clear and free because the Minister of Finance and the Minister of Municipal Affairs have now given the municipality the power to impose a lien if you don't pay your swimming pool fees, if you don't pay your parking fees, if you don't pay your dog catcher fees—new powers meaning that you'll have a lien on your property as a result of this legislation. I wonder if the average taxpayer in Ancaster knows that, that basically there's a new lien on your house or on your business because of these overbearing Ministers of Finance and Municipal Affairs. It's here in the act, and I think that's the type of thing the public should know about. I hope they have the time to find out about it and comment on whether they like the fact that if they don't pay a fee at the library or a fee in terms of some lane repair in their community, they will have a lien on their property. It will be great when they try to sell their home and they find out they can't, that it's not free and clear because they didn't pay that fee that the municipality has now imposed.

Another interesting thing in this bill is that it is now basically admitting that the so-called promised reorganization of municipalities was a huge mistake, that they have now said in this bill that all those regions that this government said they were going to amalgamate—certainly the 905 rim around Toronto—they've backed away from that because that mega-merger mania stuff has proved to be an utter failure. If you talk to people in Victoria community, you talk to people in Dundas, they don't want forced amalgamation.

So now the government, in order to protect its political base, has said, "Oh, 905? We don't need it any more." The people in the 905 are no different from the people throughout Ontario. They want to determine their own boundaries and their one municipal makeup. They don't want somebody at Queen's Park telling them how to run their small communities.

So the government doesn't even mention amalgamation any more. Do you notice? It never crosses anybody's

lips. For years, we saw six Ministers of Municipal Affairs here climb up and down. Do you want to solve any problem in small-town Ontario? Amalgamate them. It's good for you. You've got a problem with taxes, you've got a problem with services? Amalgamation.

Look at the size of these mega-cities they've created, with mega-bureaucracies where they pay transition bodies. In Victoria county the consultants have gotten rich in trying to take a very good, working set of communities like Fenelon Falls, Fenelon township and Bobcaygeon—they said, “No, you've got to be a megacity.” “Kawartha Mistakes,” they call it there.

They don't want government that's big and arbitrary. That is an admission in this bill that that has been a colossal failure. You'll never hear them mention it coming up to the election, because they realize people don't like it. If you were to try to amalgamate more communities in this province, you know that the sitting members, especially if they were Tories, would lose their seats. That's what happened in Ancaster, and they got the message loud and clear there that people don't like to be dictated to when it comes to municipal government. Municipal government talks about people at the local level who pay huge taxes. All they want back is a say. They want some respect and they want self-determination.

1650

This bill, by the way, also does nothing to curtail the immense powers of the Ontario Municipal Board. This government has given so many extraordinary powers to these appointed, unelected, unaccountable members of the Ontario Municipal Board. Nobody in this province even knows who they are. This municipal board is running roughshod over communities all across the province, where you have these very well paid lawyers and consultants who are beating up on small communities and small ratepayer groups at will, because this government has given the OMB the proxy to be the de facto planning arm in the province of Ontario. You can't beat the OMB because the OMB works on how much money you can pay consultants and lawyers.

This act fails to control the abusive, extraordinary powers of a board that has gone way beyond its original mandate. It is undemocratic, unelected. It is not touched in this act. Therefore, the local citizen-taxpayer doesn't even have the right to decide what kind of building or planning takes place in their neighbourhood. The local council doesn't even have the power because this government has now enabled the developers to bypass council and go right to the OMB, where they always get rubber-stamped.

We were in Richmond Hill with 2,000 people. The developer didn't even show up. The developer sent a note saying, “I'm going to the OMB.” The 2,000 ratepayers in Richmond Hill were saying, “What do you mean, we can't speak on this proposed subdivision?” “No, you can't, because the OMB will decide.”

In my own community in north Toronto, my own ratepayers and tenants' associations spent \$150,000 trying to

stop the demolition of affordable housing. They worked for two years. They volunteered their time. They did everything. Who decided whether these great, affordable buildings in north Toronto would be demolished or not? It wasn't the council. It wasn't the ratepayers. It was the OMB that said, “Bulldoze them,” and no appeal. Well, you can appeal through the courts; then you blow another half a million dollars. Who can afford being a ratepayer in small-town or big-town Ontario? This government has put too much power in unelected bodies like the Ontario Municipal Board.

What we also need is to give municipalities the ability to do what they're supposed to do: provide services. This tries to give more power in terms of regulating body rub parlours etc. The problem is not in law-making. The problem is the municipalities don't have any more health inspectors because of the downloading costs. They can't hire enough policemen, they can't hire enough fire inspectors to go to the body rub parlours or to the crack houses because the police, the fire inspectors, the health inspectors, and the building inspectors have all been cut back because of the downloading this government has done for six straight years.

Now, with half measures like Bill 111, it's trying to pretend they didn't beat up on the local taxpayers for six years. They're trying to pretend they didn't force amalgamations. They're trying to pretend they didn't cut municipal public health. Now they're saying, “You're not smart.” But I think the people of Leamington, Ancaster, Carlisle, East York and north Toronto are much smarter than the spin doctors who have never paid property taxes, who don't know what it is to pay a mortgage, who don't know what it is to raise a family. Those freckle-faced spin doctors will get a rude awakening in the months to come as people begin to remember and recall what this government has done to them.

The Deputy Speaker: Now up to four members have up to two minutes each to make comments or ask questions.

Mr Michael Prue (Beaches-East York): I listened with some interest to the previous speakers. I don't know whether I belong to the Society for Appreciating Neanderthals, but Neanderthals were a very gentle people. The fact that there is none here today attests to their gentleness. They were obviously wiped out by Cro-Magnon, who was far more aggressive. I don't know whether the description of the members opposite goes to gentle people, but they could be those who are wiped out. I'm not sure.

Anyway, the speakers also spoke about the starting point. I would have to agree with them that this is a starting point and should only be seen as a starting point. The legislation is here to get rid of 1,100 pages and substitute them with 350. I would think that is, in itself, a very laudable goal, and it seems to have succeeded as far as that goes.

The speakers also talked about amalgamation and de-amalgamation, which is not found within the four corners of this legislation but, with respect, it is an issue that is

very much on the minds of the men and women of this province, those who live in small communities, those who have seen the number of municipalities go from 800-plus down to 447 today—which, although in a hiatus, appears to be also something which still inspires fear.

Last but not least, I listened to the previous speakers. They spoke very well about the need, when you change legislation, when you change powers and duties, to do two things: number one is to make sure there are sufficient monies to carry that out, but more important, to make sure there are sufficient workers who have the wherewithal, the training and, where you don't have those, especially in small towns, that you make use of the very real volunteer commitment that people have in those communities.

Hon Brad Clark (Minister of Transportation): The member from Ancaster-Dundas-Flamborough-Aldershot has a propensity in this House for using the Oxford dictionary in providing us with different definitions, different words. I would encourage the member to look up in the Oxford dictionary a couple of other words: “vacillating,” “oscillating,” “duplicitous” and “Machiavellian,” because in my community those are words that my constituents have been using to describe the latest floating balloon of Liberal policy about amalgamation.

Would you believe that what they are now proposing to do is hold a referendum in the community of Ancaster-Dundas-Flamborough-Aldershot and allow them the opportunity to decide to leave the great city of Hamilton? What they're doing is, they're saying that the referendum criteria will be settled later on. What they're not telling these residents who are buying into this faint-hope scheme by the honourable member is that the entire new city of Hamilton would be a part of that vote. As a matter of fact, the member for Hamilton East says he doesn't even have a concern about this referendum because clearly the people in Hamilton will be voting for amalgamation, so it'll never happen. So you have the member from Hamilton East stating that the member from Ancaster-Dundas-Flamborough-Aldershot is holding out faint hope, false hope, to the people in his own community.

I'm shocked. I can't believe that the member from Hamilton East blew the whistle on the new member, the honourable member filled with integrity and principle for his community. When are they going to provide the criteria? When are they going to tell people exactly what they're proposing? What they're doing is playing a sly little weasel game here with words to encourage the member from Ancaster-Dundas-Flamborough-Aldershot and his community to continue the fight for amalgamation. It's over. We're now building a new city that will prosper without his help.

Mr Caplan: I want to congratulate the member from Eglinton-Lawrence, the member from Essex and certainly the member from Ancaster-Dundas-Flamborough-Aldershot for their comments.

I'd like to pick up a little bit on where the member from Eglinton-Lawrence left off when he talked about

the Ontario Municipal Board and how this body has assumed authority over and above municipalities to override their decisions—override the decisions of local businesses, override the decisions of local ratepayers, hard-working Ontario families—and how they are unelected, unappointed, and only passing reference to the Ontario Municipal Board is made in the new Municipal Act. In fact, instead of giving cities and towns and municipalities real authority, a real ability to be masters of their own destinies, we have this overarching, overreaching, over-ambitious board seeing to the affairs of people in the province of Ontario. This was a real opportunity, a new Municipal Act, to redress that imbalance—

Mr Colle: To rein it in.

Mr Caplan: —to rein it in, as the member from Eglinton-Lawrence says. But, no, that opportunity was not taken.

All this bill does, frankly, is give a lot of hollow words about things that are happening.

Interjections.

Mr Caplan: I can hear the members opposite chirping. They may want to talk and defend this bill, and that is their right. But here in this chamber we should talk about what the new Municipal Act is and certainly what it isn't.

I would say, as I tried to end my comments last time, that Ontario's tenants have been badly done to, by municipalities and by this government, by not having the same kind of property tax equalization, and this bill could have addressed that very same problem.

1700

Ms Churley: I mentioned earlier when I responded to the Tories' speech on this that it's such a lost opportunity here, as has been pointed out by several of the Liberal members who spoke.

The Tories point out, and quite rightly so, that our NDP government did not bring in a new Municipal Act. It's true. It turned out to be not one of our priorities. We brought in a lot of other things: new labour laws, which this government gutted; employment equity, which this government gutted; and lots of progressive things that this government gutted. If they want to brag about that, so be it.

Here they have an opportunity. They brought in legislation that badly needed renewal. The reason why I think it's important that the government members listen to this is, it took from 1849 to the year 2001 for a government to finally bring in a new act. Who knows when another government down the road is actually going to open up this act again and make necessary changes? Cities have changed dramatically over the past few years, there are major responsibilities, and they're not being empowered in this bill to take on those responsibilities for their communities.

There is a lot of rhetoric here, but the reality is, if you want the city to prevent your landlord from tearing down affordable rental units, they can't do that. If you want your city, your municipality, to prevent the demolition of historic buildings on the corner, they still won't be able

to. They are still not given their charter rights, their needs to be able to serve their community. What a missed opportunity here. I urge the government to go back to the drawing board.

The Deputy Speaker: Any one of the original speakers during the leadoff debate may now take up to two minutes to respond.

Mr McMeekin: I want to say at the outset that it's important once in a while to clean out the garage, to sweep it out, to restructure, to reorganize and to have the spouse say, "Honey, that was a nice piece of work." In that regard, this piece of legislation sweeps out the garage, but sadly it doesn't do much to fix the leak in the roof or the cracked walls, the very foundation that's sadly crumbling as a result of years of cumulative neglect and abuse.

We on this side of the House, as much as we support garage cleaning, obviously think, as Ms Churley said, that there's a tremendous missed opportunity here, and we're going to need to see a heck of a lot more change to this act before members on this side of the House can support it. It's a first small step but, as my colleague from Essex said, small steps are the beginning of a journey, not the end.

I want to say in closing, because amalgamation has been so close to our heart, that I don't need any lessons from anyone on that side of the House about what's disingenuous or not, particularly when the honourable member from Stoney Creek—

Interjection: Robust member.

Mr McMeekin: The robust member—stood up in this very House and opposed, to his credit, the forced amalgamation of the six constituent municipalities.

By the way, when we form a government and pull together a referendum piece, we'll get advice from many parts of the community, but I doubt we'll be taking very much of it from the honourable member for Stoney Creek.

The Deputy Speaker: The floor is now open for further debate, and the Chair recognizes the member for Beaches-East York.

Mr Prue: I will be sharing some of my time, if there is indeed some left, with the member for Toronto-Danforth.

Mr Caplan: Take it all.

Mr Prue: I might take it all; I don't know. I might.

It is trite to say that the cities are our future. It is absolutely trite. Everyone knows that this is exactly historically what is happening to cities. At the turn of the century, 100 years ago, 50 years into this particular act, most people lived in small towns, on farms or made their living in the bush in Canada. That is no longer the case today. Increasingly, as time goes on, you will find more and more people living in cities, particularly in those parts, like the GTA, where the increase in population growth is really quite large. The reality is that we are becoming less and less a rural population and more and more a population based in the cities where the exploitation of the methods and the production is locally driven,

locally based and where we trade on a global basis with other cities and other city-states around the world.

Population growth in Ontario is largely centred in the GTA and it is fuelled by a couple of things: a little bit by natural methods, of people having babies, having children, but far more of an important factor is the population growth with new immigrants. In fact, this has accelerated remarkably since the 1950s and especially since the 1960s with the changes to the immigration legislation.

Over the weekend I tried to read as much of the Municipal Act as I could. I want to tell you that it is an improvement. I commend the minister, by taking a 1,100-page largely incomprehensible document and reducing it to some 350 pages, on doing something that should not have taken 150 years. I commend the minister as well for the improvement in section 2 where he describes, and I paraphrase, that the municipalities are responsible and accountable governments within their own jurisdiction.

Having said that, therein lies the nub of what is both good and bad about this legislation.

Mr Frank Mazzilli (London-Fanshawe): You have to get the hand movements from Rosario.

Mr Prue: The hand movements from Rosario will take a while.

The Deputy Speaker: Order. Take your seat, please, just for a moment. There are a couple of members on the government benches who have been continuously interrupting, often not even addressing the speaker on the floor in their heckling, and one of the members is not in his seat. I'm not going to mention their names now, but they know who they are. I'm going to ask them to refrain from doing so, please.

Sorry for the interruption. Please continue.

Mr Prue: Thank you very much, Mr Speaker.

Previous speakers have said, and it is absolutely true, that there is nothing in this bill that says anything about amalgamations—forced amalgamations, de-amalgamations, changes of municipalities. There is nothing in this bill as well that talks to downloading and what is happening in some of the municipalities that are forced, through no fault of their own, to take on works that they are incapable of doing because they do not have the long-range financial resources. There is nothing in this bill as well that talks about council makeup or membership or how to improve the interaction between the people we represent and the members of council who will represent them, largely on a first-name basis in many small towns, but really in a way much more local, much more personal than one has the time or the ability to do when one represents in this House.

I would like to go on and talk about some of the good things about the legislation and some of the things that need to be improved, and that's what I'm here to do, not to simply criticize the government, not to simply say that the bill is wrong, but to show areas where it is good and where it can be improved. That may be a novel politician from this side of the House, I don't know, but it's something I'm going to try anyway, for a little while.

The legislation talks about natural person power. It talks about giving municipalities natural person power. This has been talked about for a long time within the framework of municipalities and has never been done before. It talks as well about spheres of influence, those areas where the municipalities can take direct control, if you're in one of those 10 where you can do it, and where it isn't one of those 10, they are told, and they understand, that it's not really within their sphere of influence and they should leave it to other governments, be it the provincial government or the federal government.

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It talks about a memorandum of understanding, which is a good thing. It doesn't go far enough, but it's a good thing, and I'll get to that later. The memorandum of understanding for the first time will talk directly about what the municipalities can do, how the Ontario government sees them, how the minister will react with them and when and under what circumstances the minister may intervene. This legislation also talks very strongly about consultation. I think this is an absolutely important event. Real, meaningful consultation hitherto has not happened enough when dealing with local municipalities.

There are some caveats I have with all that. There is a broad ministerial regulation-making power that pervades this bill. You can read it in line after line. It prescribes the forms municipalities have to use when sending out taxes. It talks about how the minister can look at what a municipality is attempting to do and simply say it cannot be done. It is very broad and is absolutely no change from what currently exists. This needs to be changed. It needs to be narrowed in focus. Of course the minister and the government need to be able to control a municipality that does something contrary to law, and need to be able to do something perhaps to curtail excesses. But it is far too broad, and it needs to be narrowed so that things like how a tax bill gets sent out are not in the legislation.

There's the whole problem of consultation. As I said, it is to be commended that it's even in there. But there is a problem with consultation as well, in that the minister retains power by regulation. Even when there is consultation, if the minister doesn't like the force and effect or the direction of the consultation that's taking place, either individually with a municipality or through the Association of Municipalities of Ontario, the minister still has the clout of regulation. That needs to be circumscribed as well. That needs to be narrowed, so that the minister will only use it in exceptional circumstances.

The whole issue of the natural person, which is throughout the legislation, is a good thing. However, the reality is that it carves a very narrow, restricted jurisdiction, and limits imposed on such powers are given the same attributes as in the existing act. In reality, very little is changed. Even though the natural person provision is there, it does not change much from the existing policies and what the existing act says.

There are many things in the legislation that I think would cause municipal governments across the province to be worried and afraid. Municipal politicians have seen

amalgamations and reductions in their numbers. Often-times they have seen the difficulty in dealing with the government when there is no money. You guys have had pretty good times, but there has still been no money. I understand the reason there has been no money to municipalities. It's a conscious political decision not to give it to them. But the municipalities have seen very difficult economic times, and with that they have seen some real fights with Queen's Park.

One of the problems I see in the act includes the changing of wards. The City of Toronto Act, 1997, contains express prohibition from changing wards. This act says they now can change wards. I don't know how they can change wards when the City of Toronto Act says they cannot. It's my understanding, in listening to the minister, that that act will supersede the Municipal Act, as will the acts of Hamilton and Ottawa acts. Yet in here, if you belong to one of the new amalgamated cities, you cannot change your wards. That means you can't change the number of wards, the configuration or where the wards are. As an example, in Toronto, each of the wards is approximately half the size of a provincial constituency, and the boundaries are set by the legislation. That's where the wards are. If you live in Durham, the municipal wards do not have to follow the federal-provincial boundaries in any way. They can set up their own wards. So people in those municipalities would have rights by this legislation that do not exist for the 2.4 million people in the city of Toronto. Something needs to be done. I hope the minister, although he is not here, will look at that and see whether this is fair to the people who live in Ontario's largest city.

There is a second question in the legislation that I think we all have to ask. It's the provision that in Ontario most municipal politicians receive a salary and then a one third tax-free allowance. Many of them have been saying for a long time that they wish they could just have the salary and not the tax-free allowance to bump up their salary. The way the legislation has been written is very interesting. The municipal politicians are going to have to say they no longer wish the tax-free allowance, and they have to do that—I didn't write down the year, but I think it's within the next year or two. The difficulty with that is, if they say to the province and this House, "We don't want the tax-free allowance," the onus is on them to raise their salaries, and the optics of that to the public are very poor.

Ms Churley: They know about it.

Mr Prue: Yes. The optics are extremely poor. A municipal politician who no longer wants the tax-free allowance—I'll use the city of Toronto, which I'm most familiar with. City of Toronto politicians earn some \$65,000 a year, and one third of that is tax-free. By the time you calculate it, that works out to a salary around \$79,000 a year.

Mr David Tilson (Dufferin-Peel-Wellington-Grey): It's more than you make.

Mr Prue: Absolutely. I took a slight decrease to come here, but I think it's worth it.

Hon David Turnbull (Solicitor General): I'll check with you in a year's time.

Mr Prue: Maybe. But the reality is, if you tell them, "OK, we're going to do away with that," and they're going to take home the same amount of money for themselves and their families, they'll have to have a salary of \$79,000. I can see the papers: "Municipal councillors raise salary by \$14,000." It's not going to happen. What is fair for people in this Legislature—we all earn a salary and we're taxed on it, and in the true spirit of this act, the same should be true for our municipal brethren, who, I want to assure the members in this House, work every bit as hard as the people here.

Another problem I see with the act is the municipal standards for matters of provincial significance and the penalties for not meeting those standards. This is enshrined in the act and is a bit of a strange one to me. The minister will set a standard for a wide-scale, provincially mandated program. If a municipality, for whatever reason, cannot live up to that standard—I don't know what the reasons might be, because I don't know what the standards are; none of us do at this point—the penalty for not meeting those standards is to have the money completely withdrawn. So if they only got three quarters of the way to the standard, the penalty in the law is quite clear: up to all of it can be withdrawn. The province can then step in to do the program, and the municipality would have to flounder, trying to find the money. Although this may not hurt some of the larger municipalities, I'm quite worried about how it would impact a small local community, where the loss of any provincial revenue would have a detrimental effect and would, for sure, entail tax increases.

I looked at section 457(a), and this is an interesting one too. All the bylaws of a municipality have to be either repealed or confirmed by the year 2006. Although it is some four years and a couple of months before that happens, that is a horrendous and huge workload for someone to have to do, literally to go through every single bylaw that's on the books. I believe there are some 15,000 in the city of Toronto alone. Some lawyer is going to have to sit down and go through every one of them and see which ones offend the provisions of this bill. At the end of that time, they're going to have to either repeal them or confirm them, and there is nothing in the act that says the municipal governments will be given any money whatsoever to pay someone to do what I think is a really heavy, hard job. In particular, I go back to small municipalities that may not have legal staff. They're going to have to go out and hire lawyers. They're going to have to ask for a complete review of their 500 or 1,000 bylaws that exist in small, rural communities, and there's nothing in the act that gives them any money to do that.

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That brings me to a few more problems that seem to have jumped out—at me, anyway—in the reading. One of them has to do with the licence fees, part IV of the act. Part IV says that the licence fees can only be issued or

taken under three circumstances: health and safety, nuisance control and consumer protection. If they do not fall within any of these three categories, it means, to my reading anyway, the licence fees cannot be charged.

Why I have a problem is that there is no definition of what is a consumer in this particular section. There is absolutely nothing that says "a consumer is," and this, I think, will cause some problems for licensing standards, particularly in larger cities. This will not protect others.

I ask the members opposite to think for a few minutes. Will this allow for licensing of someone who runs a hotdog cart who wants to put it outside a restaurant? I don't think so, because it is not a matter of health and safety, it's not a nuisance—although some people might think it is—and it's not consumer protection because the consumer is protected, being able to buy the cheaper hotdog outside the restaurant. Who it does not protect is the restaurateur, who pays full municipal taxes, full provincial taxes and all of the other expenses related to the running of a restaurant. The person who runs the little hotdog stand does not pay those things, so of course they are able to charge less for the same service. Any good business person would tell you that's the case.

The same thing would happen if someone were to sell ties outside a haberdashery. The same thing would happen if someone were to sell any goods or services in close proximity to a business that exists, that is licensed, and there is nothing in here that would allow those licence fees or the licensing for those fees to take into account the protection of the business community in our cities and perhaps in our towns as well. I haven't seen too many hotdog stands or little shops set up outside of the Toronto, Ottawa, Hamilton areas, but I would assume that they could. Our small businesses need to be protected, and the licence fees need to be better than they are.

There is also nothing in here that tests for competence of those licence fees. You simply have the licence fees, but the municipalities are not allowed to look for competence. If you're looking for cab drivers' licences, you cannot even test to see whether they have a licence to drive a car. You cannot see whether they have had motor infractions. There is nothing in there for tests for competence. At least as far as I can see it, I would think the government should include those two as a minimum: the protection of business and the test for competence in the licence fees, part IV.

Part V, municipal reorganization: I have a lot of problems with this particular part. The problems with this section of the act—and perhaps it's the most serious one of all—number one, there is nothing in here that prevents municipal reorganization. That means that any government, any minister can simply announce there's going to be a municipal reorganization.

I read in the Toronto Star a couple of weeks ago that the rumour is circulating again that the number of councillors in Toronto will be further reduced. It was once at 57, at the time of amalgamation. It's gone down to 44 and there is some talk now that it'll go down to 22.

I want to tell you, as a former municipal councillor from East York, as the mayor of East York and latterly for nearly four years as a councillor from the city of Toronto, it is a horrendously difficult job to do because the way you interact and deal with people, the constituency work you do as a city of Toronto councillor, is absolutely enormous. The average councillor in the city of Toronto has 55,000 people who will phone him or her on everything from libraries to potholes to noise complaints to parking to barking dogs to poop-and-scoop bylaws. You name it; they're going to be there. The number of calls you receive as a municipal councillor is absolutely huge at 55,000 people in Toronto.

Toronto is not alone. That's about the same ratio that Mississauga has. To change it and to say that there's now going to be 110,000 would make it virtually impossible for the municipal councillor to interact on a person-to-person basis with his own constituents. They do not have the resources of this government. They do not have the ability to make changes, as this government does, and it would be literally impossible for them to do the kind of job that people in Toronto used to enjoy, when people in Toronto used to be able to interact with their local councillors just five years ago. They can't do it now, and you'll make it only worse unless you prevent further municipal reorganization.

The second thing that I see here under this title is that Bill 26 allowed for municipal restructuring—and this is in areas that did not have two tiers—by calling for a commission in order to do the restructuring. This particular bill was to have expired on December 31, 2002. Now it does not. The bill will not expire. So therefore, one who is naive, perhaps, like me, or one who is less naive but sees conspiracies everywhere, would ask, "What plans does the government have for restructuring now they've taken this out?" They have taken it out, and somebody is going to have to explain what plans there are for restructuring.

The third one also involves restructuring. The cities were allowed to approve restructuring and send that restructuring to the minister for approval. The legislation now does not say that the minister "shall" approve the restructuring; the legislation now says the minister "may" approve the restructuring. That means that when a city goes through a huge task of trying to determine how to do their job better when they've listened to the people, when they've called in the experts, when they've debated it and come forward with what they think is an excellent plan to help them run their own city, town or village better, the ministers only "may" approve that restructuring. That needs to be taken back to the old legislation that says "shall" approve the restructuring.

The fourth problem with this municipal reorganization is the public utilities commissions. Most of the public utilities commissions in Ontario are now appointed bodies. In fact, before amalgamation, three out of the six municipalities had elected public utilities commissions and three had appointed. As far as I know, the majority in the province are now appointed bodies. But what this legislation does is make it mandatory that they all be

appointed bodies. It takes away from the citizens in the small local towns and villages, who even today have the right to elect people to look after their water and electrical supplies, people whom they trust, who are from the community, who they think will do a good job, it takes that right away from the citizens. It is literally wiped out. No longer will they have the option of electing people to serve their best interest, but they will have to rely upon people appointed by their local council, appointed by the government, appointed by someone, but completely out of their control. And when those people screw up, as some inevitably will, they do not have the right to get rid of them, as they do elected officials. This is an important right that, if the town, city or village wants to keep it or even to adopt it, should be there. People should be accountable, and there is nothing more accountable than an election.

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The fifth problem I have with this particular municipal reorganization is the municipal service boards. It allows and talks at great length about setting up municipal service boards. I don't have a problem with many of these boards, because they probably would do a fairly good job. In fact, they exist right across the province already. But what it does is it takes things that are done by the local municipality for which there are controls and elections and it puts them at arm's length. One would have to be afraid, and I am a little bit afraid, to see that this is the precursor to privatization. You take it out of the municipal control, you give it to a non-elected or a partly non-elected body that has private people as well as some municipal representatives on it, and you set up a corporation which is intended to make money, and it is ripe and ready for privatization.

This may in fact be a problem in the long term—perhaps not for some of the members of the government opposite. But I would trust that if this legislation passes, it will be around for a while for this government or potentially any other one. It creates a problem that the cities are then going to have to deal with: with their workforces, with the people who live there and with the whole political problem of privatization as we've come to know it.

The sixth problem with this particular section is, and I've dealt with it briefly before, that the province can intervene on the size of councils. The best example, of course, is Toronto, from 57 to 44 to 22. It could even make it one, I suppose, because it's well within the authority of the minister to describe how many councillors or how many mayors or how many elected people would be there. There's nothing that would stop this, even were it not the city of Toronto, to say a place like Flamborough, to say a place like Hamilton, to say where my parents are living—and maybe my mother's watching today, as one of the earlier members said; she lives in a little town called Cardiff.

Ms Churley: Where is that?

Mr Prue: It's near Bancroft. My father lives there too, in the same house.

What would there be to stop the minister from saying to a town, a little council in an area, "You will only have one representative"? That would be a very grave problem for the people of Ontario: to see their councils reduced in size, without any say, and making them sometimes very difficult to operate.

I can only speak back to the time when East York was amalgamated and became part of the city of Toronto. This very government set up what were called community councils. We had a community council of two. It was a very difficult process. I was the chair of the first community council of two. I could not be challenged, no matter what I did. The chair was always upheld because there wasn't a majority of votes to undo me, except, of course, ultimately when it got to the full council. But the same thing would happen in small towns if you regulate them down to two or four bodies. It may make it increasingly difficult for them to operate as they have successfully done for 149 years.

This brings me toward the end, and I see I've used up only about half of my time. I want to talk to the government, finally. I've pointed to what I see as some of the good things. I hope you've agreed that I see some very positive merit in this bill. I have some problems in several key parts that I need to have addressed. I have tried to give you some solutions on how to deal with them and make them better. But that all presupposes there's going to be a broad public consultation.

There are 447 municipalities that need to be spoken to on a one-to-one basis. I would acknowledge that this government has gone out and has talked to AMO and the president of AMO, Ann Mulvale. I would acknowledge that this government has gone out and talked to the business communities and has come to the conclusion that this bill is pretty good as it is. But who the government has not talked to and who needs to have a chance to speak out, number one, are the employees who work for all the municipalities in this province. They need to be able to speak to them to see the impacts the changes will have on the day-to-day functioning of the 447 municipalities that now exist here. They need to talk to those employees' unions, because there will be issues around job security and how this bill is going to impact upon job security. They need to talk to civil servants and lawyers who work for the municipalities to make sure that in fact people understand the legislation and how it's going to impact on the day-to-day running of the cities and towns. They need to talk to the social agencies that deliver so much of the work, so much of the social care for our seniors and for our children, to see whether the municipalities are going to be able to continue to work with them, whether there are going to be changes or impacts upon how they do their work. None of those people have yet been consulted, to the best of my knowledge, yet they have a huge stake in how our cities and towns are going to work in the future.

The minister has said that he's hoping to have this bill wound up before the House adjourns for the Christmas break and to have hearings in constituency week over

four or five days in mid-November. I would suggest that the government would be doing a far better service to the people of this province and its 447 municipalities if they took just a little more time with this, that they not try to jam the hearings into four days in constituency week and that they look at their own legislation, which says that it's going to take effect on January 1, 2003. That's a long time from now. It's 14 months from now. I would suggest that the longer time frame will allow for studies, for full community participation, full city participation. It will allow for the government to look at other ideas for funding that have been suggested by the Liberals, other ideas that may reflect around charter status and what the big-city mayors now are starting to look for. All of those things need to be heard. They all have to be considered if this bill is to be made as good as it possibly can be.

I'm asking the government to take the time to do a proper consultation, even if that means that most of the consultation takes place after the Christmas break. I know that some members opposite will be busy with leadership aspirations and trying to find a new Premier, but there will be time, I would suggest, in January or February or March to take a couple of weeks when it's not so busy, when it's not constituency week—it will be difficult for some members to travel the province to actually hear this stuff—to take the time and do the proper consultation to give an opportunity to the cities, and especially the small towns and villages, to analyze this bill and suggest improvements to it. It will give time to the government members and opposition members to go out to the towns and villages and cities, and not just to consult with groups like AMO, which does not speak for all of them because they're not all members of that organization, or even the FCM, and they're not all members of that organization.

It will give time for the government to do an important thing, and that is to sign the memorandum of understanding. Better yet, it will give the government time to actually incorporate that memorandum of understanding into the bill itself. There can be nothing more powerful than having it written right there. Memoranda can from time to time be ripped up and changed without affecting the bill, but it is almost impossible to change the bill if you incorporate those words right into it. That is the kind of assurance that I think many of the towns and cities are seeking. Some of those same people, some of those same municipalities that were bitter about amalgamation, that were bitter about downloading, that were bitter about the government not coming to the rescue for many of the projects that they would like to do locally, can see that the government has had a change of heart and is putting it right in the legislation—that very important concept that's right there—that they will be consulted, that they are a government that is responsible, accountable and within their own jurisdiction. I am asking the members opposite to consider this very carefully, in light of constructive criticism which I am trying to give, to take a bit longer and to do it right. It took 149 years to get to this point, to the point where the changes are finally going to

come. Take another few months to make sure that those changes adequately reflect where the province and its cities and towns are today.

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Even more important than that is not to give a 1950s or 1960s bill, which I think with all respect this is—it's 120 years better than the first one—but try to craft some legislation that looks to the future: to the future where Ontarians increasingly live in cities, to the future where the economic impacts of what happens in the cities are paramount to how we function as a province and as a country, where international trading patterns are increasingly between cities and cities, and where we can make a real difference. We can make sure that cities in this province have the same powers, the same effects, the same status as cities with whom we compete around the world, be that New York or Chicago, Berlin or London, or Auckland, New Zealand. Look to make sure that our cities have the same powers, the same authorities, and that the people who run them, public servants elected by the people, have the tools with which they can do a good job.

Mr Speaker, I think that would conclude my remarks. I will turn over the balance of time to my colleague from Toronto-Danforth.

Ms Churley: It's my pleasure to take this opportunity to speak, after the newest member in the Legislature, Michael Prue from Beaches-East York, who, as we all well know, very recently came from serving as city councillor for part of the same area he is now representing here. As well, he was formerly the mayor of East York. I go way back with Michael Prue. We've dealt with a lot of issues together. In fact, I think we got to know each other best during the forced amalgamation of the five cities around the Toronto area into one.

I can categorically state that Michael Prue and the citizens of East York were perhaps the most—how should I put it?—energized in their fight against this forced amalgamation. I was amazed at the energy and the commitment of Mr Prue, who was then mayor, and the citizens of the area. At the time, of course, I did not represent East York. If you recall, one of the changes the Mike Harris government made was to make our ridings, the provincial ridings—I'm sure you haven't forgotten that, Mr Speaker; we used to represent a smaller area. The Harris government changed it so that our riding boundaries are the same now as the federal boundaries. So it was an interesting experience for me that the forced amalgamation fight started before I actually had to run in East York, where I was not quite as well-known as I was in Toronto, the part of my riding that I had served as a city councillor in for two years, 1988 to 1990.

I must say that Mr Harris gave me the opportunity to organize, to get well-known in that part of the former city of East York, because people were calling me. They felt that they of course weren't getting the support from the Tory member at that time, a friend of mine. Whether or not he agreed with the government of the day at that time, he's no longer a member in this House because his

position got frozen out when his riding and mine were amalgamated. So he's no longer with us, and because he was supporting the government position, people turned to me and to Frances Lankin, the former member for Beaches-East York. Of course, it was through the work of Frances Lankin, who proposed a third councillor, and the work of myself in this House to convince the government—it's one of the few victories the opposition has had in this place, and I'm proud to say that every now and then we have those victories—and we were able to get a third councillor for that area. But it was a hard fight. The government in that case admitted that they made a mistake.

I have been serving the good people of the western part of East York, west of Coxwell, for some time now. I want to take this opportunity to say that it is indeed a pleasure to be serving the people of East York, a very—

Interjection.

Ms Churley: Yes, it is, isn't it? A very strong community, which is one of the reasons they had such a hard time with being forced into an amalgamation with a huge city. Unlike any other part of this city, East York, and I mean this in a very positive way, has a lot of small-town elements to it that you don't see so much throughout the rest of the city: the way families come together and support each other, the way they come together to protect their community, work together for the good of the whole community; lots of good pubs and bars that Mr Prue introduced me to from time to time during the amalgamation fight—a really great community. I really am pleased to represent part of that community now.

I have to agree with the member for Beaches-East York. He spoke about the forced amalgamation, and a minister from the Tory government applauded when he talked about that as though that's a good thing. I believe that some people in the government would like to reduce it to almost no councillors in Toronto because there's a lot of dislike for the city of Toronto among many members on that side of the House, on the government side.

In fact, I'd like to ask what happened with the forced amalgamations in the 905 area. I'm happy for them that it never happened, because I don't believe that communities should be forced to amalgamate, particularly when it doesn't make sense, as it didn't in the city of Toronto. Michael Prue could tell you better than anybody, because he just came from there, what an absolute disaster it has been for Toronto. The forced amalgamation with all of the downloading and without the dollars attached that has happened has been a disaster for the city. The councillors are still struggling to deal with a lot of the fallout from that.

The government was going to—they started off with Toronto: not so many members here in Toronto as in the 905 area, far fewer now than when they forced the amalgamation, for obvious reasons. That never went ahead in the 905 region, and I say good for them, but it does beg the question about equity here. The city of

Toronto and some other jurisdictions were forced to amalgamate, and then there are other areas where there are far fewer constituents they have to represent, if you make some comparisons. In a matter of fairness, we need to look at that. Why should some of the members who are representing downtown areas of the old city of Toronto and the surrounding areas that were amalgamated into the city have to represent far more people than those in outlying regions? I think that's something we have to look at. But there's real concern now that it appears as though the government is about to—and I wish they'd come clean and let us know if they're going to do that—once again expand the existing wards and make them twice as big; in other words, make them the size of the provincial and federal ridings.

I want to say that like you, Mr Speaker, having been a councillor yourself, we all work hard. I think every member in this Legislature works hard. I'm in my constituency, pretty well. I guess I'm lucky I live close to my riding. I'm about 15 minutes from here, so I go to meetings every night. I'm very involved in my community. Members who don't live in their communities and have to be here during the week don't have that opportunity. I feel very lucky that I do have that opportunity. On the other side, of course, the expectation is that I be out every night and every day of the week, which I try to do.

In my experience as a city councillor for a very short time, I don't think I ever worked so hard in my life. It is true what they say about city councils, that there is no other level of government that is so close to the people. It is the city councillor who is called, as my colleague from Beaches-East York pointed out, about every issue in the book, and some of them are very hard to resolve. They are the kinds of issues that hit people on a daily basis.

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Parking in the city of Toronto is one. Parking, parking, parking. It's a big problem that's almost unresolvable in some locations, but we try. Garbage—all of those issues that hit you on a day-to-day basis. I know that councillors like Michael Prue, as mayor and councillor, are quite dedicated to be out there all the time, responding personally to those phone calls, going to every wedding, every baptism, all of those kinds of things. The bigger you make those wards, the harder it is for dedicated councillors to get out there and do that hands-on, one-on-one focus with the people in their ridings.

I want to say to the government, and I say this sincerely, that if that's in the works, if you are thinking once again of increasing the size of the wards in the city of Toronto, I urge you this time to consult with the councillors. Obviously, you think they would say that some people would have to lose their jobs so why would they support it? That's always true. It was very difficult for members in this House when some Tories had to run against each other. There had to be some losers and winners. I don't think that should be the thing that stops or prevents a government from doing the right thing, if it makes sense to amalgamate municipalities or increase the size of wards.

But you have to talk to the councillors who are going to be directly affected, and the people they represent, before making such massive changes. I can assure you that if you put together the increase in the size of the provincial boundaries and the increase in the size of the wards, and the school trustees being only part-time and being paid \$5,000 a year and not having their own personal staff, it's becoming much harder for all of us to do the job here in Toronto, and I'm sure across the province, that is required of all of these positions as the wards and provincial boundaries have gotten larger and larger.

I do want to say to the government, please, before just out of the blue changing these boundaries just to get back at Toronto again—the let's-stick-it-to-them-again kind of mentality—consult with the councillors. Tell them you're thinking of doing this, hold public hearings, talk to the constituents. I would do it rather quickly because the rumour is out there. There are lots of concerns but, once again, nobody has confirmed that this is actually being talked about.

The member for Beaches-Woodbine is now our municipal affairs and GTA critic. That's a load off my shoulders now, but obviously I will continue to pay a lot of attention to those issues as a representative of a riding in downtown Toronto. He did a very good job. I know that he actually read the bill, and he even found a typo, if I recall. On the very first day he had the big stack of papers; we were joking about it and he flipped to page 300 and something and found a typo, which he informed the government about.

I have not read the bill in detail—it's over 300 pages—but I have looked through it and talked to various people about it. I know that AMO has said they support it, that it's a step in the right direction. I don't know if the FCM is going to oppose it or support it, but they are disappointed because it's not going in the direction that we need to be going in, with so many changes in the way we govern and the changes in the way that all of the different levels of government work together.

Everything has changed, and what's happened with this bill is that it's updated to some extent—we needed to have that done and nobody's denying that—but unfortunately, and I said this earlier, this is an opportunity to catch up with the times and what the government has done is present a bill that goes a very tiny distance in the direction that we need to be going in, coming into this century.

It doesn't address the fiscal imbalance that we are seeing now more and more between what are called the senior levels of government—which is something I always had a problem with when I was a councillor, being considered the junior level of government, given the work that we did and that still is carried on by our councillors in our communities and the huge impact that our city and town councils have on our communities. That's the way it is, and that is a problem in itself. But the government is not addressing those fiscal imbalances.

There is something wrong when the federal and provincial revenues have been going up and up in good

economic times and the revenue in our towns and cities has actually been going down. Why is that happening? It's happening for a couple of reasons. It's a domino effect. You have the federal government, which balanced its budgets partly on the backs of the provinces, and then you have the provinces, and here in Ontario the evidence is very clearly there that it balanced its books not only on the backs of the disadvantaged and the poor, the seniors and people who most need government help—we all know that—the unemployed; no minimum wage increase in all these years in good economic times. The other way the government has balanced its books is by downloading many services to municipalities without giving these municipalities any way to raise funds. The cities are still considered creatures of the province, and they still are within this bill. Although it goes some way in terms of addressing that issue, it doesn't fulfill the needs of cities in this day and age. So you have a fiscal imbalance in that.

Let's look again at some of the things our cities now have to care of, some of which they were doing partial aspects of before but now have had to take on the whole, and some of which are new to them; for instance, housing. Now, this government doesn't build any new housing. They stopped building affordable housing, and we all know we've got a housing crisis, and "crisis" is the right word to use in this context. The entire social housing portfolio has been completely handed down to the cities without enough dollars to go along with it, and in Toronto, that's huge.

I have in my own riding Don Mount Court, which was in the news a while ago, some housing that was handed

down to the city from the province without enough dollars to fix it up. Lo and behold, we find out there are major issues in that complex. For a while it looked like they were going to all be kicked out and the buildings torn down. Jack Layton, the councillor in the area, and I got together and held meetings. We are now dealing with that problem, and people can stay in their homes, but those buildings are in terrible shape, and it's going to take a massive infusion of cash to fix them up properly. We can't afford to be tearing down this affordable housing, because no new housing is being built, and every year we see more and more people on the streets, including children, women with kids and whole families in motel rooms. But that's just one example.

All of public health was downloaded to the municipalities. Transportation—until the most recent announcement for GO Transit—completely; the only jurisdiction in the western world where the so-called senior level of government was not contributing. These are some examples of the kinds of things that were downloaded to the cities without—is it almost 6 o'clock, Mr Speaker? I see you are looking at your watch and think you're going to be standing up any minute and saying, "It being 6 of the clock...."

I should take this opportunity to end my speech for this evening. I believe I have a little over five minutes, which I will pick up on another occasion.

The Deputy Speaker: The member is exactly right. It now being 6 o'clock, this House stands adjourned until 6:45 this evening.

The House adjourned at 1800.

Evening meeting reported in volume B.

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