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**Official Report  
of Debates  
(Hansard)**

**Journal  
des débats  
(Hansard)**

**Monday 10 December 2001**

**Lundi 10 décembre 2001**

Speaker  
Honourable Gary Carr

Président  
L'honorable Gary Carr

Clerk  
Claude L. DesRosiers

Greffier  
Claude L. DesRosiers

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**LEGISLATIVE ASSEMBLY  
OF ONTARIO**

Monday 10 December 2001

**ASSEMBLÉE LÉGISLATIVE  
DE L'ONTARIO**

Lundi 10 décembre 2001

*The House met at 1845.*

**ORDERS OF THE DAY**

**MUNICIPAL ACT, 2001**

**LOI DE 2001 SUR LES MUNICIPALITÉS**

Mr Kells, on behalf of Mr Hodgson, moved third 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.

**Mr Morley Kells (Etobicoke-Lakeshore):** I am very pleased to speak today on third reading of Bill 111, the Municipal Act, 2001. Today we are ready to make history.

Municipal government in Ontario began with the passage of the Baldwin Act in 1849. Through this legislation, municipalities were created as democratically elected bodies with the power to levy property taxes, mainly to fund the construction of infrastructure—roads and schools—and to serve a new, mainly rural and growing province.

Times have changed. We no longer require householders to furnish two buckets for carrying water for fire suppression, as the Baldwin Act did. Municipalities have evolved to meet the changing needs of a changing society. I know from personal experience that municipalities play a vital role in the day-to-day lives of everyone in Ontario. Where once they provided mainly hard services—roads, water and sewer pipes—today they offer a wide range of services both hard and soft. They have had to develop expertise in a rapidly increasing number of service areas that their citizens demand: parks and recreation, child care, community health and economic development, to name just a few.

Over time the legislation governing municipalities has been added to and amended to reflect changing municipal roles. As a result, it has grown longer and more complicated. Parts of it are no longer relevant to today's municipalities but remain in force. At its heart, it remained a prescriptive law telling municipalities in great detail exactly what they were allowed to do. If a municipal council wants to do something new to 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 not, they have to come here to the Ontario Legislature for an amendment.

It's not much wonder, then, that municipalities have been saying since the first AMO conference 102 years ago that the Municipal Act in some cases had become an impediment to change and innovation. What they needed, they said, was flexible enabling legislation, legislation that would set them free to meet the needs of their residents in the best, most efficient ways possible.

I want to stop here. I didn't necessarily write this speech but it's ministry policy. I want to read it into the record one more time. What they needed, they said, was flexible enabling legislation, legislation that would set them free to meet the needs of their residents in the best, most efficient ways possible. I believe that's what the ministry's trying to do.

I mention that in the House right now because on Thursday we discussed Bill Pr22. I think what the ministry is saying here applies to Bill Pr22. I know there's going to be some opposition from both the government side and, possibly, from the opposition side, but I want it on the record that this ministry calls for legislation that would set them free to meet the needs of their residents in the best, most efficient ways possible.

**1850**

This government in 1995 made a commitment to bring forward a new Municipal Act. We promised a modern, easy-to-use act, one that would set out areas of responsibility for municipalities, but doesn't tell them in great detail exactly how to do it.

We also wanted to make sure to maintain the fine balance established over the years among competing interests, a balance that gives municipalities the authority they need to meet local needs while ensuring a dynamic, barrier-free Ontario economy in which Ontario towns and cities can maintain their competitive position. Bill 111 maintains that balance.

Over the past few years, we've been working with key stakeholders—actually five years now—both municipal and business groups, to find common ground and achieve a consensus. This bill is a result of that work.

Let me touch on some of the highlights of this bill. If it is passed by the Legislature, this new Municipal Act would give municipalities the tools they need to tackle the challenges of governing in the 21st century. When it takes effect on January 1, 2003, it would allow municipalities to organize and deliver services as they see fit, involving the private sector where appropriate, in

keeping with local needs. I'd like to repeat that. When it takes effect on January 1, 2003, it would allow municipalities to organize and deliver services as they see fit.

It would give municipalities broad, flexible authority in 10 areas of jurisdiction. 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 people and companies have to conduct day-to-day business without the need for specific legislative authority.

Then there are matters of significant provincial as well as local interest. They include the natural environment, health, safety and nuisance. In these areas, in order to protect the provincial interest, the proposed act sets out municipal powers in more detail rather than through broad spheres of jurisdiction. Provisions governing those powers would be streamlined.

I'd like to go back. Then there are those matters of significant provincial as well as local interest. They include the natural environment, health, safety and nuisance. But you will notice that in here they don't mention housing.

These had been considered for spheres in the 1998 draft, but we the government heard loud and clear from municipalities that the limits placed on them in the act were unacceptable; therefore, we have left them as prescriptive powers, a compromise that both levels of government can work with.

As with any broadening of authority, a balance of accountability must go hand in hand. I would point out that municipalities are already subject to certain accountability measures, including, of course, elections every three years. The proposed legislation would add a few more, such as licensing and user fee processes that would be made tighter and more transparent, and municipalities would be required to pass bylaws setting out procurement procedures. These measures are already standard practice in many municipalities.

The proposed new act also responds to municipal requests for tools to make their communities safer when dealing with problem properties. It would allow municipalities to pass bylaws on matters that in the council's opinion are or could become nuisances. They could also ask the courts to close down properties that are causing public nuisance. 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 in question.

The proposed act would also help municipalities deal with heavily fortified buildings used by motorcycle gangs as clubhouses, or by others, by allowing municipalities to enact bylaws to address excessive fortification of buildings.

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

I mentioned earlier that the government worked together with stakeholders in order to make sure this bill meets their needs. That co-operation did not end with the introduction of the bill. We have continued to hear from municipalities, municipal associations and others with an interest in municipal government.

During the committee hearings, we heard about parts of the bill that could be made clearer, minor house-keeping changes that would improve the legislation. The bill before us for third riding today incorporates a number of those sorts of amendments.

There is one substantive amendment, though, that I'd like to mention. The bill now includes a requirement for a complete review to begin before the end of 2007 and every five years after that. The suggestion was made by the Association of Municipalities of Ontario, the Association of Municipal Managers, Clerks and Treasurers of Ontario, the city of Toronto, the Ontario Chamber of Commerce and the Toronto Board of Trade. This amendment should keep the Municipal Act current. It should mean that 150 years from now another Minister of Municipal Affairs and Housing won't face the daunting challenge of fixing a Municipal Act that's 150 years out of date.

Bill 111 would also formally recognize the importance of consultation between the province and municipalities on matters that directly affect them. Discussions are already underway with the Association of Municipalities of Ontario on a memorandum of understanding to formalize the consultation process. The minister expects to sign that memorandum of understanding very shortly.

This new Municipal Act, if it is approved by the Legislature, would become the cornerstone for our new, mature and more productive relationship between Ontario's municipalities and the provincial government. This legislation, as I mentioned, is long overdue. It has the support of those who will be most affected by it, and I encourage my colleagues to pass it today.

**The Deputy Speaker (Mr David Christopherson):** The floor is open for further debate. We'll pass by the official opposition. Are you standing or sitting, member?

**Mr Gilles Bisson (Timmins-James Bay):** Sitting.

**The Deputy Speaker:** Then I recognize the member for Oak Ridges.

**Mr Frank Klees (Oak Ridges):** I'm pleased to join the debate on Bill 111, the proposed Municipal Act, 2001.

In 1995, the government made a commitment to bring forward a new Municipal Act. At that time, we promised an act that would be modern, streamlined and easy to use. It would be readily understood. We wanted to introduce an act that sets out areas of responsibility for municipalities but does not specifically tell them in great detail exactly what they are permitted to do and how to do it.

I recall many years ago listening to municipal politicians talk about the fact that they feel they are such a creature of the province that they are unable to do many things that they feel are appropriate and make good common sense, but an outdated Municipal Act prevents them

from acting judiciously to follow through on some of those initiatives. It has been a very long time in coming. I know that appeals were made to successive governments in this place to deal with this issue, and for one reason or another it has never been done. We have understood over the last number of years, since our government took on this challenge, why perhaps other governments withdrew from that responsibility, because it is in many ways overwhelming. It is a substantive piece of legislation. There are many protocols that have been in place for many years. To now move into that and begin to refine and to modernize that piece of legislation is not an easy task.

I want to commend the Ministers of Municipal Affairs and Housing of our government and of course the current minister, the Honourable Chris Hodgson, and his astute parliamentary assistant, Mr Kells, who in his own right has brought a great deal of wisdom to the drafting of this legislation and gave a great deal of guidance to our caucus as we moved this bill forward.

We wanted to make sure we would also maintain a balance that has been established over the years among competing interests, that balance that gives authority to municipalities to meet local needs, while ensuring on the other hand a dynamic, barrier-free Ontario economy in which Ontario towns and cities can maintain their competitive position. What we didn't want to do was overstep that balance and somehow create an unhealthy competition between municipalities. So we feel, in this legislation we're bringing forward today, that we have been able to find that balance.

#### 1900

This balance was achieved, I would point out, after several years of discussions with all affected stakeholders across the province. The government released draft legislation, in fact, in 1998 that generated a great deal of debate and discussion. Since then, the government has worked with key stakeholders, including both municipal and business groups, to find common ground and to achieve a consensus, which at some points it seemed perhaps we would never achieve. But to the credit of all the stakeholders, all the parties involved, we have been able to bring to the floor of this Legislature a piece of legislation that has in large part achieved that consensus.

Earlier this year an understanding was reached among key stakeholders on most of the fundamental issues addressed in this legislation. At the conference of the Association of Municipalities of Ontario in August, the Minister of Municipal Affairs and Housing released an outline of the government's proposed direction, and I might say the reaction at that time, within that conference, by the members of that association was extremely positive. There continued to be issues that were of concern to some, and we continue to listen and hear from them. If this legislation is passed by the Legislature, it would give municipalities the tools they have told us they need to tackle the challenges of governing in the 21st century. Certainly the conditions are very different today from they were at the time the existing act was drafted.

Of utmost importance is the fact that it would give municipalities the authority to organize and deliver their services as they see fit, not as someone else at Queen's Park dictates that they should do. Because we want to recognize through this legislation that circumstances in different areas across the province are different and they have their unique circumstances, we have responded and have given to the municipalities that authority to do business as they believe is most appropriate for their circumstances in their jurisdictions.

In addition to that, we've allowed for an involvement of the private sector, where appropriate. It would give municipalities broad, flexible authority in 10 broad areas of jurisdiction. I just want to enumerate those for the record. These 10 areas are public utilities; waste management; public highways; the transportation systems; culture, parks, recreation and heritage; drainage and flood control, with the exception of storm sewers; parking; economic development services—and this particularly is important, that we allow municipalities to deal with economic development issues as they relate to their particular economic environment; structures not covered by the Building Code Act; and animals. It would also give them natural person powers, and the parliamentary assistant referred to that. Effectively, these are those powers that a person in this province would have to conduct day-to-day business without the need for specific legislative authority. I think that particularly is an important principle as we move forward and as we look for municipalities to assume more and more responsibility.

There is inherent in this legislation a desire on the part of the provincial government that there be initiative at the municipal level, that we as levels of government would begin to work together co-operatively, as opposed to suggesting that a problem that one level of government is having is because one other level of government isn't allowing them the jurisdiction to deal with their problems. At the end of the day, what we want, what our objective is, is that we would work co-operatively together, that each level of government would assume responsibility.

Equally as important as responsibility is accountability. This act would bring into the picture a strong system of accountability of the municipal level of government, yes, to the provincial Legislature, but also to the people in that community. At the end of the day, we believe that is critically important.

There are a number of areas I would like to comment on, but I see the time is running down. I know my friend from Kitchener would like to have his opportunity to debate this bill as well, and I'm sure he'll cover some of those off.

I want to again commend the leadership of our ministers of municipal affairs over the last number of years who have shepherded this legislation through its various stages, and I look forward to all members of this House giving quick approval to this bill.

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

**Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot):** My apologies to the House for perhaps missing an earlier cue.

I'm pleased to stand and join in the debate on Bill 111. We on this side of the House—certainly my Liberal colleagues—believe and know that Ontario municipalities are the primary engines of this province's social, economic and cultural life. We believe that it takes a real partnership to build the kind of strong, healthy and prosperous communities that we all, on a good day, would claim to want.

We on this side of the House understand the importance of a progressive, contemporary new Municipal Act, one that meets the 5R requirements of municipalities: the requirement of respect; the requirement of recognition; the requirement that real revenue tools, not just the hammers and screwdrivers that they've become so used to, be made available; that a real partnership be put in place; and, finally, that the Municipal Act be relatively regulatory-free.

While this government is wont to talk about its vaunted memorandum of understanding, we on this side of the House understand all too clearly that the most important memorandum of understanding is in fact the Municipal Act itself. It's the Municipal Act, after all, that defines specifically what municipalities can and cannot do and how they should go about their business.

It would be unfair not to give some credit to the minister and the government opposite.

**Mr James J. Bradley (St Catharines):** I don't know about that.

**Mr McMeekin:** Well, I'll be careful, Jim.

Over the last century and a bit, we've had some 300-plus amendments to the Municipal Act. It's not as if, as the government would tend to characterize, we're back into the pony, pail and water scenario. In fact, the act, notwithstanding its complexity, worked relatively well for a great number of years.

**1910**

There was always the academic argument—you and I, Mr Speaker, have talked about this from time to time—"Gosh, golly, gee, isn't it awful that municipalities don't have a clearly set out, contemporary, constitutional framework?" But after the party or after the discussion, it always seemed that municipal leaders went about doing what they do best: getting on with building strong, healthy, prosperous communities. It has only been of late, in the last six years or so to be precise, that municipalities have begun, almost as if in chorus, to speak out about the need for a new Municipal Act. I suspect if the government were completely upfront with respect to that, they would have to acknowledge that that's by and large because of the cumulative sense of abandonment that municipalities have experienced.

I have a 10-year background in municipal elected office, as do some 20-odd of my colleagues here. We've certainly had a great deal of time to look at this—

**Mr Peter Kormos (Niagara Centre):** On a point of order, Mr Speaker: Is there a quorum, sir?

**The Deputy Speaker:** Would the clerk check for a quorum, please.

**Clerk Assistant (Ms Deborah Deller):** Quorum is not present, Speaker.

*The Deputy Speaker ordered the bells rung.*

**Clerk Assistant:** Quorum is now present, Speaker.

**The Deputy Speaker:** The member for ADFA may continue.

**Mr McMeekin:** Thank you, Mr Speaker. I'm pleased that the quorum is now present, because what I have to say is so darned important.

The government members opposite talk about their desire in this new act to balance competing interests. I think they've done that very well. In fact, I think they've done it so well that very little has changed or will change as a result of this new act.

I find that passing strange, because when my good friend the Minister of Municipal Affairs got up in this House to introduce the legislation he said, and some of us on this side of the House took him at his word, that he was anxious to have the debate on this bill in the House and to get it to committee so that we in our cumulative wisdom would have the opportunity to bring all of our experience and expertise to the table and make it a better act. You may recall those reference words.

I can recall that when the bill was introduced we outlined for our part on this side of the House the template, the plumb line, if you like, by and through which we would measure whether this act made sense. We wondered at the time whether it would go any distance toward ending the war of attrition with municipalities. We wondered whether it would bring about real change, whether it would produce some real revenue tools. We wondered whether there would be adequate time for full discussion and debate. Well, we didn't have to wait long for that question to be answered. We hoped there would be an enhanced ability for municipalities, given the new act, and upon reflection, to build the stronger, healthier, more prosperous communities they claimed they wanted to build. Finally, we were curious and anxious to know whether there would be any real power shift between the province and the municipalities, but as the government members have already said, they were very concerned about making sure there was a balance of competing interests and that not too much changed. I think it would be fair to say that they have been quite successful in that.

So in the context of the five plumb lines that we had offered up as measuring sticks for this, we on this side of the House are quite disappointed with what is happening now. You know, look, to his credit, the complex series of regulations and what have you needed to be cleaned up. But we would have preferred to see some sweeping changes, not just a sweeping out of the garage. I know in our home when the garage is swept, about all you get afterwards is, "Oh, that looks nice," and that's about it. I think on balance we can say you cleaned up the language and you've done a little bit of work there, and we appreciate that, municipalities appreciate that, but funda-

mentally it hasn't changed very much. It certainly doesn't keep pace with the kinds of changes that we've seen, predicated in large part with the frequent admonition of this government as it moves forward with amalgamations, more often than not forced amalgamations, and certainly the offloading of provincial fiscal responsibilities, something that the Provincial Auditor noted, as you'll recall, was entirely non-revenue-neutral.

I know in the community that we represent the imbalance of the revenue neutrality is exceeding \$100 million cumulative. It's pretty tough for municipalities to survive in that kind of a situation. But it's entirely predictable that a government, particularly one wanting to make itself look good immediately prior to a general provincial election, would move to have somebody else pick up all its mortgage payments; kind of like a no-fault insurance clause. But be that as it may, we'll get to that.

We would have preferred to have seen the distrust level that has been so high with municipalities replaced with a real partnership. The act is to come into play, I believe, January 1, 2003. There's absolutely no reason why the incredible emphasis on the regulations that are going to need to be developed in this memorandum of understanding, which is so affectionately referenced by the members opposite, couldn't have been done and put in place properly. I know there's a lot of fear out there among my previous municipal colleagues with respect to that. One of the members opposite made reference to wanting to see some true changes. I come from an old school that believes that the truth really sets us free. Sadly, this bill and what it purports to do, falls far short. In fact, it's a sad shell of what municipalities had been expecting.

There's some reference to AMO, the Association of Municipalities of Ontario, and their broad-based support for the bill, but I can tell you, I have a list of 50 items in my office that AMO wanted to see included in the bill that weren't included. During the very shortened committee hearings on it, I offered at one point to go and get that list because, given that so few municipalities had a chance to respond at the committee hearings—in fact some, I think, are just learning now that committee hearings had occurred—it would have been useful to revisit some of those. We were profoundly disappointed that we weren't able to do that. Frankly, we needed a government prepared to breathe some life into their frequent rhetoric about trust and respect and partnership.

We worked with the stakeholders, albeit with our hands somewhat tied here, because we had some real difficulties, given the lack of time that was available to people to get their stuff together. So we worked with our municipal colleagues who had some thoughts on this bill, and despite the inherent process difficulties, we were able to develop a whole series of amendments.

#### 1920

I just want to footnote for those who may be tuned in to this debate that the government opposite talks about this process of consultation that they went through and claimed to have some 358 consultations between the last

proposed act and what we see before us. Those who are tuned in to this debate need to know that notwithstanding our request to have access to those, we have to date not seen those. So there's very little way of knowing whether the things that were being said to the government were listened to at all. In fact, we're hearing on an almost daily basis now that much of what was proposed by the so-called stakeholders was, like so much else, swept aside. That's really unfortunate. We can only conclude on this side of the House that the reason for that was that the government really didn't listen to the proposals that were being made, that they were more anxious to rush into the debate and to control the amount of time available, even using closure, time-limited debate, as you'll recall, Mr Speaker, to curb this discussion about the act, which the minister claimed he wanted to see improvements to, whom we took at his word.

So there were lots of amendments put to the legislation, and I want to tell those who may be tuned in tonight, I think there were over 100 amendments. It is passing strange that every single amendment that was placed by the government, every single one, passed, many without any debate at all. Some might say, "What about the amendments from the official opposition and the third party? There were surely some of those?" There were. Not one amendment put by—

**Mr Bradley:** I wouldn't vote for the bill then.

**Mr McMeekin:** Not one. That's a good reason. I think the member for St Catharines makes a good point, particularly after the minister said he was so anxious to see improvements, wouldn't you think? But not one of those amendments in the slightly less than three hours for clause-by-clause debate was embraced by this government.

Let me just highlight in the five minutes and 47 seconds I have left to speak on this specifically some of the shortcomings tied to some of the amendments that we put that were set aside and laughed about and defeated by this government.

*Interjection.*

**Mr McMeekin:** Yes, I'll make sure my colleague has his 10 minutes; I'll go down to 10.

There was no reference at all to a community charter or to charter communities, which is something that's been a big discussion issue in major municipalities like Toronto, Ottawa, Hamilton and elsewhere. Both parties on this side of the House put a motion that if there were to be substantive changes to the funding responsibilities between the province and municipalities, there ought to be a minimum amount of notice set for that. That motion was defeated. Just imagine: to have an opportunity to sit down for six months, which was one resolution, or 12 months, which was ours, prior to that offloading of responsibilities, as a courtesy, predicated on trust and respect in this new relationship. That was defeated.

When we talked about enhanced funding for municipalities and the passing on of some revenue tools, it was defeated. I don't think the viewers will believe this. When both parties on this side of the House moved a

motion to require that no amalgamation of any municipality in this province take place without their consent, with consent being pretty broadly defined, do you know what the majority of the government members of the committee did? They said, "No, we're going to defeat that."

As the former mayor of the town of Flamborough, the only municipality in all of Ontario that actually lowered taxes six years in a row and went to our just reward of being amalgamated with the new city of Hamilton, I'm reminded, particularly given all the reference to memoranda of understanding, of what Al Leach, the former minister, said in late 1998. He said, "We've been very consistent in saying we want a local decision. We will not come in as a government and force a decision on Hamilton-Wentworth." Then Paul Rhodes, the spokesperson for Premier Harris in the last general election, said, "There will be no imposed solution. That is our party's definitive position."

**Mr Klees:** It was.

**Mr McMeekin:** Well, it was until you got elected. That flip-flop makes Flipper look like a goldfish, I've got to tell you. So we had a legacy of promises made, promises spoken, promises broken.

We suggested by way of amendment that the review of this new act ought to take place in 2004: three years to experience it. But no, that was defeated.

We talked about a legislated 12-month consultation period: defeated.

We talked about municipalities having the right to set their own ward boundaries within their municipality. What could be closer to the people than that? Guess what, David?

**Mr Dave Levac (Brant):** I think they said no.

**Mr McMeekin:** It was defeated. It was. I couldn't believe it.

We wanted to add—and ironically, these areas were in the original draft, which mysteriously was dropped out. We can't yet find any of the consultation papers to find out exactly why. We wanted to add specific reference to municipalities having responsibility for affordable housing, for health, safety, protection of the well-being of people and the protection of property. This government laughingly defeated that.

We talked about expanding protection for the natural environment: defeated.

We talked about enhancing some of the requirements around nuisance, including noise and odour and vibration and illumination, and this government, obviously not very illuminated, defeated that.

We looked at concerns of the city of Burlington and Her Worship from the town of Caledon about granting certain controls to municipalities around pesticide control. That too was defeated, as was our reference to economic development not being confused between the two tiers of government and the need, from our perspective, to protect heritage properties by granting additional powers to municipalities. All of those were defeated—defeated by a government that talks about trust

and respect and partnership and accountability. They denied members of this side of the House access to the information so that we could check out their own claims. They asked municipalities to take a leap of faith, and I need to tell you that municipalities, based on this experience with this government, hold little sacred, and they've been given nothing new to believe in.

**The Deputy Speaker:** The floor is open for further debate. Somebody stand up and debate.

The Chair recognizes the member for Beaches-East York.

**Mr Michael Prue (Beaches-East York):** Thank you very much, Mr Speaker.

About nine or 10 weeks ago, I came to this House as a rookie MPP. I guess I'm still the rookie.

**Mr Klees:** You're a veteran now.

**Mr Prue:** I'm a veteran. It has taken 10 weeks.

But I came here as a person who had been involved in municipal politics for some 13 years: 13 long years as a councillor in the former borough of East York, as the mayor of the borough of East York and as a councillor for nearly four years in the megacity of Toronto. Now here I am. And in all those 13 years—

**Mr Klees:** You knew when to get out.

**Mr Prue:** Well, you know when to get out, when those guys have been downloaded on to the extent they have that they are going to be suffering. Even your own auditor has told you that you downloaded too much on them.

**Mr Klees:** Now you want to come here.

**Mr Prue:** I'm here, and I'm here to fight for the people in the municipalities, because as a mayor, as a councillor, as a megacity councillor, we talked very often about the constraints on municipalities and how municipalities weren't getting a good deal. It wasn't just this government; it was all governments.

When I started out in municipal politics, there was a Liberal government, and we didn't have a Municipal Act that did anything for the municipalities. It was at that time about 140 years old. Then we went to an NDP government and we didn't get a new Municipal Act. Then we got a Conservative government, and it took five years, but we finally got one. Somebody finally did something. I commend whoever was involved for taking 149 years to think this out, but I also tell those same people who took 149 years that they could have done a whole lot better job. One can be thankful for having done something, but one can also be angry because what needed to be done after 149 years wasn't done.

**1930**

The municipalities have longed for the day when they can come into the light. They have longed for the day when they can be recognized as a mature level of government within the Canadian polity. They have longed for that day when people will recognize and know that the municipal government carries on a great many of the local and daily needs of the populace. In fact, if you want something done, if something is troubling you in your

municipality, township, borough, city, town or village, it is more than likely it is going to be a municipal issue.

The municipalities have had, and continue to have, great dreams. They look around the world and see other municipalities that seem to be doing so much better than the municipalities of Ontario. They look to the United States. They look to places people wouldn't go 10 or 15 years ago. They look at Cleveland, at New York and at Indianapolis. They look at places in the United States where people wouldn't go 10 years ago because of the degradation, the crime, the poverty and what was happening in those cities. They look today, as federal and state dollars flow into those cities, and they see a rebirth. They do not see it here.

They look to Europe and they see the great cities of Europe where the governments of those countries are putting in hundreds of millions of dollars, or pounds or guilders or whatever they use, to make those cities absolutely phenomenal. They look to places in South America and to places in Africa. They look where the cities are building. They do not see the same commitment here. Even within Canada, they look at the rebirth of Montreal and they look at Quebec City. They look at all the cities across this country from Vancouver to St John's, which has its own charter, and to St John, New Brunswick, which also has a charter, and they do not see the same things happening in Ontario.

They waited a long time for this bill. They waited a long time for people on that side of the House and on this side of the House to say that the bill was coming and there were going to be fundamental changes in the cities and the major towns of this province.

Most people live in urban areas today. The days when the people of Ontario lived in rural areas or the far north, when there was a balance between those people and those who lived in the city are long since past. Most people today live in an urban environment and understand the city and the town in which they live. They do not understand and fail to recognize a government that will not let them come to the same kind of maturity that is happening all over the world.

Having said that, I still commend—I commended it in a speech some seven weeks ago—the government for bringing forward a bill after 149 years. I still commend the government for reducing that former bill from 1,100 pages, which no one, not even the best lawyers and the best minds in this country, could possibly understand, down to 365 pages. I still commend the government for taking that antiquated bill and using some modern language so that when you read it, most of it—not all of it—makes sense to a common layperson. I still commend the government for clarifying the jurisdiction municipalities will have, setting out that little section where there are 10 jurisdictions where the cities, the towns and the villages will have jurisdiction over items that are solely in their control.

Those are three good things about the bill. I'm not going to stand here and say there are not good things.

The bill did not include, and maybe should not have included, things that city mayors, city politicians across Ontario are looking for. They are looking for charter status. They are looking that the cities be recognized within the Constitution and have the same rights to be recognized as a provincial government, as a territorial government, as a federal government. They believe the time has come in the evolution of municipalities that they should have that same charter status. I do not disagree with them, but it is not in this bill. Maybe it will come one day, but it is not in this bill.

They are looking for funding. All of the cities have found that it is increasingly difficult for them to raise funds simply from the municipal tax base. It is a very closed tax base. It is hard to gain additional funds. There are no opportunities when gas prices go up or sales go up for the provincial sales tax or the GST or anything else. They do not have any other source, save and except what is granted to them by the province, what they can get from user fees, or, most importantly, what they get from direct taxation of property.

They are looking at the entire problem of downloading. In some municipalities it has been a huge problem; in some, not so bad. The one that I think has had the worst problem is the city of Toronto. The Provincial Auditor has said that some \$140 million is being siphoned out of that city directly into the provincial coffers.

I listened today to one of the speakers from the government side talk about the federal government downloading to the province. There can be no doubt that that happened, absolutely no doubt. The federal government has downloaded to the province and has not provided sufficient money to do a whole, broad range of things, including, and most importantly, health care.

But there can be no doubt as well, for anybody who is halfway honest, that the same scenario has worked its way from the provincial government to the largest of the Ontario municipalities. They are suffering hugely from downloading. They are suffering from downloading of transportation, from downloading of housing, from downloading of education costs, from downloading of just about every government program you can think of, in the case of Toronto especially. As I said, the auditor said it was some \$140 million a year which the taxpayers of Toronto must now pick up and run with. That's about \$55 a head.

There's nothing in the bill that talks about amalgamation or what might happen in amalgamation in the future. I would tell you that a great many municipalities continue to be worried about that prospect, because they have seen the failure of amalgamation right across this entire province. They have seen a place like the city of Toronto, whose costs have risen. They have seen a place like the city of Toronto, which most importantly has lost almost all of its public sector involvement. Where before there were hundreds or thousands of volunteers who came out to help, they are now dwindling to almost none.

In my own former borough of East York, we had over 300 volunteers whom we would fête once a year for having been involved in everything from parks and recreation to the local boards—the board of health, the parks and recreation boards, just about everything. They belonged to every little facet, including the safety council. There were 300 people who were plugged in in a municipality of 100,000 people. I've gone around to ask. You know how many are left after amalgamation? There are two people left who are still involved in the municipal structure.

The failure was not whether it made more money or made less money; the failure was that people used to be involved and no longer are. People throughout the province, even though there are 460-some municipalities left, still worry about that amalgamation.

The biggest failure, and the reason I'm standing here tonight speaking so passionately, I hope, about this is that the good thing that was supposed to have been included in this bill was a memorandum of understanding. The memorandum of understanding was to have been written to allow the municipalities to at last be recognized by the provincial government as being a legitimate level of government that had a jurisdiction. They were to have signed that memorandum of understanding. They were to have committed themselves to participating as much as the law would allow them to do. That memorandum of understanding has not been signed. It is not a part of this process.

I have said from the beginning that without a memorandum of understanding having been signed, the bill itself is not very useful, because the bill continues to allow the Minister of Municipal Affairs and Housing to just run roughshod over any of the municipal interests. It allows him or her to change any single decision that they make and it allows the municipalities to continue to be the weak sisters in this whole relationship.

#### 1940

It has not been signed, and I would think that for it to be signed after the fact will further weaken their responsibilities and further weaken what they are able to do. After the bill is signed, whatever is put in front of them will be all they are going to get. They have no leverage left, and the government has not seen fit to negotiate and to finalize a deal before today's date. It was essential that it be signed before today and it was not. It was essential because: (1) it would recognize them as a legitimate level of government; (2) it would commit for all times the partnership that the province sees with the 460-some municipalities; and (3) it would show the seriousness of the commitment, that the government was firmly committed to making sure that this process and this bill worked.

It was not signed. There has been absolutely, as far as I can understand, no movement. I have not heard from Ann Mulvale, I have not heard from any of the organizations that represent towns or cities, and quite frankly, if it is passed into law tonight, there is nothing that they

will be able to do other than sign whatever agreement is put in front of them.

In one of my first speeches in this House, I promised support if there was some substantive consultation and change. I meant that with all my heart, because I believed at the beginning that this was a good bill, that with consultation and change, with the municipalities coming on board, with both sides of the House and the goodwill of all people, there could be some changes made that everyone could accept that this was major step forward. Unfortunately, I guess because I am a rookie and because I still believe, I thought that there might be a chance that there would be consultation, that people would be brought in from everywhere and could talk about the changes they wanted. I thought there would be a chance that the government would hear everything out. I thought there was a chance that we would be listened to when we came up with good ideas. None of those things, unfortunately, happened, and I guess my naïveté was shattered within a few weeks of arriving in this place.

The first thing that happened was closure was invoked and we had to go immediately to committee. The committee was to have gone to four places—only four places in the entire province—within about a week.

**Mr Bisson:** How many municipalities are there?

**Mr Prue:** There are 460 municipalities, but we were going to go to four locations. We were going to go to Windsor, we were going to go to Ottawa, we were going to go to Hamilton and we were going to go to Toronto. That's four municipalities out of 460, but I guess they are kind of located in southern Ontario and maybe 300 of the municipalities could have got somewhere close to them. But they were given only a few days to come up with the ideas they wanted.

Because it was not advertised at all, the first meeting, which was to have taken place in Windsor, did not materialize. Then the second meeting, which was in Hamilton, was very poorly attended, because people hadn't even heard about it. The mayor of Hamilton—and it was right in his own city—wasn't even aware it was taking place and a bureaucrat showed up. He wasn't even aware that there was a meeting going on. We were supposed to go to Ottawa. It was cancelled because they had not been given sufficient notice. Then in Toronto there were some eight or 10 speakers who came forward to talk about the act. There was nothing in the north. There was nothing north of Ottawa. There was no opportunity for them to speak, to be consulted or to participate. It was a very sad day for democracy.

It was also a very sad day when all the deputants who did show up came and talked about change, about making the Municipal Act better, and nothing happened at all to make it better. Not one amendment that they suggested or the opposition suggested made it beyond the mere statement, nothing.

These municipalities are some really strong municipalities, some really good ones. The previous speaker talked about some of the things that didn't happen. I'd like to go over some of those too, because the ideas that

were discussed by these mature municipalities, because they wanted to make the Municipal Act work better for their own jurisdictions, were not listened to; they were not acted upon. They were just given short shrift; that's all that happened.

Some of the changes they suggested I think would have been good changes. I believe the city of Toronto asked that there be six months' notice given by the government whenever they were going to download a program in order that they could make sure they had enough tax money and the wherewithal and expertise in their bureaucracy so they would be able to get prepared and carry out the new program.

**Mr Bisson:** The government accepted it?

**Mr Prue:** No, that idea went nowhere.

**Mr Bisson:** Nothing?

**Mr Prue:** Nothing. The next one was that the city of Toronto requested it be given the same opportunity as every one of the other 460 municipalities in Ontario to choose their own wards; that is, they would be able to choose the number of wards and the configuration of the wards. The city of Toronto was told—

**Mr Rosario Marchese (Trinity-Spadina):** Toronto gets nothing.

**Mr Prue:** —that they could have nothing, that they were unique. Can you imagine being told you're unique? It's OK to be unique when you're given the best, but when you're unique and given the worst, that's a really different scenario.

There were 10 items of jurisdiction that were suggested, and I commend the government for coming forward with those, but the city of Mississauga suggested that that wasn't good enough, that there were three or possibly five others that should have been included.

**Mr Bisson:** What did Hazel want?

**Mr Prue:** What Hazel and other people wanted were really intelligent, good things. They wanted affordable housing to be part of what the municipalities—and why not affordable housing? Affordable housing has been downloaded on all the municipalities. They have to pay for it, they have to run it, but it's not within their sphere of jurisdiction. That doesn't make any sense.

They wanted health and safety to be included. They have responsibility for all the boards of health in all the municipalities and regional governments. It's not in there. They wanted control over the environment, because of the bill and the legislation and the court case for Hudson, Quebec, about spraying. They wanted something in there so that they had control over the environment within their regions or their municipalities. Nothing happened. They wanted an opportunity to talk about noise and nuisance and things their bylaws control. Nothing happened.

The one that got me the most was that they wanted an opportunity to say they were responsible for planning, which is mostly what they do, and that's not there. That's not in the bill as well.

**Mr Marchese:** What's in the bill?

**Mr Prue:** Nothing's in the bill.

**Mr Bisson:** So why are we voting for this?

**Mr Prue:** I don't know whether we are yet. I don't think so.

Then we get to some of the other things that were brought up: demolition of affordable housing. The question was brought up, "Why can't we have something in there for demolition of affordable housing?" The government said, "We're going to deal with that in the Toronto case," and in fact, some time this week they did that. At least in committee they've said there will be a bill to stop the demolition of affordable housing, in Toronto only. But the problem pervades this entire province.

**Mr Marchese:** Toronto's unique.

**Mr Prue:** Yes, Toronto is unique, I guess, but they have the same problem in Hamilton, Windsor, St Catharines and Ottawa. The vacancy rates in all those places are 0.1% to 0.9%. They have the same problem with the demolition of affordable housing.

They asked for the opportunity to protect their heritage and that was denied. Any building in Ontario can be torn down in six months. Municipalities want to try to save those buildings, but they can't.

They wanted an opportunity, in the case of Brantford, to own public shares in their own public utilities commission. They can't have that. They cannot own shares in their own public utilities commission that is run within their own city. The government denied that.

They asked for an opportunity to be responsible for toll highways. There were people who came from the Canadian Automobile Association who made a very good suggestion. The government told me they totally agreed with their suggestion, but they wouldn't agree to it because it had been proposed by them and by us, I guess. They were going to wait for another day. What they wanted were toll highways where you couldn't charge a toll on a highway unless (a) it was a new highway, which makes sense; (b) it was a highway reconstructed at great expense, and I can point out the example possibly of the Gardiner if they ever decide to bury it as it will have to be paid for somehow; (c) if the highway had been downloaded from the provincial government to the municipality and the municipality had to pay for it. Obviously, that wasn't going to wash, so now there are going to be toll highways. There was nothing in there to protect the motorists.

#### 1950

The city of Toronto wanted to do front-yard parking. There are 40,000 front-yard parking pads in this city all around this Legislature building. They were denied an opportunity to have that included. Halton Hills and Caledon Hills wanted an opportunity to protect their woodlands, which are in the Oak Ridges moraine, and that was denied. I cannot believe that was denied. All they asked was that every woodland beyond 0.5 hectares would be protected, and that was denied too. St Catharines came and asked about licensing rooming houses to stop the problems, especially in university towns, with eight, 10 and 15 people living in rooming houses without licensing. That was denied. They talked

about licensing transient traders in places like the city of Toronto, which now can't be done. So that means there'll be hot dog carts on every corner. There's no opportunity to license them within the act. I don't know how it's going to happen, but I'm sure the restaurateurs and the people in this city of Toronto—

**Mr Garfield Dunlop (Simcoe North):** Put that in Hansard.

**Mr Prue:** Yes, put it right in Hansard—are going to be very happy when the court cases say that it's not there.

There was a problem of the elected PUCs. There are still some municipalities, of the 460 or so in this province, that elect their public utilities commissioners. They will no longer be able to do so. There are now going to be appointed commissioners, and the democracy that is still left in a few of these municipalities will be gone forever. Their efforts to save their elected PUCs have gone for naught.

There is the problem of municipal politicians everywhere. I'm probably going to get a whole bunch of catcalls on this one, but municipal politicians by and large get a salary, one third of which is tax-free. The entire problem with this bill is that they have to register that they want to keep the one third tax-free, of course with the publicity that then ensues. The alternative is that they can raise their pay, the same way this provincial Legislature did, in order to cover for that, and then have the newspapers write that they've all given themselves a huge increase, which isn't true as well. Instead of just legislating it, you've made it almost impossible for municipal politicians across those 460 municipalities.

There is the problem of the tax increase over and above all classes. There are certain municipalities, of which Toronto is the best example, which this Legislature has said cannot charge tax increases on anyone except the residential tax base. That is the homeowners. If you want to raise taxes, you cannot raise them on multi-residential, you cannot raise them on commercial, you cannot raise them on industrial; you can only raise them on the residential tax base.

There is an argument to be made, and I will acknowledge there is an argument, that some of the tax levels for multi-residential and industrial and commercial are too high in the city of Toronto. But surely that decision should be made by the municipal politicians themselves and not by the Legislature saying that the tax increase can only come from one class in one city and that no one else is affected. That is a very unfair burden to put on that city.

We heard from the cities of Toronto and Mississauga, from Halton, Brampton, Vaughan, Bradford, Hamilton and Caledon, and all of their suggestions were for naught. Anyone must know that the cities in this province are the future of this province. As the cities go, so will the province go. As the cities go, so will our people go. As the cities go, so will our prosperity go. Unless the government is willing to take the extra step, unless the government is willing to give them the kind of authority and power they need, then the cities will forever be poor

second cousins. This bill, which held great promise only five or six weeks ago, is now a bill that is going to do not much more than lower the number of reading pages from 1,100 to 365. It is going to leave the cities exactly where they were before, the poor second cousins with no authority.

**The Deputy Speaker:** Further debate? The Chair recognizes the member for Essex.

**Mr Bruce Crozier (Essex):** Thank you, Speaker. I'm absolutely amazed that the backbench government members don't want to get up and extol the greatness of this bill. Not only do we get stifled by closure motions, but when the government has an opportunity to speak, they just simply pass it by. I find that strange.

What I also find strange is that we're in the third reading of this debate on Bill 111. It was introduced about seven weeks ago and then, after second reading on November 7, it simply sat idly for a month. But suddenly the pressure's on. Suddenly, along with another 20 bills, some of which were introduced last June, the pressure's on and we've got to get them passed. That's probably why the government members don't want to stand up and speak on this bill tonight, but I hope I've encouraged them in the next round to use the few minutes they had left.

I think those of my colleagues who have spoken before me will have said that we oppose this Bill 111 because, notwithstanding that it's a first step, a small step, we think there are some major steps that should be made. You know, the problem with a small first step is that there's always concern that there will never be a second step. I'm afraid that some of those who are supporting this bill are anticipating that there will be this great second step somewhere down the road.

Some of the measures in the bill—

**Hon Norman W. Sterling (Minister of Consumer and Business Services):** It took 114 years to take a small step.

**Mr Crozier:** Well, not all of us were around here 114 years ago like the Minister of Consumer and Business Relations, and I hope he's around for another 114.

**Hon Mr Sterling:** If you can't take a giant step, take a baby step.

**Mr Crozier:** There we go.

The bill is only a minor first step, as I've said, in reversing some of the Conservative government's dismal record of mistreating Ontario's municipalities. Massive downloading responsibilities in the last few years, cuts—cut first, consult later—and forced restructurings and amalgamation are some of the things that have happened in the past under the previous bill.

We in the Ontario Liberal Party believe that a new relationship should be built between the province and the municipalities. I speak only of one example, and that is that the government of the day talks about trust, they say they trust the municipalities, and yet a small example is that they don't even trust the municipalities to be able to put the wording on their own assessment bills. The Minister of Municipal Affairs has to approve that. Well,

to me that's not trust. I look back at my municipal days, when I was on municipal council. I think we had a responsible municipal council; I think we had a municipal council that spoke for the citizens of the municipality. I think we had an administrative team that spoke for the needs of the municipality. I can't think of an instance when they wouldn't have presented any case to the citizens of the town of my municipality except in open and transparent honesty. We hear of openness and transparency and trust, and yet here's an example where this government won't even trust a municipality to put the simple wording on an assessment notice.

There are some positive elements of this bill, as there are in most, or many, bills that are presented before this Legislature. Included in this bill are the bases of three Liberal members' bills that were presented initially as private members' bills. Sandra Pupatello's rave bill, 2000, proposed that municipalities be required to issue a permit before a rave occurred. Bill 111 gives municipalities the ability to license and to regulate raves. Michael Bryant and Dave Levac's Bill 104 allowed municipalities the ability to restrict and regulate the use of fortifications on buildings. Bill 111 grants these powers to the municipalities. Rick Bartolucci's Bill 24 allows for the licensing and regulating of adult entertainment parlours by municipalities. Bill 111 gives municipalities expanded powers to license and regulate body-rub and adult entertainment parlours.

#### 2000

There are some misleading elements of the bill. I know that's a harsh word, but I think it's appropriate in this case because there was the promised memorandum of understanding that commits the province to consult with municipalities before making policy changes. This was not included in Bill 111. The government has committed to discussing this only after the bill has passed. Well, we'll see how that goes, but we know the record of this government when it comes to carrying out its promises after the fact. At a minimum, this memorandum of understanding should be enshrined in the legislation. An even better alternative is to follow the lead of other provinces, such as British Columbia, and implement a community charter officially recognizing municipalities as a separate order of government.

This morning I had the privilege of meeting with some representatives of the government of Ethiopia, and they were very interested in the relationship between our levels of government—federal, provincial and municipal. I had to admit to them that federally and provincially the responsibilities of those levels of government are enshrined in the Constitution but that municipalities, as we all know, are simply creatures of the province and unfortunately sometimes they're simply treated as creatures and not treated as whole partners.

MPPs, members of the provincial Legislature, will not be allowed to review and debate many of the key elements of Bill 111 because they will be set by regulation. As we all know, the devil is in the details, and if too much of this is left to regulation it won't even be

brought before this Legislature; it will be a stroke of the pen by the minister, and the municipalities will have to abide by it.

The rules limiting the establishment and the amount of municipal user fees: this power, for example, has been given to municipalities. This, from a government that has established hundreds of new user fees. The only difference is in semantics. This government doesn't like to call user fees taxes, but my colleague from Scarborough stood today and outlined how there are going to be outrageous increases on the rates on Highway 407. Now, if that isn't a tax for using the 407, I don't know what is, and particularly when it would appear that this government had said, on privatizing the 407, that the rate increases would be limited. Now we can see that there's absolutely no limit to the increases on the 407.

There were many amendments proposed to this bill, not only by the opposition, but by groups that came before it. For example, the Association of Municipal Managers, Clerks and Treasurers of Ontario proposed a number of amendments, and they wouldn't even listen to those experts. They are the experts in the municipal area. They are the ones who advise our councils. This government chose not to listen even to them. It's a pity that the word "trust" really doesn't mean what this government says it is.

**Mr Wayne Wettlaufer (Kitchener Centre):** Once again, we've heard the members of the opposition talk about consultation and co-operation and competing interests. I remember when I was in business and how I felt that the municipality wasn't responding to my concerns as a businessman.

#### *Interjection.*

**Mr Wettlaufer:** The member from Timmins-James Bay isn't interested in what anybody else has to say, other than himself, so he's rambling on and cackling and chirping.

Anyway, what I was really concerned about is the fact that as a businessman running my own business—it was a small business—I remember being very concerned about the fact that the municipalities were increasing taxes and not receiving a whole lot of input into the process from small business people. That was the accountability issue.

The other concern that I take issue with on the part of the Liberals here is about the fact that they said this was introduced only five or six weeks ago. I would like to point out that the process into this piece of legislation began in 1995 when we got elected. The proposed act was developed in consultation with municipal and business stakeholders. The development of the act was a commitment of our government when we got elected in 1995. In the fall of 1995, an advisory group was established, chaired by the parliamentary assistant to the Minister of Municipal Affairs and Housing. This group was comprised of municipal stakeholders.

In March 1997, the province released a discussion paper on a proposed new Municipal Act. Response was generally positive. Stakeholders told us they wanted to

see the entire draft act before it was introduced in the Legislature. So what did we do? We responded to the request by releasing a draft Municipal Act in February 1998.

The consultation process on the 1998 draft Municipal Act involved two phases. First, a three-month public consultation took place. As part of this process, the draft legislation was sent—was sent—to all municipalities, 130 First Nations and more than 70 stakeholder organizations. These organizations included municipal associations and, surprisingly, professional and business groups.

The full draft act was posted on the Ministry of Municipal Affairs and Housing Web site for more public input and greater public access. Five expert panels were organized to review portions of the draft act. Panel membership included CAOs, clerks and treasurers, engineers and solicitors.

These panels discussed technical and implementation issues relating to practices and procedures, waste management, roads, transportation and public utilities. The government received approximately 320 submissions from municipalities and major client associations, such as the Association of Municipalities of Ontario and the Association of Municipal Managers, Clerks and Treasurers of Ontario.

The second phase of the consultation process included meetings with stakeholder groups. Now, I know that's not enough for you. You wouldn't even have talked to all of them, I say to the Liberals through you, Mr Speaker.

Ernie Hardeman, former parliamentary assistant to the Minister of Municipal Affairs and Housing, held 13 meetings with more than 20 stakeholder groups representing the municipal sector and the business community. The meetings with the municipal sector included representatives of the Association of Municipalities of Ontario, the Rural Ontario Municipal Association, the large urban mayors and chairs of Ontario, GTA mayors and regional chairs and the Municipal Finance Officers' Association. That's just to name a few of them.

Business organizations that attended the meetings included the Urban Development Institute, the Metro Board of Trade—

*Interjections.*

**The Deputy Speaker:** Take your seat, please. It's getting so loud in here I literally almost cannot hear the member, and he's not that far from me. Let me say, it's not just the opposition benches. Please, let's give the respect due the member and allow him his time.

Sorry for the interruption. Please continue.

**Mr Wettlaufer:** Thank you, Speaker.

We also included the Canadian Federation of Independent Business, which represents small businesses throughout this province, and across Canada as a matter of fact.

2010

**Mr Ernie Parsons (Prince Edward-Hastings):** Who cares? What have you done for small businesses?

**Mr Wettlaufer:** “Who cares?” you said, Mr Parsons. Oh, I see. Mr Parsons, the member for Prince Edward-Hastings, says, “Who cares?” Who cares about small business? That's your feeling; that's the Liberals' feeling about small business. Well, this government cares about small businesses and the jobs they provide.

The meetings with the business community also included the coalition of industries concerned with the impact of the new Municipal Act, a very important stakeholder. The coalition included the Ontario Automobile Dealers Association, the Ontario Hotel and Motel Association, the Ontario Accommodation Association, the Canadian Council of Grocery Distributors and the Retail Council of Canada, to name just a few.

Concerns were raised by both municipalities and the business community. Generally the municipal sector believed the proposed act was a little too prescriptive, while the business sector was concerned about the potential for increased user fees and increased regulation on the part of municipal governments.

As a result, the government delayed introducing a new act until we could work on developing a new approach. In March 2000 the former parliamentary assistant to the Minister of Municipal Affairs and Housing, and now Minister of Agriculture, Brian Coburn, met informally with municipal and business sector representatives from across the province. In August 2000 the former minister, Tony Clement, committed to a last round of consultations on a new Municipal Act designed to resolve key outstanding issues. During this round of consultations, the minister and ministry staff met with many municipal and business representatives. When Chris Hodgson became the Minister of Municipal Affairs and Housing, he guided the process through the final stages of consultation and negotiation.

As you can see, the government was committed to developing a consensus, and over time, through extensive consultations by this government, we believe we have found areas of agreement between the municipal and the business communities on key concerns.

Technical working groups were established to study some of the key issues, such as licensing, user fees, corporations and debt and investments. These groups included many municipal and business representatives. These multi-stakeholder groups developed some important principles on these issues, and will continue to work to help develop the regulations required to implement these portions of the proposed new act.

In August of this year, Minister Hodgson announced the legislation would be introduced in the fall session of the Legislature. The minister released the New Directions paper that set out in detail what the new act would contain. On October 18, in this fall sitting, Bill 111 was introduced in the Legislature.

The government believes this proposed legislation creates a workable balance among competing interests. It took some time, but we believe this legislation provides the necessary tools to tackle the challenges of governing in the 21st century. And with the comments we heard

from the municipal and business sectors, the government believes the right balance has been found between municipal flexibility and strong municipal accountability to taxpayers.

I want to speak about accountability just briefly. The proposed new Municipal Act would require municipalities to pass bylaws on their procurement procedures within two years. This, I believe, is very important. How can a municipality be accountable to its taxpayers—those taxpayers include small businesses and large businesses—unless they have a procurement policy plan set out?

As well, the proposed new Municipal Act would require municipalities to pass bylaws with respect to the hiring of employees, including policies on the hiring of relatives of members of council and local boards, and relatives of current municipal employees.

What this does is put a hindrance on unabated nepotism. We all know of municipalities throughout this province where this practice has taken place to the detriment of their own citizens.

**Mr Bisson:** Like my colleague the member for Beaches-East York, who is the critic for municipal affairs, I came to this bill at second reading hoping we would really have an opportunity to build something that would be useful for municipalities, as far as the powers we should be giving municipalities are concerned, so that they could go there and do the job they had to do.

I'm disappointed yet again—not surprised but disappointed—that the government, by way of this bill, hasn't done a heck of a lot. If you look at the powers they're actually giving municipalities, there's really nothing there that municipalities can get all excited about, but there certainly are some things that I, as a citizen in a municipality, would be somewhat worried about.

The biggest one for me is tolls. The government of Ontario is going to give the ability to municipalities to put tolls anywhere within the municipal boundaries they choose to do so. I, for one, think that's a really bad idea. As my good friend the member for Beaches-East York mentioned, there were amendments we had proposed that were suggested to us that would have at least limited the ability for municipalities to put in tolls, and the government didn't accept that. So I've got to say I'm very disappointed.

Then the government talks about the huge consultation it did, starting in 1997. That consultation was dropping the number of municipalities from 800 to 400 and then amalgamating and downloading everything on to them. I would say that's a pretty bad piece of consultation.

Mr Speaker, with that, I would like to move adjournment of the House.

**The Deputy Speaker:** Mr Bisson has moved adjournment of the House.

All those in favour, please indicate.

All those opposed, please say “nay.”

In my opinion, the nays have it.

Call in the members; this will be a 30-minute bell.

*The division bells rang from 2017 to 2047.*

**The Deputy Speaker:** All those in favour of the motion will please rise and remain standing until counted by the clerk. Thank you. Please be seated.

Those opposed to the motion will please rise and remain standing until counted by the clerk. Please be seated.

**Clerk Assistant:** The ayes are 15; the nays are 29.

**The Deputy Speaker:** I declare the motion lost.

We will now move immediately to the vote on the motion by Mr Kells for third reading of Bill 111, An Act to revise the Municipal Act and to amend or repeal other Acts in relation to municipalities.

All those in favour of the motion, please indicate by saying “aye.”

All those opposed, please say “nay.”

In my opinion, the ayes have it.

Call in the members. It will be a five-minute bell.

*The division bells rang from 2049 to 2050.*

**The Deputy Speaker:** I have received the appropriate notice pursuant to section 28 of the standing orders acknowledging a deferral until December 11, 2001, of this vote.

That being the case, I now call for orders of the day.

## WASTE DIVERSION ACT, 2001

### LOI DE 2001 SUR LE RÉACHEMINEMENT DES DÉCHETS

Resuming the debate adjourned on December 3, 2001, on the motion for second reading of Bill 90, An Act to promote the reduction, reuse and recycling of waste / Projet de loi 90, Loi visant à promouvoir la réduction, la réutilisation et le recyclage des déchets.

**The Deputy Speaker (Mr David Christopherson):** The resumed debate picks up with the NDP.

**Mr Peter Kormos (Niagara Centre):** We're in the midst of debate around this bill. I was here when our critic, the member for Toronto-Danforth, Ms Churley, made her leadoff. I'm not sure whether Mr Prue has had a chance to speak to Bill 90 yet, but he is certainly going to. I believe I'm the first of the backbench speeches with respect to Bill 90. Mr Martin from Sault Ste Marie is here, eager to speak to it. Mr Prue from Beaches-East York is here, eager to speak to it.

*Interjections.*

**The Deputy Speaker:** Order, please. Take a seat. We're going to get some order here so everyone can listen to your speech, because you sat patiently listening to theirs. Please continue.

**Mr Kormos:** Thank you, sir.

Mr Bisson from Timmins-James Bay is here, eager to speak to the bill. Mr Marchese from Trinity-Spadina is anxious for his opportunity to speak to this bill. Howard Hampton, Shelley Martel and Mr Christopherson will want their turn at the bill as well. Here we are, five of the nine New Democrats, and all of us have very different perspectives on the impact of Bill 90. Here we are from the north, from northern rural and northern industrial,

from the city of Toronto, and myself from the real Ontario down in Niagara—small-town Ontario, small-town industrial Ontario, small-town border town Industrial Ontario—that has been grappling with and has undertaken some pretty sophisticated waste diversion efforts in its own right—the municipalities down in Niagara: the regional municipality of Niagara along with the component cities like Welland, Thorold, Pelham and St Catharines.

We acknowledge and commend the leadership of our environmental critic in her oversight of this bill during committee and here in the Legislature.

One of the things that struck all of us as fundamental, right off the bat, number one, was the failure of the bill—and tell me if I'm wrong, friends—

**Mr Gilles Bisson (Timmins-James Bay):** No, you're never wrong.

**Mr Kormos:** —to emphasize reduction. That is the key. Surely that's the key: reduction of, among other things, the huge amount of organic waste going to landfill sites, which, I am told, is one of the significant components that is contributing to an accelerated filling of landfill sites.

One of the things I can say about the folks in Welland, Pelham, Thorold and south St Catharines is about their utilization of composters in their own right. In Welland you can go down to the city yards—call up city hall first, call up the mayor's office—and they'll steer you down to city yards where they will accommodate you with a city of Welland composter. Put it in your backyard or share it with your neighbours if you have to, like I do, and you divert—

*Interjections.*

**The Deputy Speaker:** Order.

**Mr Kormos:** It is noisy in here, isn't it, Speaker?

You divert a whole lot of organic waste from landfill to the composter in your backyard. Composting is not only very cheap—doing it is free—it gives you great dirt after a year or two. I've got to confess that we've had a little bit of trouble with our composter, the one that I share with Whitey and Rosie from next door. It's been a good four or five years and all we've got is dried-up leaves and grass in it, and lawn clippings. I'm not sure that we're quite doing it right but we're going to keep on trying until we get it down pat, even to the point where we've got a second composter to accommodate our neighbour back behind us, Charlotte Cheel. So between Charlotte and her family and my neighbours on the east side and myself, we're working at the composting.

When you heard Ms Churley speak to Bill 90, you heard her express the New Democrats' great concern about this legislation. You heard her express some mixed feelings: one very much wanting to block the bill because of the legislation's failure, very much wanting to block it, and that means doing everything we can to obstruct its progress. But we're not going to do that. Ms Churley and the caucus made a very conscious decision, although part of us—and indeed, there was a significant debate—part of our caucus, part of every one of us very much wanted

to. But Ms Churley, with her contacts with the municipal sector, a number of municipalities, identified municipalities like Toronto, Hamilton and Guelph, among others, that have a strong interest in one of the most modest proposals here in Bill 90, and that is the prospect—no guarantees, but the prospect—of getting some corporate involvement and subsidization of blue box programs.

Do you know what happened down in Niagara? We had weekly blue box collection and the blue box program was moving along in an outstanding way because people were acquiring discipline and the blue box program was able to expand beyond the original types of components; you know, the tin cans, the Campbell Soup cans and the glass jars that you could put into the blue box along with newspapers. It expanded so that it included laundry soap boxes and a wider and wider range of things that were being processed through the blue box program.

But then this government's defunding hit—whack, boom, smack—and blue box collection, which had been developed so well in the city of Welland, was reduced from once a week to once every two weeks. That puts a real dent in the progress, because that requires a collective discipline—something New Democrats are familiar with. But it requires a collective discipline for a community to remain committed to the blue box program and to be disciplined about ensuring that recyclables are blue-boxed. The temptation increases when you have once-every-other-week collection, that rather than put the Campbell Soup can or the Heinz bean can in the blue box, you look over your shoulder and, boom, toss it into the kitchen garbage bin. Before you know it, you start getting sloppy about it because you don't want the blue box sitting out there for two weeks accumulating and filling up. People start to lose that discipline.

So it's an incredibly tragic thing when municipalities like ours—Mr Bradley knows what I'm talking about. Because of the downloading and the defunding by the provincial government—this government—of blue box programs, it's a tragic thing when you start to roll back the progress that's been made. It makes it all the harder to rev it back up again.

And I say, there are some modest, some feckless—without feck—hopes on the part of municipalities in this bill for the prospect of some corporate participation. You see, the problem is, one of the serious arguments made about Bill 90 is that all it will do will be to move manufacturers who use containers away from recyclable containers, because manufacturers who don't utilize recyclable containers won't be a part of the proposed programs in Bill 90. That means that we're encouraging manufacturers to revert back to real garbage again—landfill. That's not progress. That's backing up a long way. That's putting her in reverse and just putting the pedal to the metal. We don't call that progress.

**2100**

I want you to hear about some of the efforts that were made by New Democrats at the committee hearings. For instance, we believe that the bill should stipulate that

municipalities will get at least 50% of their net operating and capital costs for running blue box programs, and that's the amendment the New Democrats put before the committee—blocked by the government. The door was slammed in our faces. I mean, we tried. We did what we could to make the bill a better bill, to make the bill the meaningful bill that it could be, had this government listened to New Democratic voices in committee and, quite frankly, to the people making submissions to that committee. But the government said no.

You see, in the government's initial draft of the bill there was no guarantee of any funding at all, neither operating costs nor capital costs. The bill only put a cap on the amount of contribution that would be made by the private sector, and that cap was a maximum, not a penny more than 50%. As a result of pressure, the government did change that to say there would be funding equal to 50%, but omits to say 50% of what, and that's what was critical for New Democrats: operating costs only or operating and capital costs? We believe that for this bill to have the impact that the government claims it's going to have, that is critical. That was a critical amendment. It was an amendment we made, but it was an amendment that the Tory majority on committee used their power as the majority to defeat.

Look, this government's been making funding announcements for six and a half years now and has delivered on but a fraction of those funding announcements; indeed, it's made funding announcements, the same announcements, over and over again: \$39 million, SuperBuild, Niagara region—not a penny. Is there a penny yet, Mr Bradley? Not a cent, not a nickel, not a dime, and it's been announced over and over again by either one of the two Tory bluebloods, both of them fierce advocates for Mr Flaherty, both of them clearly positioned on the angry right wing of the Conservative Party. He was one of the angriest right-wingers in the leadership campaign: Mr Flaherty, a man who says Mike Harris didn't go far enough and he didn't do it fast enough and he didn't draw enough blood in the course of doing it. But you leave it to Mr Flaherty and, by God, he'll finish the job in a way that Mr Harris never even contemplated.

In any event, we've heard that before, because our question to the government was, "You talk about funding, but when?" Yet another promise. You see, the fact is that it simply isn't clearly stated in the bill. Some very clever people have read the bill and told us that it could take months and months, and maybe even up to a year, for any funding to flow. Not good enough; it doesn't cut it. It's not good enough for New Democrats, because we expect more if we're going to talk about real waste diversion. So we tried to amend the bill and, once again, what was the government response? They slammed the door and said no.

Clearly, this government doesn't want to pass legislation that sets a clear time frame for the funding to flow. You see, we tried to get the bill changed so that funding would effectively be retroactive to the date of royal

assent. It sounds logical to me. It sounds more than fair, and it's exactly what municipalities need because municipalities are being stuck with the waste that Industry produces and they have to deal with that waste today. They can't defer it. They can't say, "We'll somehow shelve that waste. We'll put it into cold storage and then when the funding flows, if it ever does flow, be it months and months or as long as a year, if not years, from now, we'll deal with it." No, municipalities have to deal with the waste immediately, and the waste is accumulating as this government dithers.

So New Democrats wanted to make the funding clearly retroactive to the date of royal assent, but the government blocked that amendment as well.

This is where we talk about the organic waste, one of the single largest contributors to landfill crises across this province. New Democrats asked, "What does this bill do to encourage and support municipalities getting organics out of that waste stream and to move to composting?" That's the solution; that's how it's done. It ain't rocket science any more.

What does this bill do to support and encourage municipalities to get organics out of the waste stream and move to composting? Nothing, zip, zero, nada, zilch, not even lip service. Diverting organic waste from landfills into composting is critical to an effective waste diversion program. Whether it's up in Timmins-James Bay or down in Niagara region, whether it's in the city of Toronto or in Fergus, Ontario, getting organics out of the waste stream is critical to proper and healthy and meaningful waste diversion. But there wasn't a penny in this bill, there wasn't a penny in the government's plan for that diversion.

New Democrats asked, "Haven't you learned from the experience of Halifax?" The city of Toronto has a program ready to go, to divert 60% of its waste through advanced composting and recycling. What's stopping them? What's stopping them are the resources necessary to get that plan going. You see, this bill does nothing to support that admirable initiative by the city of Toronto. New Democrats brought forward provisions to the committee that would have added provisions for funding these kinds of forward-thinking initiatives, that would help keep waste out of the landfills and reduce the pressure on the blue box. What was the government's answer? Slam the door, no way, it's not going to happen. This government would have nothing to do with diversion of organic waste from municipal landfill waste streams.

One that stuck me as particularly repugnant—because I read the bill, and the bill talks about setting up boards of directors of people from this industry and people from that industry and people representing this set of stakeholders and that set of stakeholders. I read the bill and I read it again and I read it three times. I went to Ms Churley and I said, "What is remarkable here is that there isn't a fair representation on the board of the waste diversion organization that the bill provides for." The board isn't weighted fairly, and it's open to the very

distinct possibility, indeed the likelihood, that municipalities, the ones who have to do the work of running blue box programs and who are ultimately responsible for the waste within their municipality, the waste that industries generate—the municipal representation may fall far short of the industry representation on these boards.

New Democrats wanted to ensure, by way of amendment to the bill, that municipal representation did not fall short of 50%, was at least 50% of the members of these boards. It was a meaningful amendment, a very effective amendment, one which would have made the boards far more effective in the work they're supposed to do and far fairer for municipalities. Would the government have anything to do with it? No, they slammed the door once again. They blocked it. As well—and this is the most shocking observation—I asked Ms Churley, “How come there's no mention in the bill of representatives from the environmental community, people who know about and care about and have a passion about and a commitment to waste reduction, waste recycling and indeed so-called waste but re-use, the 3Rs?” Where were the environmental advocates on these boards? Where was the provision in this bill for committed environmentalists to participate in this process so their expertise could constitute a contribution to the work these boards are supposed to do?

Oh, the government boasts all about how this bill was to advance the 3Rs, but as Ms Churley said to me, “How many members of the government even know what the 3Rs stand for?” How many know there's a priority in the 3Rs, that they don't stand side by side, that there's a priority, there's a hierarchy, that reduction comes first and foremost? Reduction is critical. Reduction is the cornerstone. Reduction is the foundation of any meaningful waste diversion, waste reduction program, followed by reuse and then by recycling. Recycling is at the end of the line. And Ms Churley asked me to reflect on how many government members understood even that, and how many of the industry reps who are going to be on these boards either understand it, or for that matter, if they did, would agree with it. Not one.

So the bill doesn't cut it with us. This government is catering once again to their corporate buddies, their corporate donors, their corporate friends and abandoning municipalities in the midst of their waste crisis.

2110

**The Deputy Speaker:** Members now have up to 10 minutes for questions or comments.

**Mr Ted Arnott (Waterloo-Wellington):** Up to 10 minutes, Mr Speaker?

**The Deputy Speaker:** I was calculating the overall time. I stand corrected. It's two minutes.

**Mr Arnott:** I was hoping it was 10 minutes.

I just want to say to the member for Niagara Centre that I appreciate his entertaining comments. He is the NDP House leader. I know he is aware that municipalities across this province are hoping this bill will pass soon. We've debated this for a number of hours

now. We debated it last Monday night until midnight, starting fairly early—I think we started at a quarter to 7. So we've had a number of hours of debate already. I would hope that—

**Mr Kormos:** Are you going to move adjournment of the debate?

**Mr Arnott:** No, I won't be doing that.

I would hope that the New Democrat members as well as the Liberal members of this House will recognize how important this bill is to communities across the province. Most of the municipalities I've talked to on this issue over the last little while want this bill to pass. They want it to proceed soon. I would hope that all members of the House will keep that in mind as they think about whether they're going to give lengthy speeches tonight, because again, it is my hope that this bill can pass this evening. I'll leave it at that.

**Mr James J. Bradley (St Catharines):** The member for Niagara Centre displayed a detailed knowledge of the issues related to this legislation and to waste management in general in Ontario; he made specific references to the Niagara region.

I think his telling point for those who thought there was a lot of money in the system now was the fact that as a result of downloading to municipalities who have had new obligations placed upon them financially, and as a result of the provincial government getting right out of the business of funding recycling, we had situations such as the member described where, instead of having the blue box program once every week, we now have it once every two weeks.

Are people still putting items into the blue box? Yes, they are. Is the participation rate in terms of diversion as great as it was? The answer to that is no, because of the problem he described: people having to keep materials around for a couple of weeks. They've got company coming, they've got stuff all over the kitchen and there's a tendency for people once in a while to simply throw the item into the garbage. So he described a very good instance of where the provincial downloading and lack of funding has affected the municipalities.

Second, he talked about the need to divert organics from the system. Everyone understands that. The member for Guelph is here tonight. She knows that Guelph has been one of the leaders in the field of recycling over the years. If other municipalities were to emulate Guelph and, for instance, Halifax and Edmonton, with appropriate provincial funding assistance, we would see a much greater rate of diversion than we're going to see under this particular piece of legislation. So the member was absolutely right.

**Mr Tony Martin (Sault Ste Marie):** It gives me great pleasure to comment on the speech given by the member for Niagara Centre and to some of the things he had to say. I want to focus, though, on one particular aspect of his presentation, and that was the issue of, where are the resources going to come from to help some of these communities and small farmers deal with some of the regulations that they say, yes, need to be put in

place? If they don't get some help they're going to find it very difficult in the climate we're in right now in terms of the farming economy to do the kinds of things that are required?

I attended a day of hearings on this bill in Caledon, where a number of very hard-working, good farming folks came from his own area, from the St Catharines area, Niagara. They drove quite a distance, some of them, to present for a few minutes on this bill and to share with the government some of their concerns. Of course, the major concern was, how are we going to be able to afford to do the kinds of things we know we have to do, given the difficult economy that we're in and the changing nature of the farming economy in the province, and the fact that this government seems to have no interest in participating in any positive and constructive way to help them resolve some of their difficulties?

I say to you that if you want to get a handle on the priorities of a government, you simply have to follow the money. This government has shown very clearly where its priorities are over the last few months. They've bumped up corporate tax breaks to their friends and benefactors, but no money for the kinds of good things that this bill speaks to and will need significant resources to implement.

**The Deputy Speaker:** The Chair recognizes the member for Mississauga South.

*Applause.*

**Mrs Margaret Marland (Mississauga South):** You're using up my time, I say to the member.

My colleague the member for Waterloo-Wellington said of the member for Niagara Centre that his speech was entertaining. Since we are supposed to respond, in these two minutes of questions and comments, to the original speaker, I say through the Chair that the member for Niagara Centre indeed was quite entertaining. I thought for a few moments that I was at the circus, because you were going "Grrrrr," like that, over your desk, and I thought possibly, as House leader for the New Democrat Party, you were now the—"Grrrrr"—lion trainer.

Anyway, to speak to the bill, which I have an opportunity to do for about one minute, I'm proud to say that I was a member of Peel regional council when the blue box program was introduced in this province. If there is one region in this province that has actually been very successful in their waste diversion, it is the region of Peel. The fact that the municipalities support this Bill 90 tells us that the concept is working. It's going to take generations of education in terms of having people reduce, reuse and recycle, but we are making progress and we are going in the right direction, and in terms of protection of the environment, it is indeed a very significant and very important area. I'm proud of the fact also that our government has brought in Bill 90, because anything we can do to enhance the protection of the environment is vitally important.

**The Deputy Speaker:** Let me thank the member for her comments, and also mention to her that a few of us

will be interested to see how Hansard expresses parts of her remarks.

That making the 10 minutes I was referring to at the outset brings us to a response by the original speaker. The floor now goes to the member for Niagara Centre.

**2120**

**Mr Kormos:** I very quickly want to thank the member for Sault Ste Marie, who was able to integrate Bill 90 with other considerations. It's that sort of out-of-the-box, creative thinking that makes this caucus the quality caucus that it is.

Might I say to Mr Arnott, bills pass here with the majority government after they have received thorough debate. The New Democrats acknowledge that some folks will have commitments for seasonal holidays, so have those holidays and let the House resume on January 14, 15, 16. Let's come back, you see, because your people are coming on to New Democrats every minute of every hour, "Oh, pass this bill. Oh, pass this bill." No, we don't pass bills; we debate bills. The government calls them; the government sets up its agenda. A responsible assembly ensures that bills receive thorough analysis and critique on second reading. A responsible Legislature ensures that bills go to committee, where the public has input. A responsible Legislature ensures that that committee input is analyzed, referred to, that amendments are made, and it comes back for third reading, where there's more debate.

There are only nine New Democrats. We can't be responsible for blocking bills. We only have nine speakers. It's up to the government to call these bills and make sure they proceed through second and third reading. We've indicated we're ready to come back mid-January to resume the responsibilities as members of this Legislature.

You're letting a leadership campaign hijack the government. You're not going to return to this assembly for five or six months. There won't be a Parliament, there won't be an effective government, because you people are obsessed with the reins of power and the successor to Mike Harris.

**The Deputy Speaker:** Further debate?

*Interjection.*

**The Deputy Speaker:** Did the member for Mississauga South wish the floor?

**Mrs Marland:** I'm sorry, no. I do, actually, but I had my turn.

**The Deputy Speaker:** Then you'll respectfully allow others to have theirs, I'm sure.

With that, the member for St Catharines now has the floor.

**Mr Bradley:** Thank you for the opportunity to speak on this bill. I was surprised, as the member for Niagara Centre always is, that the government didn't have a speaker get up to speak on a bill of this importance, with some 56 or 57 members, or whatever it is they have now; it keeps going down.

I want to touch on the final response of the member for Niagara Centre as I begin my remarks, because I'm

always amused by the fact that the government goes to interest groups and tells them to phone the opposition: "If only the opposition will acquiesce to this bill, then it will get through and the world will be fine; the universe will unfold as it should."

I explain to them that since this government on two different occasions changed the procedural rules of this House to grease the skids for all of the legislation—

*Interjection.*

**Mr Bradley:** I'm glad the member interjects. I know we're not supposed to respond to interjections, so I'll just note there was an interjection. All of the opposition people who are here this evening, particularly the House leader for the NDP, will be amused that the House leader for the government just said, "Well, we negotiated these new rule changes." The negotiations took place with the proverbial gun to the head of the opposition. It was either you could have hemlock or you could have arsenic: "What would you like to consume, hemlock or arsenic?" Of course, the choice is not very good. Essentially, the government imposed its new rules on the House.

**Interjections:** No.

**Mr Bradley:** Well, it's absolutely true. This government had—

**Hon Norman W. Sterling (Minister of Consumer and Business Services):** You signed it.

**Mr Bradley:** There was no signature. I signed nothing. There was no signature. They jabber on the other side. I can tell you that the threat was always there: "You know, things could be much worse than what we're presenting to you now." The Speaker who is coming into the chair now would remember this. I think he was on the government benches at that time. He should have been in the cabinet, I thought, but the Premier, in his lack of wisdom, did not put the Speaker in the cabinet.

What happened was that the government imposed new rule changes which essentially give the government full control of the Legislature. All they have to do any time they want legislation through is bring in a time allocation motion. They essentially have taken away all of the bargaining chips from the opposition when it comes to sitting down at the table.

I used to be able to sit down with the Minister of Consumer and Business Services, the Honourable Norm Sterling, in a House leaders' meeting. We could come to some agreements to have certain legislation take longer to go through the House and face more scrutiny, and other pieces of legislation would go through rather expeditiously if there was a consensus that had developed around those pieces of legislation. Now, what happened was—

**Hon Janet Ecker (Minister of Education, Government House Leader):** Yes. We tried that. All year we tried that.

**Mr Bradley:** And it worked fine. Then the government changed the rules of the House. They weren't satisfied with that. I know the rule changes came from on high. I know where they came from: not necessarily from the then government House leader, the

Honourable Norm Sterling, because I had some quotes from him when he was in opposition saying that any changes to the rules that would take away the rights of the opposition to analyze carefully, and perhaps even slow down from time to time, legislative action on the part of the government—that that was quite legitimate. I was quoting him, so I knew he couldn't have been the author of those changes.

It came from the government of Ontario's number one influence, and that is Guy Giorno and the whiz kids, and then they put up one of their other whiz kids, the now Minister of Community and Social Services, another YPC, and he came forward and did some of the work—

**Hon Mrs Ecker:** What have you got against young people?

**Mr Bradley:** Well, he did some of the work on that occasion and with all his wisdom helped to impose these rule changes. The point I'm making, for those who are watching—

**Hon Dan Newman (Minister of Northern Development and Mines):** What about Conrad Black?

**Mr Bradley:** Conrad Black is no longer a factor in this province. Conrad has his knighthood now. He is now His Lordship or whatever they call them in the British House of Lords, so we don't have to worry about Conrad any more.

I will say, however, that we do have to continue to worry about the rule changes. I am sure that the moderate member for Waterloo-Wellington, when he was in the caucus room, did not agree with the rule changes that we saw.

So what I want to tell those people who say, "Well, you know, you have to speak to the opposition to get this legislation through," is that the government has complete control of this House. The member who was responsible for bringing that legislation through—at the bidding of Guy Giorno, I might add—said here that I'm supposed to be nice because it's Christmas. Well, speaking of Christmas, I am prepared, as members of my caucus are, to stay until almost Christmas Eve. I'll be reasonable; I would say the last Friday before Christmas. I am delighted to be here then. I'm prepared to sit between Christmas and New Year's.

**Mrs Marland:** We've done that. We've been there.

**Mr Bradley:** Margaret will remember. Margaret will remember when we did that one year.

I am prepared to come back—

**Hon Mr Sterling:** On a point of order, Mr Speaker: I seek unanimous consent to declare Jim Bradley grinch of the year.

**The Speaker (Hon Gary Carr):** I'm afraid we can't have a silly one like that. Will the member continue, please?

**Mr Bradley:** Well, I'm prepared to be reasonable. As I said, let's quit the Friday before Christmas.

*Interjection.*

**Mr Bradley:** Be reasonable. I thought the member for Niagara Centre offered a good suggestion. He didn't even say come back the first week of January. We have

Orthodox Christmas and New Year's that we want to celebrate as well as the Christmas we celebrate in December and New Year's Day on January 1. We have the Orthodox Christmas and New Year's that we have to celebrate as well, so he suggested we come back about the middle of January.

I think we could have a detailed analysis of this legislation at that time. However, the government still has the opportunity, whenever it wants, to impose closure, that is, time allocation, which will limit the debate on this bill.

So when they go to their friends in the municipalities, and others, who then phone us, we're able to tell them this government fully controls the agenda. You know as Speaker how many times I have to appeal to you to try to defend the rights of the opposition and how you would like to do so, but that on so many occasions you have to get up to express your sympathy with the individual members of this House, particularly the opposition, but indicate that under the new rules, you do not have the power to intervene on our behalf.

**Hon Mrs Ecker:** What's all this about new rules, the rules you agreed with?

**Mr Bradley:** No, I beg to differ with the member. At no time did the opposition agree with your new rules.

2130

**Hon Mr Sterling:** Yes, you did.

**Hon Mrs Ecker:** It was unanimously carried in the Legislature, and you agreed with it.

**Mr Bradley:** No, no. We did not agree with them.

I want to say one good thing about the rules to the Minister of Consumer and Business Services, because not everything he did in this regard, or contributed to, was wrong. I thought the rule that allowed for debate to take place, to have hearings before second reading was a good rule change. I want to say, as I'm always very fair to the government, that I thought that was a good rule change. But most of the rule changes were clearly there to defang the opposition, to grease the skids for government legislation, which gets me to this bill.

I wish the government would be prepared to invest, not necessarily in the day-to-day operations of the recycling program or waste diversion—although that would be nice, I'm realistic enough to know the government won't do that. But I suggested in committee—and I thought the member for London-Fanshawe was nodding at the time I said it—that perhaps they could invest in research and development, in that aspect of things, or some promotion, though I'm always reluctant to ask that. And the reason I'm reluctant to ask that is because this government is noted for government advertising.

The member for Mississauga South noted the significant contribution made to the United Way of Greater Toronto as a result of the auction and that I could not possibly be the grinch who stole Christmas, as the Minister of Consumer and Business Services has suggested.

**Hon Mr Sterling:** Who managed to make your donation—

**Mr Bradley:** Yes, and he was actively involved in driving up the prices, I might add—shilling for somebody. But it was a good cause.

Now, I want to say to the member for Mississauga South that I well remember the enthusiasm with which the city of Mississauga and the regional municipality of Peel embraced waste diversion programs.

When I was the minister, trying to encourage municipalities to participate, two of the areas that were very good—and I see them represented here; there were others. Guelph was one, and I would say that Mississauga was another. I remember that when we got into the recycling of wood in construction materials, for instance, people said, "That can't possibly be done." Well, in Mississauga it was done. I went to a demonstration project. The mayor of Mississauga, Hazel McCallion, was there and very enthusiastic about it.

By the way, I saw her in a television interview just the other night on CPAC. They were talking about her 80th birthday and the celebration for that and some other things. She was, as always, very controversial, very interesting to listen to and very forthright in expressing her views. Even those of us who from time to time haven't found ourselves exactly with the same view as Hazel have respected the vehemence she demonstrates in putting her views forward.

She was certainly a good supporter of recycling, as was the member for Mississauga South, I might note, who was very helpful when she was the critic for the official opposition, or at least for the Conservative Party at that time, and did a good job, I thought, as the critic. I simply ask that she use her same influence with the present Minister of the Environment as she used when the Liberal government was in power, because I thought she was a very effective critic in that particular day. I found her to be helpful as well as tough as a critic, and those two things are both important.

I remember that the goal in Ontario—and you will remember this, Speaker, because you've been a member a long time—was a 50% diversion rate by the year 2000. We were well on our way to that, and along came the Harris government and completely abandoned municipal recycling programs, left the municipalities on their own with these recycling programs. Again, it was this fetish with tax cuts that they had, the same one that's there today that has this government in a complete panic.

I remember that you, Mr Speaker, and the member for Waterloo-Wellington were among a cabal of Conservative members who cautioned the government not to cut taxes until the budget was balanced: very wise people, I might say, all of them, and they were pretty public on it. I complimented them on many occasions in this House.

But there's this obsession with tax cuts. As you would recognize now, probably at tomorrow's caucus meeting the member for Waterloo-Wellington will be telling the government that it's in real trouble because of further tax cuts. The Minister of Labour says that. The Minister of Labour says, "I can't promise further tax cuts, because

we're going to have a deficit if we promise them, or we're going to have to make some drastic cuts in programs." So I have the solution for you—always helpful, always happy to give you positive solutions: abandon your ideological movement toward more tax cuts and invest in the Ontario economy. I'll be the first to applaud you.

You have to know the Honourable James Flaherty, the Minister of Finance, is in full panic mode right now, because he recognizes that not only has he implemented tax cuts, but he has accelerated the tax cuts. Now he's going to be \$3.7 billion in the hole. In other words, he's not going to be getting that money in. So in a full panic he goes to the federal government: "I need more money for health care." Well, there isn't anybody in this Legislature who is honest about it—and we're all honest about it—who doesn't know he wants the money to pay for that tax cut. That's what he's panicking about.

So my solution, for the non-ideologues over there—and there are not too many of them, but I think the Minister of Education is not an ideologue; I may disagree with her on some things, but she's not an ideologue—is I think they should say, "Look, we've given a lot of tax cuts in Ontario"—and the Harris government can say they have; without a doubt they can say they've given a lot—"Time now to reinvest in education and in health care and in the environment," which would affect this particular bill.

The minister no doubt would like to change the rules that affect school closings. In fact, I've written her a letter—I don't know if she got it yet, because it was sent by fax to her office, and maybe she hasn't been to her office—asking that she give to the district school board of Niagara the same permission she granted to the school board in Durham, and that is to postpone until the middle of February their final consideration of school closing. What that would do is it would give the minister time, when they've abandoned the tax cut, to rejig her formula to allow these neighbourhood schools to stay open. But I don't want to test your patience by moving away from the topic at hand, which is the waste diversion bill—even though it was a diversion. That's why I thought I might be able to get away with it.

I look at the bill itself. To us, there are a lot of things to commend in this bill. I think there are some good things in this bill. I don't think there's enough in it to make me vote for it, but that's not to say that much of the work that has been done by some of the people who have been involved in the negotiations wasn't worthwhile work. Had the amendments that were placed before the committee been accepted—and I voted for all of those amendments; I supported all of those amendments; the Liberals did support those amendments—the bill would have been a better bill. Would we have been able to vote for it? I don't know about that, but it would have been a better bill. Had there been further amendments made, we may have even seen the two opposition parties voting for the legislation.

I'm worried, as the member for Niagara Centre has expressed his worry, that we may have a situation where people who use packaging today which is recyclable will start producing packaging which is not recyclable, which would go into the garbage can, and the reason for that would be that they wouldn't have to make a contribution to the waste diversion program. That would be most unfortunate. That's something that is not adequately addressed in this particular piece of legislation. Should those who create the garbage, in other words those who create the packaging, for instance, that goes into our garbage, pay part of the cost? They sure should. I think 50% is very modest in terms of the amount to be paid. I think if you had cost sharing, you might want to have the province, the municipality and the lion's share being paid by those who actually create the waste itself.

**2140**

I worry about how long it's going to take to actually implement the bill even if we pass it tonight. There was one amendment that the member for Waterloo-Wellington, the parliamentary assistant, would remember, which would have made the bill retroactive in terms of its funding. I thought that would have been reasonable, because everybody knows that the bill eventually is going to pass. Everybody knows that there's going to be a waste diversion organization that is going to be very much involved in its implementation. It seems to me that we could easily agree that the funding would be retroactive, for instance—I'll give a "for instance"—to January 1, 2002. I think that would be reasonable. I'm not saying we go back to September or last year. I think that's reasonable. Yet the government rejected it. I had the feeling that the member for Waterloo-Wellington himself, the parliamentary assistant, probably would agree with it, but he always had his marching orders on paper that he had to read to everybody, and he read them with his usual smile on his face, which told me that he wasn't necessarily believing what he was reading. But it was his responsibility, and I said that in committee, to put forward the government position. When you're a parliamentary assistant or a minister, you're under obligation to do so, and I understand that, but I really believe in his heart of hearts he saw some of the deficiencies in this bill and would have supported some of the amendments that we see.

The municipalities, while they are generally in agreement, still have some concerns, I know, with this bill. The key element that is missing from the set of tools that is supposedly set out for the municipalities is the provincial funding. Remember, the Ontario government collects over \$40 million a year on products sold at the LCBO. Up until a little while ago, they only gave \$5 million back. Perhaps that's another source of funding to help out, and that could be provincial funding, as opposed to one of the organizations that produces packages.

With that, I'm going to sit down and listen to the responses of my colleagues in the House.

**Mr Kormos:** This is a good debate. I'm enjoying this debate. I wish the Conservative backbenchers would be

more inclined to participate in it. I regret that they're not engaging in the debate. I suspect some of their constituents regret that their Conservative MPPs are not engaging in the debate. I suspect some constituents from some of those Conservative ridings are watching this legislative channel, notwithstanding the competition from the cable company—if anybody's foolish enough to still use cable, in contrast to antennas, which cost you nothing once you buy them, or to satellite service, which is clearly far superior to any cable, be it Rogers or Cogeco.

But people watching this who live in ridings represented by a Conservative say, "Hey, what's going on? We see the Liberals debating and we see New Democrats debating this bill and talking about this bill as it applies to their communities. Why are there no Conservative backbenchers debating this bill?" I suspect there are people from communities across this province watching the legislative channel right now who are scratching their heads saying, "Why are Conservative members who represent us not debating the bill?"

I, for the life of me, can't explain why Conservative backbenchers don't want to—look, I'm quite eager to take this bill apart and to—what do they call it?—deconstruct it and to analyze it and criticize it and point out its shortcomings. One would expect, if Tory members are going to be supporting Bill 90, that they would like a similar opportunity to stand up and explain why they're supporting it, just as I'm explaining to my constituents why I'm not supporting it. I find it remarkable that it's the opposition that increasingly finds itself carrying the debate here. Either the government members are disinclined to stand on their feet and speak or they're embarrassed about their own legislation or they're being gagged by their own House leader.

**Hon Mr Sterling:** Perhaps I can explain to the members opposite why we don't feel it's necessary for us to talk ad nauseam about a wonderful and bright idea which has been accepted by some other provinces, like the province of British Columbia, accepted by the municipalities across this province, and the only people opposing it are those on the opposite side of the fence here.

This is a good idea and it doesn't take a genius to accept this concept and put it in place. But we have opposition who want to oppose for the sake of opposing. They want to look back to the old days when the blue box program was broke. It was broke. It was broke in 1990, it was broke in 1991, 1992, 1993, 1994, 1995. When this government came to power, it realized it was broke, and we tried to find ways to drive efficiencies in the blue box program. We wanted to expand it, which we now can do under this program, to take on household hazardous waste, waste tires, all those things that were just disregarded by the former programs.

We don't have to talk about this any more, because it's a great idea. I haven't actually heard from the opposition what they're opposing. What they're proposing is a bunch of old-time politics: "Write some more cheques to the municipalities so they can waste it on a broken-down

blue box program." This is an improvement to the blue box program. This is an improvement to a recycling system that wasn't working any more. Now, under this new Waste Diversion Organization, we will be driving up recycling rates, we will be driving up the reuse of many materials in Ontario, and this will be a tremendous success for the people of Ontario.

**Mr Pat Hoy (Chatham-Kent Essex):** I'm pleased to rise and make comment and to congratulate the member from St Catharines for his presentation here tonight on Bill 90. I thought his comments were wise. Even though he was being interrupted with notes from the government side, he stuck to the debate and put forth our position quite distinctly.

Once again, we see a bill brought forth by the government that really doesn't provide any funding. They have lots of ideas of what municipalities should do and what their role would be, but there is no funding. We have the greatest respect for the municipalities to use that money wisely. It seems on the government side they don't have that same respect. As I say, once again, another bill that's lacking any funding.

It reminds me of another initiative that the government put forward in food safety. There was no money to be put forth for compliance. There just wasn't. I had constituents call me and say that if that bill passed without any funding, they would go broke. They're small mom-and-pop businesses that have been in their families for generations with their family names on the products, sold locally and throughout Ontario. They would go broke without any funding. But once again the government provided us a bill that had no funding to help with compliance.

The same can be said with nutrient management, another bill where the government came forth with initiatives—and will some day with regulations, which we have not seen—and there was no money for compliance.

So clearly the government doesn't have that faith in the municipalities to use the money wisely so that we can handle the waste that is generated here in this province. I think they've missed an opportunity to ensure that Bill 90 would work to its fullest.

**Mr Martin:** I want to commend the member for St Catharines for once again contributing to public debate in this place in a way that challenges all of us, shares with us some of his own experience and unique perspective on some things, particularly where the environment is concerned in this province.

He raised the issue that so many of us find so frustrating around here these days, which is the lack of respect by the government to due process, the changing of the rules. I know we all participated in that, but none so aggressively as this government, where here we are at 10 minutes to 10 on a Monday night debating very important public policy for this province. They've chosen not to get up except for the odd two-minute response to speeches that we make. Even more problematic is that they are not willing to entertain amendments. The

member from Prince Edward-Hastings and I tomorrow will be tabling some very significant amendments on another bill. You could close your eyes and pick any bill that this government has brought through and experience the same lack of interest in anything the opposition has to say, the lack of interest in amendments that would improve on the bill.

**2150**

There's a sense, I think, across the way that we really have nothing to offer, that all we have over here is politically motivated partisan rhetoric, when in fact if you look at some of the amendments that we table on a regular basis to almost every bill that you bring in front of us here, it's always in the interests of improving that bill, of making it respond to some of the things we're hearing out there that people are saying about the bill and how it will actually apply to their particular circumstance. They're saying all kinds of innovative and constructive and positive things that could be incorporated, but no, this government would rather not do that. Here we are two days before the end of the session. We have another new bill in front of us here that's going to be time-allocated, and there you go.

**The Speaker:** Response?

**Mr Bradley:** I appreciate the comments of the member for Niagara Centre, the Minister of Consumer and Business Services, my colleague from Chatham-Kent and my colleague from Sault Ste Marie, because they all recognized something about the bill. The government member, the minister himself, a former Minister of the Environment, recognizes, as we all do, that there are parts of this bill that are supportable. I wouldn't deny that. I think with most legislation that's brought forward, if you analyze it carefully, you will see that there are parts of that legislation that are very supportable. When it doesn't go far enough or when there are flaws in the legislation or a hostage somewhere in the bill that makes it unsupportable, then the opposition wants to look more carefully at that legislation.

We worry, for instance, that we don't see the kind of penalties that are needed when there's not the kind of participation we'd like to see in this bill. There is not the kind of penalty that is a disincentive. There are a lot of incentives, and I like that, but there have to be some disincentives as well.

We don't see any investment of provincial funding at all in this—and I've been reasonable enough, as the member for Waterloo-Wellington knows, not to suggest the Ontario government would pay 100% or even 50% now, because we have the participation of the companies that produce the packaging, and that's as it should be. But I think there is a place for the province in terms of what I would call research and development, and to a certain extent promotion, though I'm always reluctant to say that, because this government has now spent about \$250 million on self-serving government advertising. In fact, one of the former Ministers of the Environment looks puzzling at me. I saw some more advertising this weekend. Now they're advertising the SuperBuild pro-

gram. So this government has all kinds of money for advertising, but not to invest in waste diversion in this province. That's where we really need the money, to invest in waste diversion, and not to waste on government advertising.

**The Speaker:** Further debate?

**Mr Ernie Parsons (Prince Edward-Hastings):** I'm pleased to speak to Bill 90. Again, I share what some of my colleagues have said, concern about this government not speaking to the bill. I find that rather ironic, because this government enjoys speaking about issues rather than actually solving them. There's a sense that once we've talked about it, it's so. The reality in Ontario from 1995 to now is that we have not seen the growth but in fact a diminishing of recycling. I would suggest that taking tires and piling them in a field is not recycling of rubber tires; it's simply hiding them from view and creating a different and larger problem.

Recycling is often seen as an urban issue, with houses close together and the opportunity to fairly economically do recycling, even though everyone acknowledges that you cannot totally fund a recycling operation itself out of the sales of the items collected. But ironically, in many ways rural Ontario has embraced recycling more than urban Ontario. For rural Ontario, recycling is an environment-affecting issue.

I would like to perhaps, if I could, talk about a dump that is located near my riding and use it as an illustration of how important recycling is to the very way and quality of life in rural Ontario. Just to the east of my riding there was the town of Napanee. It's now the town of Greater Napanee. They had a small family-owned garbage dump that was started many, many years ago and started in an area where now it probably wouldn't be permitted to start. It really was pretty good agricultural land that they chose to site it on. Then it grew and the family sold it to a larger company, Laidlaw, and it has subsequently been sold to another company called Canadian Waste Services.

Now Canadian Waste Services wants to take it from being what is really a regional dump to being a mega-eastern-Ontario, with potentially parts of Toronto, garbage dump. That means they intend to draw hundreds of thousands of tonnes of garbage a year and essentially put the garbage in a field and cover it up. So obviously it is of grave concern to the people in my community that there be a minimum requirement for taking and putting the garbage in the field.

Is there a way that we can stop that garbage stream and reduce the need for it? I can recall many years ago in my municipality when they instituted a bag tag. I quite frankly at that time thought, "Well, here's another tax; here's another downloading that I've got to pay." But I found personally for our family it had the effect of making us reduce. We were doing about a bag of garbage, sometimes two or on occasion three bags of garbage, a week. There was no charge for it. You paid for the plastic bag, you put the stuff out to the road, and it

disappeared somewhere, never to be seen again. It wasn't our worry.

The amount of money for the bag tag isn't a lot. But when they started instituting the bag tag system at the same time they instituted recycling, it caused us to think, "Are there ways we can reduce the amount of garbage going out to the road?" There's my wife and I and five children currently at home, and we've gone from up to three bags a week to a bag about every second week, sometimes more than every second week before we've got the bag full. And we're taking and putting in recycling materials that we simply hadn't thought about and had no incentive for seven or eight years ago. I know they pick up the items and they take them away, and sometimes the cardboard or the cans are worth a lot of money and sometimes they aren't. But it means that all of that material that has left my house in a blue box doesn't show up in a landfill site anywhere, and that is terribly, terribly important to the community.

We accept that we have to have a garbage dump. We have not yet found the magic box solution that enables us to simply have the garbage disappear. But we don't accept that we have to be the garbage dump for eastern Ontario. We believe that with the manufacturing plants that are in fact producing the garbage—and it has struck us more than once that the plants that produce the garbage tend to be in large urban areas. They not only produce the garbage; they produce the jobs. And so the municipalities that are larger, with these factories, get the jobs, get the money, and then we get the garbage. That seems somewhat less than fair. However, if we are going to get the garbage, then we believe all of Ontario has an obligation to minimize that quantity of garbage, to reuse as much as possible out of it.

This large company has decided to expand the dump and make it into one of the largest dumps in North America in a community that is established, that has a way of life, a quality of life, that could be and will be radically changed by the creation of this dump if it is approved.

Now, the first thing that happens is the company has to apply to the ministry for a licence for an expanded site. Thankfully, one of the steps in it is a requirement for an environmental assessment, but unfortunately, the minister has the ability to take and scope it, "scope" meaning that they can reduce the size in all of the steps that are required for an environmental assessment. The minister chose for this particular site to scope it, to reduce what has to be investigated to determine if it would have an effect on the environment.

The very first thing that was deleted from the normal process was what has traditionally been the question: "Do you need this garbage dump? Is there in fact a need for it in Ontario, let alone in this area?" That was removed. The company has no obligation that there is a need for a dump.

There's usually a requirement in there to say, "Are there alternatives to the garbage dump? Are there other things that could be done that would eliminate the need

for this mega-size garbage dump?" Well, that was removed. There was no need to prove that.

The community has grave concerns. It's easy to say, "Well, it's a 'Not in my backyard' syndrome. Nobody wants a garbage dump." But in this particular case, because of a lack of recycling in most of Ontario, this huge amount of garbage coming into a closely knit, established community, where people have farmed for generations—there's a church that has been there for 100 years now that has garbage up to its back property line. The community says this is not an acceptable way to treat the church or to treat the community.

The public knows that there is the problem, the visual. There's going to be a vast mountain that will be seen for several kilometres away, a mountain of garbage. It certainly doesn't enhance property values. There's a smell associated with it that was not there beforehand. That this company can come in and, because of their sheer size and their financial ability to enlarge the dump, totally destroy the life of the community around it is fundamentally wrong.

#### **2200**

Garbage dumps tend to attract birds. All of those three things I mentioned are an awful nuisance. They have an effect on property value and are a nuisance. But there is an even worse effect that comes of it, and that is the leachate down into the water.

One of the problems with operating a garbage dump is, when these big trucks roll in, the dumps are paid by weight. So the truck is weighed coming in when it's full and it's weighed when it leaves. But there is no way of knowing exactly what is in that truck. I don't believe the waste hauler knows what's in that truck. The waste hauler will go and pick up a bin—we have a program to recycle paint, for example, but people put paint out in the green garbage bag. Green garbage bags don't stay sealed forever; they get ripped and torn and the cans get crushed. Car batteries, cleaning fluids, industrial chemicals—it all forms an absolutely unbelievable soup that will eventually leak out through some crack.

It should be noted, if anybody knows anything about eastern Ontario, that the predominant geological feature in my community is fractured limestone. "Fractured" means cracked, so if you have liquids that leak into it, goodness knows how far they're going to travel.

**Interjection:** Along the cracks.

**Mr Parsons:** It certainly will, and it will travel for miles and miles.

We have geologists who make some pretty good predictions, and they can predict where the underground water flow goes and where the water flow on the surface goes. All of this garbage that's not being recycled and that is going to be shipped to my community will eventually leak and go into the water supply. What does that mean to a rural community when pollution enters the water supply? In an urban area, there is the ability to monitor at the plant and determine if there is a problem with the water. There may be a crisis with finding alternate water supplies, but at least we have one central

system for testing the water. In a rural farm area, if that leachate enters the water system, it will never leave within our generation or the next generation or the next generation.

For a farmer, a farm that does not have potable water is out of business. I can recall a day with my father when the water line froze to the barn and we carried water in pails from the house to the barn. I never had an appreciation of how much water a cow will drink in a day until I carried each of them a number of pails of water. For a rural community without drinkable water, the farm life is done, not for that farmer but for that farmer and the next generation and the next generation and the next, because that pollution will pool.

*Interjection.*

**Mr Parsons:** Seven generations, in all likelihood; it will linger 25,000 years in that rock, and there is absolutely no way to solve the problem. So when we take this garbage and flippantly put it somewhere in a rural area, we will potentially destroy it forever.

I say “potentially.” The experts say to me that the question is not, will the dump leak?; the question is, when will the dump leak? So that polluted water has destroyed the life, has destroyed the value of the farms and has destroyed a part of our Ontario.

There is an opportunity for the local community to express their opposition. It can become very difficult, in that we get the community on one side, with no money, and the waste disposal company on the other side, with unlimited money. There is a great deal of money in garbage—a great deal of money. The companies that wish to expand a dump or open a dump appear to have unlimited resources, because they recognize it is a problem. This government has not done a lot to solve that problem, so the garbage companies are taking advantage of the fact that there is virtually an unlimited market and a monopoly for them to charge whatever they want to take and place the garbage. But we’ve got the community fundraising with yard sales and auctions and whatever they can do to try to raise the money to mount a defence.

Now, there’s a craziness there in that the government, in theory, should be the voice of the people, but it appears that when the government scopes the environmental assessment it’s more the voice of the company, so we’ve got citizens trying to raise enough money to fight their own government. There’s something fundamentally flawed with that, that the community has to raise the funds to fight their own government. So it’s not a level playing field at all.

This government has said that they won’t have the dump go into a host community that does not want the dump. I can take the example in my community to show that that statement in fact means very little, or perhaps even nothing. The host community is defined by the government as being the municipality in which the garbage dump itself is located. But if you have the garbage dump located right on the boundary between itself and another municipality—in my situation you have the water both on the surface and underground flowing imme-

diately out of that dump area and into the next municipality, which happens to be the township of Tyendinaga. It flows from there into what is the reserve for the Mohawks of the Bay of Quinte, and then it flows into the Bay of Quinte, and then it flows into Lake Ontario, and then it flows into the St Lawrence River. So who is the host municipality for this? It’s not just the municipality where the footprint of the dump is located, but it is a considerable part of Ontario and adversely affects all of them.

There is one unique thing in my municipality in that the water, both on the surface and underground, flows into the Tyendinaga reserve for the Mohawks of the Bay of Quinte. Where it flows into non-reserve land, there’s always the easy but I think wrong solution, which is that we buy the farmland and we just abandon it. In the case of the Mohawks of the Bay of Quinte, this is their reserve. This is where they have treaty rights. This is where they have self-government. This is their homeland. If the water on the reserve is polluted, they cannot simply up and move to another part of Ontario and enjoy the same rights and privileges—and I emphasize the word “rights”—that they have on the reserve. It is imperative to them that they maintain safe drinking water on their land. And I would suggest that for all of my community it’s important.

I have seen—I think it was on 60 Minutes—a show of when they went back to Chernobyl about 10 years after the disaster. They went through abandoned villages and houses and farms that were virtually the way they were the day the tragedy struck and they abandoned the area. If you take a megadump and allow it to pollute thousands and thousands of acres of land, you’re going to have a landscape resembling Chernobyl, with no economic value left in that land. It is not possible to bring a water supply to each individual farm in a rural area. The cost of it is simply prohibitive and it can’t happen.

When we have a government that has not been committed to recycling, unfortunately we see that the cheapest thing for some municipalities is to take the garbage, put it in a big truck and ship it out of the community. As long as you can’t see it, obviously the problem is solved. But that is a time bomb for rural Ontario. The government needs to address, and address sincerely, the waste diversion. We need to reduce the quantity of garbage that we’re having to put into landfill, and reduce it dramatically.

We need to do other things. I think we need to deal much better with hazardous chemicals. We’ve seen some nasty incidents in the Sarnia area that the member from Sarnia has shared with this House.

**2210**

Rural Ontario should not and must not be put in the role of being the recipient of garbage for all of Ontario. People would think it insane if the suggestion was made that Toronto needs to get rid of their garbage; there’s some empty land along the Don Valley Parkway; why not put it there? It is equally insane to say we need to get rid of the garbage; let’s put it down in Prince Edward-

Hastings; let's put it in Hastings-Frontenac-Lennox and Addington. There needs to be a much better plan prepared, there needs to be funding and there needs to be fairness. The community totally believes that there is a lack of fairness in this process that allows a full environmental assessment to be chopped into pieces, that forces a community to fundraise, to fight to preserve their land, not just for themselves but for future generations.

In my community we don't have to look far to see what happens when that isn't the case. In Sidney township there was a fairly massive dump on Aikins Road and it turned out that it's leaking material into the water. The effect of it was to destroy all of the water sources in the community. The provincial government responded by purchasing a water treatment plant and piping hot water to the houses, at considerable cost. Interestingly out of it, the province paid a lot of money for this water treatment plant and for the piping to it, the local homeowners paid a great deal of money, and the company that caused all the pollution that destroyed the wells paid nothing, not one penny, toward the cost of restoring the water supply to the community.

**Mr Dave Levac (Brant):** Why not?

**Mr Parsons:** The government seems to be unable to collect. I don't know whether to say unable or unwilling, but they've not collected any money on it. So the homeowners in the rest of Ontario have been stuck to bear the cost of, I guess, a kind of super-hidden user fee. The government got the money for the taxes from the dump but the residents paid to put the water system in. Even worse, down underneath that ground there continues to be leachate that has a potential to migrate down to the Bay of Quinte, and we really don't know the pollution created by it because we really don't know what the leachate is in the garbage dump. When we start to mix four or five or 50 different chemicals together, it's material that we simply don't understand.

This bill, which is a wonderful start, doesn't provide a guarantee of funding and doesn't have all of the teeth that it needs to have to say that recycling will happen. They talk about paying up to 50%, but we need to understand that life is more complex and we have recycling as a separate issue from the garbage dump. I urge the government to remember that the money spent on recycling saves money on the landfill—not just on the tipping fees, but it has the potential to save millions and millions of dollars in land not being destroyed by the pollution that would come out of a garbage dump. We need to have more respect for rural Ontario land than we currently do, and this bill doesn't guarantee that that will happen.

**The Speaker:** Questions and comments?

**Mr Kormos:** I listened carefully to the contribution to this debate by the member for Prince Edward-Hastings. His comments illustrate what I was speaking to just a little while ago and it's why it's incredibly important that government members engage in this debate as well. The member for Prince Edward-Hastings brought to the debate a rural perspective and illustrated the impact of Bill 90, an impact less than favourable, on the folks he

represents here in this Legislative Assembly. That's why people have to engage in the debate.

It's important that I hear from the Prince Edward-Hastings representative and I suspect—I hope—it's important that other people hear from the representative from Niagara Centre. In short order, in around eight minutes' time, we're going to hear from the representative for Sault Ste Marie, and in fact I know that there are a couple of folks who are going to be paying particular attention to what he's going to be saying during the 20-minute slot. That's the maximum amount of time he's permitted. Let's understand, the debate is rigidly controlled here. We don't get a whole lot of opportunity to engage in it, and when we do, we should be using that opportunity. It's part of our responsibility.

The folks up in Sault Ste Marie are going to be interested in what their member has to say about Bill 90, particularly some folks over on MacDonald Avenue, Mike and Rose Martin—his friends call him Mick—Mick and Rose Martin, who are going to be watching this evening with specific interest in what their son Tony has to say about Bill 90. I want to welcome Mick and Rose to the television audience of the legislative broadcast. I encourage them to get down to Toronto when they can and join us right here in the members' gallery. I'm sure they'll be given a seat in the gods by the member for Sault Ste Marie. Just as they're eager to hear from Tony Martin, the MPP for Sault Ste Marie, so am I. He, as a New Democrat, is illustrating the fulfillment of his responsibilities, his duties and his obligations as a member of this provincial Parliament. I wish others would do the same.

**Mr Garfield Dunlop (Simcoe North):** It's a pleasure to rise this evening and make a few comments on Bill 90, the Waste Diversion Act, 2001. I'd like to make a couple of comments on the comments of the member for Prince Edward-Hastings.

One of the things he said, bringing it from a rural perspective, was that it was a wonderful start. I caught that in his comments. I hope that Mick and Rose Martin from Sault Ste Marie hear that as well. I think we've come a long way in the business of waste management and recycling in the last 15 or 20 years. I don't like to call it a wonderful start; I think it's the continuation of a lot of good things that have happened.

Looking at it from a rural perspective, I remember the problems we had up in Simcoe county, in the Orillia area, with an open quarry where Ontario Hydro wanted to dump fly ash at one time. I think a company called Ogden Martin wanted to put an incinerator in the city of Orillia at the time. It caused us a lot of problems in that area. No one really wanted it. I will give the NDP government of the day credit. They brought out the bill—I forget the name of it—that allowed the regions to take over waste management. I think it was in 1990 that that happened. The county of Simcoe was fortunate that time. They were able to take a whole bunch of poor landfill sites and amalgamate them into a system that worked out very well. Today the county has a very good recycling

program in place. But instead of looking at landfills in the future, they're also looking at enhanced recycling plants. I think this sort of thing is going one step in that direction as well.

**The Speaker:** The member for Brant.

**Mr Levac:** Thank you, Mr Speaker, for an opportunity to speak for a short moment on An Act to promote the reduction, reuse and recycling of waste. I want to point out something that happened in the bill. Quite clearly, the government has allowed itself not to promote something else, and I want to quote the bill: "A waste diversion program developed under this act" for the WDO "for a designated waste shall not promote any of the following"—and I want to come back to that—"the burning of the designated waste, the landfill of the designated waste, the application of the designated waste to land, any activity prescribed by the regulations." It was pointed out to the government that it's not good enough for them to say, "We're not going to promote those items." What they should be saying through this act, as it's called, to promote reduction, reuse and recycling, the 3Rs—they shouldn't be allowing those other four options to be taking place under the WDO's auspices. I'm concerned that's going to end up being one of the options some of the WDO might be suggesting and recommending.

I want to point out here the one member appointed to the Brewers Retail of Ontario and the one member appointed to the Liquor Control Board of Ontario. I concern myself with this because there was a section designed by the government. After they heard from Brewers Retail that because they're a closed system, they recycle 97% of their by-product already, what the government decided was to say that if anyone else becomes a closed system, they have to produce 75% reduction. So it's a race to the bottom here. Why would they not go to an expectation of 90% reduction? Why wouldn't they expect the Liquor Control Board to turn into a closed system instead of using the blue box cycle?

This is to promote better use and reducing and recycling. I think there are a lot of things in this bill that need to be tweaked and done. The member from Prince Edward-Hastings-Frontenac did a good job—or Hastings and—where are you from?

2220

**Mr Parsons:** Prince Edward-Hastings.

**Mr Levac:** Prince Edward-Hastings; he's got me so confused because he's talking about those dumps.

**Mr Martin:** I just want to say that I'm very pleased to comment on the speech given by the member from Prince Edward-Hastings. He and I will be teaming up tomorrow morning to challenge this government to pay attention, listen and take some action with regard to amendments that are coming forward from across this province on the Ontarians with Disabilities Act. I must say that his activity and performance in that circumstance was excellent, as was his presentation tonight. The member is always thoughtful in terms of his comments. It would do all of us well to pay attention, because we would learn

something that would benefit us as we debate and participate in the development of public policy in this place.

He reminds me, because of the work we've done and are doing on the Ontarians with Disabilities Act, that this government always seems very reticent to accept suggestions, particularly from the opposition but from others across this province, where it concerns improvements to acts they bring forward. I don't understand that. You'd think that anybody with any intelligence would realize they don't have all the answers. You always do better work when you include the insight of other people and try to incorporate best practices, best thought or best approaches. But that isn't always the case. Of course, in this instance, a subject so important as how we deal with the environment and how we manage our waste calls for all of us to be working together cooperatively. I'm pleased that the member for Prince Edward-Hastings has participated in this important debate tonight, and I will have a chance to do so in a more fulsome way as well in a few minutes.

**Mr Parsons:** I'd like to thank the members for Niagara Centre, Simcoe North, Brant and Sault Ste Marie, and especially to thank the member for Sault Ste Marie for knowing my riding name when my own colleague didn't.

This is an important issue. If I look at the industry in my community—and I think of companies like Essroc Cement, Midtown Meats and Procter and Gamble—they are working aggressively to recycle, reuse and reduce. But an individual municipality cannot recycle and reduce without government involvement. They need the collective power of a municipal or provincial government to allow them to have the opportunity to recycle.

I said this was a wonderful start. The problem with a wonderful start is that it also becomes the end. Dalton McGuinty and the Ontario Liberals do not support this bill because it does not go far enough. Once passed, that will be it. There will be no further action. There will not be requirements that it take place. It is absolutely vital for the way of life of rural Ontario that we reduce the amount of garbage going to landfills. It's not a nice thing, it's not a feel-good thing, it's not something we should do because it's politically popular. It's something we need to do because it affects us, our children, their children and on and on. To take the short, easy route that's happened since 1995 does not solve the problem but worsens it.

If we could just get back to 1995, if we could get back to when the funding was in place to recognize that recycling could not totally pay for itself, but that it had tremendous quality-of-life virtues that more than offset it. This bill does not do that. This bill says, "up to 50%." It could be 5%; it could be 10%. Municipalities are struggling now with the downloading. To expect them to do this additional thing, when it's a provincial issue, is simply not fair, and this bill doesn't address the issue.

**The Speaker:** Further debate?

**Mr Martin:** I appreciate the opportunity tonight to participate in this very important debate around public

policy. We should all, in this place, be willing to participate in this way. But alas we see here tonight another example of this government's lack of interest in debate and in the give-and-take of public dialogue on issues that affect all of us very directly, both personally in our own lives, in our homes, in our communities and across the province, and in this instance particularly, where it concerns how we together will manage the waste we produce, who will pay for that and how it will ultimately affect the environment and, as such, provide that which is so important, so essential to all of us as we try to live our lives: the water we drink, the air we breathe, the wildlife that lives in the forest, the forests and the trees that provide us with the oxygen. It's a circle that cannot be broken. It's a circle we have to be ever vigilant to protect. It's an ecosystem that is dependent one upon the other. The more garbage and waste we produce, the more potential there is that we will affect that cycle in a way that won't be helpful to anybody concerned.

If there's anything about which we should be willing to spend lots of time participating in debate, it is issues where the environment is concerned in the day that we live now and around the whole question of how we manage our waste. I have to say I'm disappointed tonight, as I reflect on some of the things we as government were able to do under the rubric of environmental protection and other initiatives, that this government so quickly, when they came to power—as they did with so many of the other things we had done, a lot of it very good, in the public interest of this province—just swept it off the counter and pretended to start over. In fact, we know that in many instances, particularly where issues of social community, issues of public service and issues of the environment are concerned, they got pushed to the back burner.

We've not seen much by way of new thought and new initiative around this until now, just months before we will see a change in leadership in the government across the way and, with that, probably a change in government in this province.

The wait until the last hour, the 24th hour, the last minute, to bring forward a bill as important as this is reflected in some of the comments that have been made by some of the folks out there who want to be supported in their efforts to manage their waste. The member from Prince Edward-Hastings and myself heard the same comment as we travelled the province with the Ontarians with Disabilities Act. There are those who are so anxious, after so many years of waiting and working and wishing that there would be something of an infrastructure nature in place that would support some of the very important work they want to do, the best they could say in many instances was, "This is better than nothing." I suggest that you look at Hansard for some of the public discussions that went on out there, the committee work that went on and the suggestions for change and the commentary of those whom the government suggests support this bill. In many instances, the best they can say is, "It's

better than nothing; it's a start." We hear that so often in this place as pieces of legislation are brought forward with no content and no substance to them. As a fellow in London said on Saturday, speaking to the Ontarians with Disabilities Act, "More fluff and spin; more spin and fluff." That's what this government has become so good at giving us, at delivering to us and at feeding us under the aegis of public policy in this province, in this place, at this time in our history.

Yes, when we were in government we made some mistakes, all with good intentions, as we tried to respond to the tremendous number of challenges we saw in front of us at that time. But in the area of the environment, we did some really good things, actually some extraordinary things, moving forward an agenda that was sensitive and intelligent, using the best of thought and science that was out there to manage a very difficult issue that we inherited when we became government in 1990 and make some very difficult political decisions about it and move forward with trying to, for example, encourage and put in place frameworks that would support communities looking after their own waste within their own jurisdictions.

#### 2230

I remember in those days the comment that was made: "Out of sight, out of mind." At that time, we were talking about shipping garbage here, there and everywhere. Yet as a government we knew—although some of us weren't always convinced, because we were on a steep learning curve as well when it came to developing public policy and working co-operatively with people in this place as a Legislature to try to find the right approach. But in the end we always tried to at least listen to the varying and various voices out there and move forward with some very important initiatives.

The member for Simcoe North, who spoke in response to the speech of the member for Prince Edward-Hastings, mentioned that we did some things that were progressive in the area of allowing regions to manage their own waste. We also took a very strong stand at that time where the use of incinerators was concerned. It was a very controversial issue. We were trying to manage the whole difficult problem of landfills and the very frightening growth of the number of landfills in the province by instituting, introducing and providing resources and support to municipalities to have blue box programs. One of the signature pieces of our government was the attention we paid to, the resources we put into and the way we were able to work with, the private and public sectors around the question of blue boxing. But alas, this government has turned its back in some very serious and significant ways on that very progressive and responsible approach to try to manage some of the waste production that goes on in this province.

It's so typical, though, of this government as you look at this bill and compare it to other bills, that when it comes to delivering on promises it has made to its friends and benefactors out there—and I'm talking here now primarily in the area of financial concessions and considerations and tax breaks to corporations and wealthy

individuals across the province—this government can move with lightening speed, can be precise and can bring in legislation that is full of detail around the question of handing over public resources, spending the taxes of this province, the public funds, to give major tax breaks to corporations and other individuals.

But when it comes to the spending of public money on health care and education and, in this instance, the managing of our waste and the protecting of our environment, alas, there is a lack of detail and reference to where the money is going to come from or who is going to pay what or what percentage. The only thing you can say with absolute certainty is that this government is going to try to wiggle out, as much as it can, of any responsibility to actually pick up the tab. They usually walk away from the table and the municipalities are usually left to put the credit card on the table and pay the bill.

There are so many municipalities out there struggling under a debt load imposed on them by this government because of the download, because of the change in the formula where transfers to municipalities are concerned. Here, they are once again going to be saddled with a bill that has in it some very exciting and positive initiatives and movements forward, but they're not going to be able to afford to pay for it, and that's a problem.

But you can always tell a person's priorities by following the money, where an individual, a family, a community or, in this instance, a government is spending its money. If you look at the track record of this government over the last number of months, in their budget they announced tax breaks for corporations to the tune of some \$3.5 billion and another \$300 million in tax breaks to people who will send their children to private schools. Yet when it comes to the imposition or introduction of new initiatives where, for example, the disabled in this province are concerned or, as with this bill and in this instance, introducing new and important initiatives where protecting the environment and managing our waste is concerned, we have no money. There's no money. It's all spent. The cupboard is bare. It has been given away. Our public funds have been given away, so we don't have them any more to do those kinds of things that everybody who is of a fair mind knows we need to be spending public money on. So there's no money, and it's partially alarming, given the stress that's already in the system.

I just want to talk for the few minutes that I have left on a couple of the specific pieces of the bill here that I think deserve some scrutiny. We're saying in this caucus that the bill should stipulate that municipalities will get at least 50% of their net operating capital costs for running blue box programs, like they were getting in 1995. That is the amendment the NDP proposed for this bill and that was blocked by the government. In the government's initial draft of the bill, there was no guarantee at all of how much municipalities would get. The bill said only that they would get no more than 50%. That wasn't good enough and, to be fair, the government changed that to say they would get funding equal to 50%. But the question has to be asked, 50% of what? It's unclear. Does

that include capital costs? We say it should, but we don't know.

When will they get the funding? That's not clear either. By some people's reading of the bill, it could take months and months, maybe even up to a year, perhaps more than a year. We know that with other government funding projects, such as SuperBuild, we've been waiting for—how long now?

**Mr Bisson:** Almost two years now.

**Mr Martin:** Almost two years. Has your community got any of that money? Has my community got any of that money? No. What they do is, they announce SuperBuild, then they announce another program and another program. It's all the same money, but it never gets spent. When are we going to see some of the SuperBuild money? When are we going to see some of the OSTAR money? The OSTAR money is supposed to go to municipalities to cover the cost of some of the new regulations that you've brought in where the environment and protection of the environment is concerned.

There are communities out there, community after community, living with and under boil-water edicts from the Ministry of the Environment, waiting for money to invest in new technology so that they don't have to do that any more, so that they don't have to put themselves, their children and their families at risk. When is the money going to come? When is the money going to flow? That's the question of the century here with this government. It's not good enough.

We, the NDP, sought to amend a bill, and once again the government said, "No, we don't do that." We tried to get the bill changed so that funding would effectively be retroactive to the date of royal assent. Why not? The municipalities are being stuck with the waste that industry produces. They are having to deal with that waste today, and they are not getting all the support they need. Why shouldn't the bill be retroactive? Ask the government. They must know, because they blocked that amendments as well; they wouldn't let it go forward.

What does this bill do to support and encourage municipalities to get organics out of the waste stream and move to composting? Diddly-squat, nothing, zip, nada. It doesn't matter how you pronounce it. Why isn't there money for that? Haven't we learned from Halifax? The city of Toronto has a program ready to go to divert—Mr Prue will know—

**Mr Michael Prue (Beaches-East York):** It's 60%.

**Mr Martin:** —60% of its waste through advanced composting and recycling. What is stopping them? What is stopping them is this government. This bill does nothing to support that initiative—absolutely nothing. You have a community out there doing its thing, doing an excellent job—progressive, ahead of their time—and this government turns its back, turns a blind eye—no support. The NDP brought amendments to the legislative committee that would have added provisions for funding to these kinds of forward-thinking initiatives that would keep waste out of the landfill and reduce the pressure on the blue box program, but what did the government say?

**Mr Kormos:** Zip.

**Mr Martin:** Zip. No. No way. Not on your life. We're not going to do that. We can't afford it.

**Mr Kormos:** They slammed the door.

**Mr Martin:** Slammed the door. Stop giving money back to corporations. Stop spending public money on tax breaks for corporations and wealthy individuals and you'll have the money. You'll have a ton of money. Imagine the money this government would have in its coffers, coming in year over year over year, if they hadn't given away the tax breaks they have over the last five years. Stop feeding private schools. You've run this province into debt, in a way that nobody ever imagined you would, because of your spending on tax breaks for corporations and your wealthy friends. You have no money left, absolutely no money left, for initiatives on the environment, for initiatives such as this bill. Why are you putting this bill in place? Why are you going through the charade and an exercise of putting a bill in place when you're not going to support the municipalities with the resources they need to actually get the job done? Why?

**Hon Mr Sterling:** I thought you wanted to help Algoma.

**Mr Martin:** Where are you where Algoma's concerned? You're protecting your own interest, you're protecting the pensions, and we say thank you for that, but where are you on the bigger question? Why aren't you at the table like we were in 1992? Where's the leadership? You know where the leadership is? It has gone south. You know where the money is? It has gone to the corporations. There's none left. You have no money in the Ministry of Economic Development and Trade. You have no money in your financial coffers to pay for anything—Algoma Steel, this bill on the environment, hospitals, health care—no money.

With that, I find myself really frustrated, so I'm moving adjournment of the debate.

**The Speaker:** Mr Martin has moved adjournment of the debate. Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the nays have it.

Call in the members; this will be a 30-minute bell.

*The division bells rang from 2243 to 2313.*

**The Speaker:** Mr Martin has moved the adjournment of the debate. All those in favour of the motion will please rise and remain standing. Thank you; you may be seated.

All those opposed will please rise and remain standing.

**Clerk Assistant (Ms Deborah Deller):** The ayes are 11; the nays are 26.

**The Speaker:** I declare the motion lost. Further debate?

**Mr Martin:** I think it's important for people out there to know that the government is playing games with the

public policy of this province, playing games with the process of this place that has served us so well for so long. If they want fulsome and wholesome debate on some of this stuff that they're putting forward on the public policy, if they want fulsome debate on some of the things they are bringing forward here these last couple of weeks that are going to affect the lives of all of us in a major and significant way, they should be willing to come back after Christmas. We'll be here January 15 if they like, and we'll go through January, February, March, and come back for public hearings. Let's take some of these bills out there so people can have a chance to speak to them, so that they can get a sense of what it is that you're wanting to do, how it is you're willing to support that, and what co-operation they can expect from this government in trying to implement some of the initiatives that you see as being important that you're putting before us in this place these late nights of these weeks before Christmas.

Bill after bill before this House is time-allocated, with little debate, very little public input, no resources, no support. What do you expect? What do you expect us over here to do: anything different from what you had done when you were in opposition over here, when you didn't like what we were doing over there when we were the government? You're spending public money on your corporate buddies and you have no money left for any of the initiatives that the people of this province know are necessary if we're going to have good communities that are going to be supportive.

**The Speaker:** Questions and comments?

**Hon Mr Newman:** I listened intently to the member for Sault Ste Marie's speech tonight. I know there was a half-hour break in between because he wanted to adjourn the debate of the House, but I thought he would have wanted to talk about what the northern Ontario heritage fund has done for northern Ontario and particularly his community of Sault Ste Marie. I think we all know that the heritage fund doubled its annual allocation from \$30 million per year to \$60 million per year. We made that commitment over a five-year period, so that's \$300 million that's made exclusively to the communities of northern Ontario. In fact, back in February of this year we refocused the northern Ontario heritage fund to reflect the needs that the people of northern Ontario said that they wanted to see in their communities. We brought forward a number of flagship programs to include trails programs, agriculture and health care, among other programs.

In fact, there were two new programs that I launched with the northern Ontario heritage fund. One was the economic diversification program that is there to assist communities that rely on a single industrial sector for a great deal of their economy. The second new flagship program, and I'm sure the member opposite would have wanted to speak about it, is the northern communities capital assistance program, which is \$82 million being made available to all the communities across northern Ontario. In fact, his community of Sault Ste Marie is

eligible for \$2.5 million. I thought that he would have wanted to speak about it.

As well, we've made several other announcements in Sault Ste Marie. One of them was the \$250,000 announcement that the Premier was at. John Snobelen was there. Ted Chudleigh was there. Dan Newman, the Minister of Northern Development and Mines, was there. Guess who else was there? Tony Martin, the member for Sault Ste Marie, I thought would have wanted to speak about that announcement, because that announcement will help to bring jobs and economic development to his community of Sault Ste Marie.

**The Speaker:** Further questions and comments?

**Mr Levac:** Thank you, Mr Speaker, for the opportunity to congratulate the member for Sault Ste Marie and the passion that he expresses when he speaks about issues such as Bill 90.

Within Bill 90, I want to remind the House again, there were some concerns raised both by members of the opposition on the committee and by people who were speaking to the bill specifically from other groups. One of the other areas that was turned down by the government was the opportunity to ensure that the Association of Municipalities of Ontario was provided with at least one half of the representation on the steward program. That basically meant the municipalities would have the majority of the opportunity to speak to the blue box program, and they turned that opportunity down, which was definitely unfortunate.

They were also offered an opportunity to take another member from the Ontario Environment Network, which is a very broad-based voice on environmental issues across the province. Predictably, they did not allow that particular motion to pass, even as an observer, because as you noticed in the bill, even observer status was offered to members of the environmental community, and every single observer status that was asked for by members of the opposition was turned down.

Again, it seems that the only time the opposition was given any kind of acknowledgement was the Brewers Retail. They had made that recommendation because they were a closed group, and I want to make sure I come back to that again.

One of the other areas that was brought up as a concern and was raised to the government side, and they didn't give us a rationale that we believe was appropriate for this particular bill, was that subsection 30(1) does not apply to "a person who is designated under the rules made by an industry funding organization as a steward in" designated waste, if the plan relates to designated waste and is approved under this section, and they are also exempt from fees. What they also did with the fees is that gifts in kind provided by any of the providers are good enough for their fees. My comment is: pay the fee and do the gifts in kind.

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**Mr Kormos:** First, I want to explain this to the Minister for Northern Development: it's 11:15 at night and the only people listening to this in Sault Ste Marie

are Mick and Rose Martin over on MacDonald Avenue, and they don't believe you, Minister of Northern Development. But I believe Tony Martin has aggressively pursued every single provincial initiative that Sault Ste Marie has acquired for the 10 years he's been the MPP for that riding, for that community.

Tony Martin has single-handedly taken on this government, demanding its participation in the Algoma restructuring. Tony Martin was there in 1992 when a provincial NDP government saved Algoma from absolute closure. Tony Martin is there today with those workers and those families at Algoma, fighting to make sure Algoma is saved yet once again. I'm proud to be a colleague of Tony Martin. The people of Sault Ste Marie have been well represented in that riding. I knew Tony Martin's predecessor, and they've been well represented in this Parliament for a good number of years now.

I'm proud of Tony Martin's perspective on Sault Ste Marie, of his understanding that northern communities are different, that they are distinct, that they are in fact special, and that this government has to be provoked on a daily basis to give northern communities the regard they and their residents deserve. This government has to be provoked by Tony Martin and other northerners in this caucus so that this government can understand that Queen's Park had better understand the province of Ontario doesn't begin and end at the intersection of Yonge and Bloor in downtown Toronto. I say that riding's well served by Tony Martin.

**Mr Arnott:** I wouldn't dispute that the riding is well served by the member for Sault Ste Marie. But I have to point out that this bill has been debated now on second reading for in excess of six hours. This is a bill all members of the House purport to support, and yet we go on and on tonight rehashing the same arguments. I've been listening intently since we resumed debate tonight on this bill at about 9 o'clock and there have been virtually no new arguments presented.

*Interjection.*

**Mr Arnott:** I say to the member from Toronto, I gave a fulsome speech. I don't think you want to hear it all again. Last week I spoke on this at length, as did the former Minister of the Environment, currently the Minister of Consumer and Business Services, and we've had ample debate at committee. So I would again implore all members of this House, if you support this bill, let us skip to a vote tonight and pass it.

**The Speaker:** Response?

**Mr Martin:** The government is obviously upset tonight. I must have touched a nerve. I think it has something to do with the fact that we actually have the nerve to get up and debate items of public policy that come before this place, and to want to debate it until we're all done, until we all have a chance to have our say, to speak on behalf of our constituents, to ask the government to consider amendments and changes we might suggest because we think we might have something important to offer.

The other thing I think the government is upset about is that I'm very clearly pointing to some fallacies in their program. They like to pretend they're the great managers of everything public in this province. They've run the province into debt more than I think anybody ever expected because they continue to spend public money on tax breaks for their corporate friends and rich benefactors, to the detriment of programs like the environment, like health care, like social services, like education. When we point that out, they don't like it because we're hitting the nail on the head; we're on the mark. I think the people out there are beginning to wake up to that fact and it won't be long before they'll be calling you on the carpet about it.

As far as northern Ontario is concerned, and the bravado and bragging of the Minister of Northern Development and Mines, there isn't a region in this province that has experienced recession and difficult economic times like northern Ontario. What you're doing with the northern Ontario heritage fund is simply returning just a portion of the money you've removed from mainline ministries like the Ministry of Natural Resources, the Ministry of the Environment, the Ministry of Transportation. All the capital projects cut and you're returning a small percentage under the aegis of—

**The Speaker:** I'm afraid the member's time is up.

**Mr Frank Klees (Oak Ridges):** I find it ironic—I'm sure you do too, Mr Speaker—that the members opposite are talking about the need to further debate this bill and yet the member for Sault Ste Marie moved adjournment of the debate. If in fact the members have so much more to say about this issue, why would he move adjournment of the debate? It's beyond me. I'm sure, Mr Speaker, that you probably have a way of figuring that out. But I'm happy to speak to this bill.

The Waste Diversion Act, 2001, if passed, would establish a permanent long-term organization to develop, implement and fund waste diversion in Ontario. It would establish a new historic partnership between industry and municipalities to reduce the amount of waste being sent to landfills in Ontario. I'm sure members opposite support that principle. I see them nodding. I'm sure they will support this when it comes time to vote for this bill.

The first task of Waste Diversion Ontario would be to establish an industry funding organization to set and collect fees from industry to pay 50% of municipal blue box programs. Again, I haven't heard any objection from members of the opposition to that principle, which we believe is very progressive in terms of moving this issue forward.

I want to commend the minister for the way this bill was introduced in the House. It was a historic event in the sense that, after first reading, this bill went to the public for input. Never before, to my recollection, has there been a bill that at this stage of debate had that experience of being sent across this province for public consultation, for public input, after first reading. Even though it may have been done before, it wasn't done to the extent it was done with this bill.

It has undergone two days of public hearings where the committee had the opportunity to hear from numerous groups, so there was another opportunity for broad public consultation. There were two days of clause-by-clause where the committee had the opportunity to bring forward amendments, and many of those amendments are reflected in the bill as we see it before us today. The government House leader has also provided two days of debate on the bill for second reading.

I want to point out in this context that in the years 1986 to 1987, and Mr Speaker, you know who was in government during those days—

**Hon John R. Baird (Minister of Community and Social Services, minister responsible for children, minister responsible for francophone affairs):** Who? Name the members.

**Mr Klees:** I believe it was the Liberal government.

I find it interesting that tonight—you were here when this happened, I believe, Mr Speaker—the Liberal Party moved adjournment of this House, and the time for the bells took away a further 30 minutes of opportunity that members opposite would have had to debate the merits of this bill.

We had a similar thing happen with the NDP, who obviously felt it was time to move on for the vote because they took 30 minutes out of what could have been debate time to allow the bells to ring in this place.

**2330**

Between 1986 and 1987, there were 78 government bills that were considered in this place. Some 52 of those government bills were debated for less than an hour. Of 78 total bills, only four were debated for more than four hours. I want to point out that none of those bills, during those years, was debated for more than six hours. We have just passed some seven hours of debate on this bill.

I want to point out as well that this bill is supported by the Association of Municipalities of Ontario and many industry groups from across the province.

It is time that all parties put aside their political agendas and move this bill forward. For that reason, Speaker, I move that you now put the question on this bill.

**The Speaker:** I'm afraid there has not been sufficient debate. Further debate?

**Mr Bruce Crozier (Essex):** It would appear as though the member hasn't been around the House long enough to know the rules, either, let alone what may have gone out on first reading. In any event, I want to—

*Interjections.*

**Mr Crozier:** I'm a fan of Leonard Cohen, and Leonard Cohen, in his album *The Future*, has a song called "Anthem." The chorus of "Anthem" is:

Ring the bells that still can ring  
Forget your perfect offering  
There is a crack in everything  
That's how the light gets in.

That's why we're up here debating this bill. We're trying to provide a little bit of light on this matter of waste reduction.

It's interesting; the speaker just before me said that the day this bill was introduced was a significant day. It certainly was; it was June 26. That happens to be my birthday, so I can remember this bill very well. But what is more significant is that, notwithstanding the fact there have been only two days of public hearings, which is something I wouldn't brag about, this bill has sat on the order paper for six months. Then this government, when they decide to stand up, which isn't very often, to debate it this evening—when they decide to stand up, they tell us how important it is. Yet it has lain on the order paper for six months. I can't believe it. I think the term the previous speaker used was, "It's beyond me." Well, it certainly is beyond me why you would let such an important bill, in your view, sit around for six months.

I should tell you too that some of you may be misinformed, because it's my understanding, at least, that our caucus opposes this bill. We believe that it in fact does offer some municipalities the tools to support waste reduction and initiatives that are needed in the province of Ontario. The problem is that before this government eliminated all provincial funding for the blue box recycling and waste diversion efforts, Ontario was a world leader when it came to developing and initiating waste diversion programs. Now, when areas such as Halifax and Edmonton are diverting more than 65% of their garbage from landfills, Ontario diverts less than one third. The city of Toronto diverts only one quarter of their garbage.

The key element that's missing from this bill and therefore makes it unsupportable is that the Ontario government, which collects some \$40 million a year in environmental levies on products that are sold through the LCBO—the government only allocates about \$5 million a year of this levy for waste diversion.

Now, it's great to say that this is going to provide some sort of funding for waste diversion in this province, and I think we all support that. We support the fact that municipalities are going to continue to be involved, quite frankly, because they've been carrying the load since this government eliminated any funding at all for the blue box, and we're pleased that industry is going to contribute to waste reduction in this province. But the crime of it is that this province isn't going to put any money into it.

It's the same old story: "Municipalities, we've got a good idea for you and we know what you should do and we know you can do it well. The only thing is, we're just not going to help you do it. We're going to make the rules, we're going to make the regulations, we're going to tell you how it should be done, but we're just not going to help you financially." You know, that doesn't do an awful lot. There's the old saying that you should put your money where your mouth is. The only problem with this government is they're all mouth and no money.

Both the province and the city of Toronto always had the goal of diverting at least 50% of their garbage by the year 2000. This goal was never achieved, and hasn't been achieved. Upon taking office in 1995, the Conservative

government eliminated the province's entire \$30-million municipal recycling program. The government also scrapped a deal that the NDP had made with the private sector that would have resulted in the private sector funding the blue box program. This deal, at the time, was deemed to be needless red tape.

Ontario now has one of the lowest recycling rates in Canada, with only 32% of garbage being diverted from landfills. Ontario is the only province that does not mandate that the private sector share a cost of recycling the products they produce.

Blue box programs cost municipalities \$45 million a year, with virtually no support from the province or private sector. The provincial government collects over \$40 million a year from a 10-cent-per-bottle levy on the LCBO, but has only promised to allocate, as I mentioned earlier, \$5 million of this to help develop initiatives to reduce waste.

The Provincial Auditor was very critical, in fact, of the government's lack of commitment to recycling programs in his 1997 report.

Quebec is moving towards 65% waste reduction and is investing significant provincial and private sector funds to achieve the goal. BC, Alberta and Saskatchewan have sweeping beverage container deposit regulations. Nova Scotia has banned all organic materials—grass clippings, food waste, that sort of thing—from landfill sites. They compost. Toronto, as I mentioned earlier, only diverts 25% of its garbage.

There are some excellent diversion programs in Ontario and throughout Canada that should be emulated by the province of Ontario as a whole. Guelph, for example, diverts 55% of its garbage, Halifax 65% and Edmonton 65%, and all of these cities have comprehensive plans in place that will see continued dramatic increases in these rates.

#### 2340

In general, I think we would acknowledge that Bill 90 has received mixed response from Ontario municipalities. Most have said that the bill is a step in the right direction but that much more needs to be done in terms of funding and regulation. Municipalities are also concerned that the waste development organization will put the needs of industry ahead of the needs of the municipalities.

The industries impacted by Bill 90 have all been supportive in principle, but there will be considerable disagreement over funding responsibilities once the waste development organization begins to function. None of that has been settled yet. Municipalities and the Essex-Windsor Solid Waste Authority are waiting for that \$700,000 that should result from this bill. In fact, they're doing their budget at the present time and some in their board want to include that \$700,000 of income in their budget. I've cautioned them that when you look at a bill that this government has sat on for six months and that we're only into second reading on now and there are only a couple of days left before the Legislature is scheduled to adjourn, they shouldn't plan on anything until they have that cheque in their hand.

So those are some of the reasons, in the short time that I have had this evening to outline, why this isn't the perfect bill that this government might lead some of us to believe and that there should be a great deal more consideration and, at the very least, there should be meaningful and substantial participation by the province.

**The Speaker:** Questions and comments?

**Mr Kormos:** The rules are incredibly rigid around debate. We're now down to the point where members have but 10 minutes to speak, and what that means is that the rules ensure that the debate cannot be protracted. There was a time within my time here when yes, you could engage in protracted debate. You could focus attention on an issue and you could draw attention to a particular issue about which somebody felt strongly. I recall literally not just weeks but months of debate around extremely contentious issues where there were strong divisions in the assembly between the government and opposition parties, for instance. Notwithstanding the incredibly vigorous debate, there was an absence of the acrimony that seems to have permeated this assembly, this chamber, significantly and increasingly over the last several years.

I'm going to put it to you once again: the opposition parties don't set the House agenda; we don't decide when to call bills. It's the government that makes that determination. We didn't load the House calendar up with bills, introducing them as recently as the end of last week. But what the opposition parties have done—the New Democrats are putting it on the table one more time—is offer to come back here in mid-January and sit in a regular House schedule and debate the legislation that the government puts forward, ensure that it's fully debated, participate in committee hearings, and do our job as members of this Legislature. We're not prepared to take the six-month hiatus that this government is going to embark on come Thursday of this week. I say to this government: return to the assembly January 14 instead of June 14 and we'll debate this legislation.

**Mr Steve Gilchrist (Scarborough East):** It's really quite incredible that the member for Essex would dare to raise the issue of the democratic expression, given the amount of time that we've taken bills out on the road or debated in committee here. The shameful way that his government operated—the average time given to third reading in the five years of the Liberals was less than one hour. We've sat more time on committee, we've taken more committees on the road, we've spent more time on debate and we've sat more days in any calendar year than any government in the history of the province of Ontario.

I know the member for Essex doesn't like the results when we go out to the public and we listen to their views, and in this case it's the Association of Municipalities of Ontario. That, to refresh the member's memory, is the group that represents virtually every one of the 447 municipalities in Ontario. That would be a majority. That would be the kind of standard we're supposed to operate to in a democracy.

Now, I know that your standard was just to listen to the fat cats on Bay Street and the developers that fatten your wallets, but the bottom line for us is to listen to the people all across Ontario. We're the folks who have more paid-up members in the party. We're the people who really are the party of the grassroots. We've demonstrated that every single month we've been here: more hearings, more time for debate. This bill is no exception. The time has come, after six months of allowing people the chance to comment—what a radical thought, eh? Imagine having it out there for the public to actually ruminate on and give their observations back. I'm sorry that that's not enough time for you. But every group that has a vested interest in this project has had their say. There's no reason to belabour this. The time has come to pass this bill.

**Mr Bradley:** Is there anything the member from Scarborough East doesn't know? I mean, he's just perfect. On the government side, he's more than an adherent. He is a—I can't even say disciple. He is a zealot, a driving force on the government side.

Talking about years gone by, I want to explain to him why there was so little time needed for third reading, and the member for Carleton, my good friend Norm Sterling, will confirm this: it's because the legislation was so good when it was brought forward in those days.

*Interjections.*

**Mr Bradley:** The NDP will tell you. They agreed with it. They voted for all the legislation between 1985 and 1987. They voted for it. They will tell you how good the legislation was.

When my friend the member for Essex talks about needing more time, it's because of the nature of the legislation brought forward. We're trying to help you. You may not realize that, but we in the opposition are trying to help you craft better legislation. Surely, from the input we've had from members of the opposition this evening, you will want to modify the bill further. You'll have to ask for special permission, which we will grant you, to go into committee of the whole—I know the government always wants to go into committee of the whole—and perhaps, even though we've been this route once, we can bring forward those amendments and the parliamentary assistant, who was forced to vote against them in committee, will in a more ecumenical sense be prepared to support them. That's what the member for Essex was saying in his speech this evening, and I agree with it.

**Mr Bisson:** First of all, to the member from Essex, I think he gave a quite good presentation on the issues as he saw them, both pro and con, when it comes to this bill.

But to the government I would like to repeat what our House leader said to you directly: you're the ones who are in charge of what happens in this House, you're the ones who decide what legislation is going to get called when, you're the ones who set up the order. All of a sudden in the last week of the House, you find yourself in a panic trying to pass everything and shove still more legislation into the hopper every minute we come into the

House. We say to you, listen, if there are bills out there that you think are so important and that we need to pass, call the House back on January 15. It's real simple. We New Democrats are prepared to be here as of January 15, and if you want to sit until July 1, we are prepared to be here from January 15 to July 1 to deal with whatever bills you bring forward. But to come in here and in a haphazard way invoke closure and do all the types of things you're trying to do to pass bills is really not a good thing for us to be doing from the point of view of democracy.

One of the members on the other side commented that back in the time of the Liberal administration and the NDP administration, and Davis before that, bills were passed through the House with shorter readings. There was a reason for that. I would disagree with my friend Mr Bradley; it was not because everybody loved the bills. The issue was that there was real negotiation between the parties. There was actually some camaraderie around this place, so we were able to get the government's agenda through the House with a bit of horse-trading with the opposition parties.

You guys figure you have an unfettered right to govern. The public be damned and the opposition be damned; you will do what you darned well please. And you wonder why we get upset? We have issues that we want to talk about on this bill. There are some issues that need to be dealt with, and you are unwilling to make the amendments. Yes, we will use our time to put forward to you what we think is wrong with this legislation.

2350

**The Speaker:** Response?

**Mr Crozier:** I would like to thank the members from Niagara Centre, St Catharines and Timmins-James Bay for their comments. I want to say to the member from Scarborough East that with his record in this place, he's one of the four I'm least likely to take any advice from.

I merely wanted to point out this evening that an important bill like this should have been dealt with some time ago. I also wanted to point out that when and if it is passed—and it will be passed—the municipalities shouldn't expect to receive a cheque in the mail the next day, and it's an absolute shame that they aren't going to receive, as part of that cheque, a contribution from the provincial government. As I said in my comments, this government, as is evidenced by the way the member from Scarborough East went on, is better known for putting up its mouth than its money.

**The Speaker:** Further debate?

**Mr Rosario Marchese (Trinity-Spadina):** I was really afraid I wasn't going to get my chance to speak here tonight. I welcome the taxpayers of Ontario tuned in to this political channel. It's 10 to—no, seven to. I won't even get to do my 10 minutes. A mere seven or eight minutes are all I have to comment on this bill.

To hear these members lamenting the fact that we are not letting the bill go through—they want us to capitulate on almost every bill they introduce in this place. They don't debate. We are the only ones debating this evening.

I've got to tell you, taxpayers of Ontario, this is the same group that has about 21 bills they still need to get through. They may have already passed two or three, so they've got 17 or 18 bills to get through in the next couple of days.

Of course they want the enemy on the other side to capitulate, and of course they will blame the NDP should we not give in to the most modest demands made by the government. They have these wonderful bills that they want to pass, and the NDP is the culprit obstructing these presumably epic bills, these bills of epic proportions. To hear some of the members speak on this bill, it's like one of the Herculean tasks, one of Hercules's seven tasks. To hear them, this is one bill of epic proportions; my God, nothing can compare to what this government has presented here tonight.

It's a bill that mostly deals with recycling. When you look at the hierarchy of reduction and reusing and recycling, there is barely a mention of reduction and reusing in this bill. Yes, it's about recycling, mostly. The member from Scarborough East says, "The municipalities want it. They all want it." Yes, they do want it, and I've got to tell you why. They want it because they've been starving municipalities for years and years, and all of a sudden this government says, "You're going to get some money," which comes mostly out of the industry sector. Any municipality would be foolish to give up the modest amount of money that would come out of this program; they'd be nuts. Of course they'd be nuts, and of course they want it. This government isn't very generous when it comes to giving money away to anybody.

This is a program that flows some money, but not from the government, as the member from Northumberland-Norfolk-Brant commented earlier. To hear him say it, you'd think this bill is the most progressive bill we've ever seen as it relates to the environment. But there's nothing here that speaks to the issue of the diversion of waste that can mostly be dealt with through composting. There is no comment at all on the issue of composting, none whatsoever, and that, of course, is a major part of what we should be doing as a government, in terms of educating the public that composting is something that every individual and most Ontarians ought to be committed to. What is the role of government except to lead on these issues?

But when it comes to real waste diversion, there's no leadership from this government. Where is Ted Barrett from Haldimand-Norfolk-Brant on this issue? He's nowhere. Where's the government on this issue? Nowhere. Where's the member from Scarborough Centre on this issue? They don't talk about it. All they say is, "This bill is great. Opposition, get out of the way." Even if it's modest in its proportions, and contrary to the manufacturing of this bill as if somehow it were manna from heaven, it's but a modest bill that deals with the recycling issue. Ted, you know it. Please present it that way, in such a modest way, and then we don't complain as much.

But to hear you and the former Minister of the Environment saying, "This is great. We've got to move on. Nobody else thinks this is bad except the opposition"—of course nobody else thinks it's bad, because nobody has an opportunity to debate bills. Very few people have an opportunity to debate any bill in this place. You know, Speaker, and Ted knows it, that the majority of bills get one or two days of hearings in this place. When you've got so many bills that you, Ontarians, taxpayers, are burdened with, which bill do you decide to follow? Which bill do you decide to open up and say, "This is my bill. This is the one I'm going to follow"?

Twenty-one bills are before us, Madam Ecker, and they want us to get rid of these bills in undue haste. We want debate. Madam Ecker, come back. We want debate. That's what we want as an opposition party, and we expect and demand the same of the government. I say to you, stand up and defend your bills, but not with all the blah, blah, blah about how your bill is great and how unprecedented it is in terms of, oh my God, how the environment will be saved because of it. Please. It's a modest bill about which, under normal circumstances, we'd say, "Yes, move on. Let's get on to the next bill."

But we as an opposition have a duty to highlight some of the problems contained in this bill. They have language that says, "A waste diversion program developed under this act for a designated waste may include the following"—not "shall" but "may include the following." You wonder why "may" is included as opposed to "shall" if they consider it to be so important. And what are these activities? They are:

"1. Activities to reduce, reuse and recycle the designated waste." Good, interesting, but why "may include" as opposed to "shall include"?

"2. Research and development activities relating to the management of the designated waste." Why "may" as opposed to "shall"?

"3. Activities to develop and promote products that result from the waste diversion program." Why "may" as opposed to "shall"?

**Mr Gilchrist:** You're repeating yourself.

**Mr Marchese:** "4. Educational and public awareness activities to support the waste diversion program." Why, Scarborough Centre, am I repeating myself? Because I need to say it to you over and over again because you don't listen, because you and the other lackeys in this place don't listen. It's because you think this bill is so great that I've got to tell you, member from Scarborough Centre, that you may not know the language includes, former Minister of the Environment, "may" as opposed to "shall."

If you believe it's important, then include the right language. Fight for that. Stand up and say that. Argue why it is that you don't have "shall" as opposed to "may." Stand up and do something. Don't just stand here for two minutes and blah, blah, blah about how great your bill is. Stand up and defend the contents.

Speaker, I'm looking at you and you're looking at me. Are we running out of time here? We've got time? Very good.

I'm saying to the member from Scarborough Centre and the former Minister of the Environment, Mr Newman, and others, stand up and say something meaningful about this issue. Stand up and argue why it is that in the language around this particular matter, which municipalities spoke to—they said the bill should stipulate that municipalities would get at least 50% of their net operating and capital costs. We argued for that, members of the committee, and those who came to depute argued for this. The government, of course—it took some time, but at least they changed the language that guarantees they would get funding equal to 50%. At least they made an effort to make it appear like 50% of the contribution would be made, at least that. But it's language that is very vague. It says "equal to" as opposed to "at least" 50% of their net operating and capital costs.

The point we make and the point the deputants made there is that—

**Mr Kormos:** On a point of order, Mr Speaker: I believe it is past 12 of the clock, sir.

**The Speaker:** I've got 12:01. I'm always a minute or two fast, but it being almost 12 of the clock, this House stands adjourned until 1:30 tomorrow.

*The House adjourned at 0001.*

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Pickering-Ajax-Uxbridge	<b>Ecker, Hon / L'hon Janet (PC)</b> Minister of Education, government House leader / ministre de l'Éducation, leader parlementaire du gouvernement	Waterloo-Wellington	Arnott, Ted (PC)
Prince Edward-Hastings	Parsons, Ernie (L)	Whitby-Ajax	<b>Flaherty, Hon / L'hon Jim (PC)</b> Deputy Premier, Minister of Finance / vice-premier ministre, ministre des Finances
Renfrew-Nipissing-Pembroke	Conway, Sean G. (L)	Willowdale	<b>Young, Hon / L'hon David (PC)</b> Attorney General, minister responsible for native affairs / procureur général, ministre délégué aux Affaires autochtones
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A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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