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of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Tuesday 30 October 2001

Mardi 30 octobre 2001

Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

Clerk
Claude L. DesRosiers

Greffier
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LEGISLATIVE ASSEMBLY
OF ONTARIO

Tuesday 30 October 2001

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Mardi 30 octobre 2001

The House met at 1845.

ORDERS OF THE DAY

MUNICIPAL ACT, 2001

LOI DE 2001 SUR LES MUNICIPALITÉS

Resuming the debate adjourned on October 29, 2001, on the motion for second reading of 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.

The Acting Speaker (Mr Bert Johnson): Further debate?

Ms Marilyn Churley (Toronto-Danforth): Thank you, Speaker. I'm just finishing up my comments from Monday.

I was talking about this bill before us. This is the bill we're talking about; it's pretty huge. It's smaller than the previous Municipal Act, but it's still quite a lot of material to go through, for interest groups to take a look at and analyze to be able to give their views of what this bill is all about.

I was talking about the downloading to the municipalities and the terrible impact it has had, and the imbalance between what are called the senior levels of government, the provincial and federal governments; that while they were able to balance their budgets and create tax cuts at the same time, part of the way they were able to do that was by downloading a lot of responsibilities to our cities and towns.

I talked about what some of those are. For instance, a lot of municipalities are not able to keep up with the road repair and maintenance that has been handed down to them—housing, child care, welfare, public health—all kinds of things they didn't have to do before and which were downloaded to them without the adequate funds to allow them to do the job properly. I was talking about the reality of that happening to municipalities and the fact—

Interjection.

Ms Churley: Excuse me; I have the floor now, Marilyn. I'm speaking to the other Marilyn here.

That is a reality. If you go and talk to the councillors in your area of whatever political stripe—I heard Case Ootes on the radio this morning; I believe he is a Tory.

He was saying the same thing. So downloading is a problem for many municipalities.

Here we have a bill that doesn't go far enough in terms of giving municipalities, particularly the big cities but the smaller ones as well, the kinds of powers they need to go along with those responsibilities in this day and age. This was an opportunity for the government, when bringing forward a change in a Municipal Act, which has not been changed for over 100 years, and my concern is that it's such a difficult thing to open up a bill like this that it won't be opened up again for a good many years. So it's important that it be done right, and it has not been done right. It is only going in a very tiny direction where we should be going, and many councillors will tell you that.

One of the important aspects of this bill—we don't have it before us yet, and I can tell you that I and my party will not be agreeing to pass this legislation until we see what's in the memorandum of understanding. That is the furthest this bill goes vis-à-vis the request from many mayors of the big cities, and some of the smaller ones as well, in giving them some charter powers, giving them more ability to raise the taxes they need and to do the things they've been given responsibility for. This memorandum of understanding, although it's a far cry from what they had asked for and require, does deal to some extent with that whole issue. It talks directly about the relationship of municipalities to other levels of government. It tells them what they can and cannot do, and under what circumstances. But again, the minister can intervene at any time if he or she does not like what the municipality is proposing to do.

It also talks about consultation, and that's a good thing, because so many things that happened after this government came to power—and, frankly, before this government came to power. Higher levels of government tend to do things to the municipalities and tell them after the fact, and municipalities saw it in spades under this present Conservative government. This consultation is a good thing. The problem is that there are broad ministerial regulation-making powers prescribing anything from what they can say on the forms the municipalities send out to people—it talks about a minister being able to step in. If the minister doesn't like what he or she is hearing in those consultations, the minister can step in and do what they want to do anyway.

So those are problems. We want to see the wording in that memo before we agree to passage of this bill, because what is in that memorandum of understanding is

going to be critical to the outcome after this bill is passed.

The other thing I want to say is that we need broad public hearings. Some people have been consulted on this. I understand that AMO has and that they're interested in fast passage. I understand that, but we also don't want to be in a situation where people like the workers, who could be very affected by this bill in terms of their job security—the bill clearly gives the ability for more privatization of services, for instance. They have not been consulted. They have things to say.

There are all kinds of small things that our municipal affairs critic, Michael Prue, the member for Beaches-East York, pointed out that most people wouldn't pay attention to but that can have profound effects, and some of them could be mistaken. You'll recall the bill we had to bring before the House about eight times to have amended because it was so badly written. We don't want to be in that situation here.

Mr John Gerretsen (Kingston and the Islands): I concur with my friend in the New Democratic caucus that the government truly did—

Ms Churley: Your friend?

Mr Gerretsen: We're all friends in here to some degree, right? I hope that we are, anyway. We're here together often enough.

I agree with her that the government really missed a golden opportunity. Yes, this is the first time in many years the Municipal Act has been looked at by the government and it really could have accomplished all the various things municipalities were asking for. There's this whole notion that somehow the provincial politicians are smarter or know more about what's good for people than do the people at the local level. Those of us who have served at the local level at some time in the past I think would agree that we totally disagree with that.

There are certain issues and certain instances when the people at the local level have a much better understanding of what's good for their community than we do at this level. What's required is almost like a municipal charter that clearly sets out, once and for all, that we have a third level of government, a municipal level of government, that is just as legitimate as the provincial and federal governments, and that we get away from this whole notion that municipalities are only creatures of the provincial government. You and I have heard that from time to time, whenever the province, whatever the political stripe, wants to lord it over municipalities.

This was their opportunity to do that and they failed and missed that opportunity. I hope that during the public hearings that will take place, this point will be brought back to the government on a continuing basis.

Mr Gilles Bisson (Timmins-James Bay): To my colleagues the members from Beaches-East York and Toronto-Danforth: I want to echo one of the points they make in this legislation that I think is important. We believe as New Democrats that the legislation is a step in the right direction. We're not going to argue that the direction the government is taking in regard to trying to

give a municipality the ability it needs to deal with what we consider local issues should not be done. I want to be really clear on that. We think the direction is the right one.

There may be much in this bill that is OK. Here's the problem: we really don't know. I don't have the bill in front of me, but it's about an inch thick. The government, I would imagine, is going to move a time allocation motion soon to push this bill through, if they don't try to collapse the vote, which I'll talk about in a little bit. Basically we're trying to rush this legislation through without proper consultation with our municipal partners and others out there who want to speak to the issues of this bill.

I urge the government, as the member from Beaches-East York talked about, to say, "OK, let's have a full debate at second reading but we'll allow this bill to go out in committee in January and February so we can travel through the province, speaking to our municipal partners and others, who may have some ideas on how to make this bill even better." I have to believe that the government introduced the bill because they want to do the right thing on this particular issue. So I encourage the government to do that.

However, I fear what we're going to have, what we're going to see tonight, is a government that does not get up and debate. They've just skipped a rotation in questions and comments. It is my guess that the government is now indicating by its inaction, by not standing up and debating this bill—I hope they do so after our rotation—that they are going to attempt to not have any debate on this bill. I think that's really wrong, because the issue is a good one for us to debate in this House and the bill is very thick. There is a whole bunch of detail that we really need some time to take a look at. I would encourage members on the government side to get up and speak to this bill.

Mrs Julia Munro (York North): I want to take the time available to make a couple of comments with regard to those comments that have already been made.

The issue with regard to the question of consultation and the need to look at this for a longer period of time needs to be set in the context of what has actually happened. In fact this government has been studying the notion of a revision of the Municipal Act since 1995. It's clear that this is an act that has been in effect, in some way or other, for 150 years. It seems to me that the kind of discussion and consultation we have undertaken in the last few years has been the motive for being able to come forward with this bill.

There have been extensive consultations since 1997. Since the release of the 1998 draft, there have been over 300 written submissions and over 50 people participating in working groups, facilitated consultations and ministers' forums. You can see the long list of third-party endorsements for this proposed act, from the Association of Municipalities of Ontario, the Ontario Chamber of Commerce, the Canadian Taxpayers Federation, and literally dozens of elected local politicians.

I think it's important to recognize that this government is prepared to make change, is prepared to look at the consultation, and then act.

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): I am pleased to offer some comments with regard to the bill that is before us for debate this evening. It has been indicated by my colleagues earlier that the bill is a good first step. We certainly appreciate that there has been a promise to rewrite the Municipal Act by this government for some time now. Finally it is here, and when we've had an opportunity to review it, we have to comment on a number of elements that are missing in the bill—I know those elements will be referenced during our debate this evening—and many areas of concern as well.

That's not to say that all within the bill is not good. We appreciate that the bill incorporates some legislation that has actually been presented in this Legislature by members of the opposition. I make reference of course to Sandra Pupatello's rave bill, to Michael Bryant and Dave Levac's Bill 104 that allows municipalities the ability to restrict and regulate the use of fortification buildings, and also Rick Bartolucci's Bill 24 that allows for the licensing and regulation of adult entertainment parlours by municipalities. Members of the opposition are encouraged to see that, when rewriting the Municipal Act, the government recognized it was important to include these very worthy pieces of legislation.

However, there are a number of issues and items that have not been included in the bill and some significant oversights that we will hopefully effectively present to the members of the government during the debate this evening.

The Acting Speaker: The member for Beaches-East York has two minutes to respond.

Mr Michael Prue (Beaches-East York): I am taken to heart by the member for York North who said that there will be some changes and that they are prepared to make changes to this bill.

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There's no doubt that this bill is an improvement on the act, which is now 149 years old. I would hope that after 149 years all of us would agree that it's time to make some necessary changes. This bill, as I see it, will bring the municipalities of this province into at least the 20th, if not the 21st, century and will in fact give powers to municipalities which many of them have exercised in any event for the last 20 to 30 years. What is important, though, is that we try to go the extra step, that we try to foresee where municipalities are likely to be in the 21st, and maybe the 22nd, century, that we try to bring all of the municipalities of Ontario into the same sphere that we find our competitors in. We have to trade every day with the likes of New York, Chicago and Detroit, also Mexico City, London, Madrid and Paris, and it is important that the cities in our province have the same jurisdiction and the same ability to grow and prosper as our competitors do.

I welcome that there will be a full debate. I would prefer that the full debate take place over a measured

period of time in January and February rather than being truncated into that constituency week, in which I was hoping to see my constituents, but I understand that may be the government plan. I don't think four days will be sufficient to canvass the whole of the debate. I would grant that a lot of people have been consulted, but key people like the workers in the municipalities and the support groups of the municipalities have not yet been consulted.

We make a minimum request that a memorandum of understanding be signed before this comes back for final reading and that the cities of this province be brought into full partnership with the government of Ontario.

The Acting Speaker: Further debate?

Mr Norm Miller (Parry Sound-Muskoka): It's my pleasure to stand this evening to speak on the new Municipal Act, Bill 111. I'd like to specifically talk about safety concerns and how it enhances safety in the municipalities of Ontario. Everyone in Ontario has a right to feel safe, and this government is providing the leadership to build a safer Ontario. This evening, I'd like to say a few words in support of the proposed new Municipal Act, Bill 111, and how it contributes to the priority of safety in Ontario.

Of course it's been 150 years since the original Municipal Act was created, so it's certainly high time that a new act was brought in and I commend Minister Hodgson for bringing in this new act.

I don't think I can say how important it is for our constituents to feel safe in our communities and, more importantly, that they are safe in our communities. The new Municipal Act, if passed by the Legislature, will do just that. It will enhance flexibility and promote safe, well-administered municipalities in Ontario.

I think everyone in this House will agree that municipalities play a vital role in our everyday lives. Most people are not aware and may take for granted the numerous and important services municipalities deliver to their communities. For example, municipalities operate town libraries, such as the Parry Sound Public Library or the Huntsville Public Library. They run recreation programs in every community. They take care of street lights, sidewalks and parks. They pick up garbage, plow roads and provide police protection. They do this every day, and I don't think there is any person in Ontario who is not directly affected by their local municipality every day.

In 1849, Ontario's first Municipal Act was passed and it provided simple services to the people in the province. In those days, they weren't expected to provide the sophisticated social, health, land use planning, recreational services and safety measures that they provide today. One hundred and fifty years is a long time, so that's why it certainly is about time for a new act.

I can safely say that things have changed since 1849. People have changed and their needs have changed. It would only make sense that municipalities have changed along with them. It has never been more evident than since September 11 that safety is a top priority for the

people across this province, across the country, indeed across the world. The proposed Municipal Act will perhaps put minds at ease by addressing important safety concerns in our communities. The new act will include measures to give municipalities more authority to make their communities safer. Not only will people feel safe in their communities, municipalities will assist in people being safe.

Some municipalities have expressed concerns about activities associated with adult entertainment establishments, body-rub parlours and crack houses. It is unfortunate that these sorts of establishments are present in some communities across Ontario. However, this legislation responds to municipal requests by enhancing municipal powers to deal with adult entertainment and body-rub parlours, crack houses and other problem properties that are a public nuisance. In essence, municipalities would be able, if the legislation is passed, to pass bylaws on matters that in the town council's opinion are or potentially could become troublesome, and if necessary, they could ask the courts to close down these problem properties. A request such as this would have to be made after giving notice to the Attorney General and with the agreement of the police in order to avoid the possibility of jeopardizing an ongoing police investigation related to the property.

The new Municipal Act would also give municipalities the authority to better manage raves and body-rub and entertainment parlours by clarifying that municipalities can seek community views before making related licensing decisions. Community input could definitely help in identifying conditions to attach to a licence and to determine whether conditions are being met. Who better to ask than the people who are directly affected? It is very important for municipalities to hear community views, and I want to stress that community involvement is integral to this legislation.

It is important to note exactly what the Ministry of the Solicitor General is doing to address the issue of raves and body-rub parlours, and the Ministry of the Solicitor General has been very supportive of all initiatives aimed at building safer communities. They support the development by municipalities of coordinated multi-agency approaches to crime and disorder. They have assisted municipalities in controlling raves and body-rub parlours in Ontario through community policing partnerships. The community policing partnership has allowed 1,000 new front-line police officers to be hired in Ontario. Half of their salary is paid by the community policing partnership and half is paid by the municipality.

Mr Bisson: On a point of order, Mr Speaker: We do not have a quorum in the House. I'd like you to check.

The Acting Speaker: Would you check and see if there's a quorum present.

Acting Clerk at the Table (Mr Douglas Arnott): A quorum is not present, Speaker.

The Acting Speaker ordered the bells rung.

Clerk at the Table (Ms Lisa Freedman): A quorum is now present, Speaker.

The Acting Speaker: The Chair recognizes the member for Parry Sound-Muskoka.

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Mr Miller: Thank you very much, Mr Speaker.

This has allowed more police to be present in our communities.

An adequacy standards regulation was also developed by the Ministry of the Solicitor General and requires police services to develop community-based crime prevention initiatives to respond to public disorder problems. This regulation ensures that every police department across the province meets the same standard. This guarantees that every community police service will provide the same level of service, whether you're a rural or an urban area and whether your community has a local police force or it is protected by the Ontario Provincial Police force.

The adequacy standards regulation is very important in Ontario because it ensures that whether you're living in Toronto and subject to the Toronto Police Service or you're a resident in a riding such as Parry Sound-Muskoka, you will be provided with the same high level of service.

The province is also cracking down on biker bunkers. Communities should not have to tolerate their property being used for criminal purposes. The proposed act would give municipalities the power to pass bylaws to address and deal with the problem of excessive fortification of buildings. As I said before, municipalities will be able to close down nuisance properties. However, municipalities will be allowed to grant exemptions to individual properties or classes of properties, such as women's shelters. The Ministry of the Solicitor General has assembled a working group to focus on biker bunkers. They have included input from the provincial special squad to examine other options to address nuisance properties such as biker clubhouses.

The legislation will continue to allow for special and broad powers that give much more extensive ability for municipalities to license and regulate adult entertainment establishments. They would include defining the area or areas in which they may or may not operate. Most people probably don't want one of these establishments in their backyard. The legislation will also allow municipalities the power to limit the number of licences that would be granted to such businesses.

This new act is definitely an asset to the community because it allows the community to have more control and more say over what businesses are in their communities and who runs them. It also allows municipalities to control what goes on in them.

Jim Simons of the Thunder Bay Police detachment was quoted in the Thunder Bay Chronicle Journal on October 19 as saying, "I think the proposed act is better for the community. It allows the community better control of what kinds of businesses they have, who is in them, and what they do in them."

Municipalities will be able to regulate the nature and character of signs and advertising associated with them

and they will also be able to enter such establishments to determine whether the bylaw is being complied with.

It is most important to recognize that we have listened to the concerns of our local municipalities. The safety components of the new Municipal Act are in response to numerous municipal requests. We have provided them with greater powers to address local nuisances or perhaps things that may very well become problematic and, furthermore, to apply to the courts to close down these problem properties. We also want to make it clear to municipalities and to communities that municipalities can seek community input in making their licensing decisions with respect to such establishments.

Although the proposed new Municipal Act would take effect on January 1, 2003, it is important to note that the community safety measures of this act would take effect once the legislation receives royal assent.

The proposed act would deliver on the government's Blueprint commitment to give municipalities the power to ask courts to shut down crackhouses as a public nuisance.

As I mentioned before, times have changed for the people of Ontario, and given this, times have changed for municipalities in Ontario. An indication of this is the number of municipalities that were and are now present in Ontario. Around the 1950s there were more than 1,100 municipalities in Ontario. They provided such things as roads, water and sewer pipes, but rarely provided such soft services as safety. By the 1980s, the number of municipalities had shrunk to fewer than 850 and the list of services, including safety, continued to grow. Today there are 447 municipalities in Ontario and each one provides a number of services that are constantly changing. As I have mentioned in address to Bill 111, safety is now an integral and important responsibility for municipalities.

The community safety component of the new Municipal Act, spelling out the exact powers of municipalities when it comes to regulating and controlling crackhouses, biker bunkers, adult entertainment establishments and body-rub parlours, is important to our communities and to the people who want to feel safe in those communities.

In the past, municipal legislation has spelled out exactly what municipalities are permitted to do. If the legislation doesn't say it, then they are not able to do it.

Mr Bisson: On a point of order, Speaker: I believe we still don't have a quorum.

The Acting Speaker: Would you check and see if there's a quorum present.

Acting Clerk at the Table: A quorum is not present, Speaker.

The Acting Speaker ordered the bells rung.

Acting Clerk at the Table: A quorum is now present, Speaker.

The Acting Speaker: Thank you. The Chair recognizes the member for Parry Sound-Muskoka.

Mr Miller: As I was saying, in the past, municipal legislation has spelled out exactly what municipalities are permitted to do. If the legislation does not say they can

do something, they cannot. If a municipal council wants to take on something new or if they must respond to local needs, they must look through hundreds of pages of law just to see if the authority is there. If it isn't, they have to come to the Legislature to change it or to add something to it.

Presently we are faced with more than 150 years of legislation that is very large and very complex. Parts may be redundant and no longer relevant to today's constantly changing environment. Municipalities for many years have been asking for a massive overhaul. In 1995, this government made a commitment to bring forward a new Municipal Act. We promised that it would be streamlined, easy to use and, most important, modern. The act sets out areas of responsibilities for municipalities, but at the same time it doesn't dictate what exactly they are permitted to do.

I believe that the new Municipal Act will give municipalities the authority they need to meet each and every local need while at the same time ensuring their communities can remain competitive in Ontario.

I would like to point out that there is a lot of municipal support. I would like to note some of that support.

Elyse Allan, President of the Toronto Board of Trade, did a press release on October 18, 2001, and in that said, "The proposed legislation gives municipalities better tools to manage their responsibilities and at the same time enhances accountability for the taxpayer. It's an important power for Toronto, as it will provide the city with much greater control over its resources and long-term planning."

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Ron McNeill, first vice-chair of the Ontario Chamber of Commerce, in a news release dated October 18, 2001, said, "Ontario businesses had been concerned that the new Municipal Act would give municipalities greater access to user fee and licensing fees as a source of revenue. However, the new act strikes a balance on these issues. The new legislation also ensures that there will be greater transparency and public input when user fees are being contemplated. This is an important step to ensuring the accountability of municipalities when new user fees are imposed."

Mississauga Mayor Hazel McCallion was quoted in the Thunder Bay Chronicle Journal, October 19, 2001: "Now municipalities have greater flexibility to make decisions regarding services directly relating to them with more latitude and self-determination than before."

A Hamilton Spectator editorial, October 22, 2001: "Ontario Municipalities Get Welcome New Powers. An enlightened, albeit long overdue move, the blueprint introduced by Municipal Affairs Minister Chris Hodgson deserves applause. It is a major step forward in treating municipalities more as partners with the senior governments than as problem children who are supervised at every turn."

It's obvious there's a lot of municipal support out there for this new legislation. Perhaps more important, if it is approved by the Legislature, this new Municipal Act

would be the cornerstone of a new, stronger, more mature and more productive relationship between municipalities and the provincial government. It would acknowledge that municipalities are responsible and accountable governments, and it would formally recognize the importance of consultation between the province and municipalities on matters that directly affect them.

The valuable contribution of municipalities and municipal organizations to the drafting of this proposed Municipal Act is a good illustration of how constructive that consultation can be.

In closing, the proposed legislation clearly has the support of the people directly affected by it. I want to commend the Minister of Municipal Affairs and Housing, Chris Hodgson, for bringing this bill forward. I wholeheartedly lend my support to this legislation, and I call upon my legislative colleagues to join me in supporting Bill 111, the new Municipal Act, 2001.

The Acting Speaker: Comments and questions?

Mrs Dombrowsky: With regard to the comments that have been made about the bill, and the member from Parry Sound-Muskoka was able to offer some comments that have been in the media, reaction to the bill, I would suggest that, yes, indeed, some has been positive. I think it's important to note as well that many people are making some comment that, "Well, finally we have something."

This is a piece of legislation that the Tories' platformed on in 1995, promised they would bring forward. They had one full mandate, and that didn't happen. Then there was another election in 1999. Finally, more than two years after that, we are seeing the legislation. So I would suggest that municipalities have been waiting and waiting with bated breath. I would suggest that perhaps that is one of the reasons why they are finally happy to get something from the government that had been promised to them some six years ago.

When municipalities are making some comment about the proposed legislation, I think it's important to point out that one issue that we know has been very controversial within municipalities, that has been a bone of contention, is the issue of forced amalgamation. This bill does not prevent the government from forcing amalgamations. On this side of the House and in the Ontario Liberal Party, we believe that before municipalities would amalgamate, three things should be in place: there should be willing partners to the amalgamation; when there is amalgamation, there needs to be a guarantee that services will stay the same or improve; and when amalgamations occur, it should not come at a greater cost to the local taxpayer. The fact that forced amalgamations can continue to happen in this bill is regrettable.

Mr Bisson: I would actually like to congratulate the member for Parry Sound-Muskoka—

Applause.

Mr Bisson: As I always say, thank you—for what I thought was a fairly good presentation on the bill. I appreciate it when members take the time to read their briefing notes properly, and the member for Parry Sound-

Muskoka probably read the bill in some detail and gave what I thought was an interesting presentation on the bill. I don't agree entirely with everything he said, but I just want to make clear again that I support generally what the government is trying to do here. I believe that municipalities need to be given the types of powers they need to be able to move on and deal with the issues that, quite frankly, they're probably better able to do when it comes to the kinds of services they offer.

I worry, however, in this bill that we're not going to get it right. I really worry that we're going to end up in a situation where, all of a sudden, because we're trying to rush this bill through the House this fall, we're not going to go out and do the kind of public consultation that we need to in order to talk to our municipal partners about some of the difficulties in this bill.

For example, the member for Parry Sound-Muskoka may want to comment on why it is in this bill that Toronto is being treated differently from all other municipalities in the province of Ontario. That worries me, because municipalities across Ontario will have the ability to choose the boundaries for wards when it comes to choosing how many representatives we need at the council table, but the city of Toronto is not going to have that ability. The wards, because of what the government has decided, can only be determined by the province, and so will the number of elected representatives at the ward level be selected by the province for Toronto. However, it will not be the case for the rest of the province of Ontario. I don't like this kind of situation that we're setting up where it's one set of rules for one group and another set of rules for Toronto. So I'm just wondering what the member would have to say about that.

Mrs Margaret Marland (Mississauga South): Speaking as a former municipal politician, I would like to say that I think this new Municipal Act is a tremendous achievement. It's a tremendous step forward. It's been needed and asked for for a long time.

One of the reasons I wanted just to take this brief two-minute opportunity is to actually publicly say thank you to Mayor Hazel McCallion. She has had a great deal of input into this act. Interestingly enough, the Minister of Municipal Affairs and Housing has also commended Mayor Hazel McCallion for her input.

She is someone with a tremendous historical perspective. She has now been mayor of the city of Mississauga for 23 years. She has been elected for over 30 years, starting as a member of the planning board in the town of Streetsville. With all of her experience, plus serving on the Association of Municipalities of Ontario, she brought a great deal of unbiased knowledge to the revision of the act known as the Municipal Act.

We are all indeed grateful to Mayor Hazel McCallion for her work and her contribution. She is always direct, she is always unbiased in terms of the partisan aspect of any of the work that's done in this Legislature, and we are indeed grateful to have her.

I do want to say one thing very, very quickly to the member for—

Mr Bisson: Timmins-James Bay.

Mrs Marland: Timmins-James Bay. Well, I guess I can't; I'm out of time. I will the next time.

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Mr Bisson: On a point of order, Mr Speaker: With bated breath, I ask for unanimous consent to give Margaret the opportunity to say whatever she was going to say.

The Acting Speaker: Is there unanimous consent to give Margaret the time to say what she wants to say? Agreed? It is agreed. The Chair recognizes the member for Mississauga South.

Mrs Marland: Now I feel very guilty, to the member for Timmins-James Bay, because what I was going to say to you, Gilles Bisson, my friend who's been elected a very long time, is that I really feel, having served 10 years in opposition, that it's very unfortunate when—I used to call quorums, but I didn't call quorums as a game. I'm not even on House duty and I'm in this chamber at this moment. As soon as I walked out the door—I was only halfway down the hall to you know where—the bell started to ring, and I thought, "I'll bet that's my friend Gilles Bisson, the member for Timmins-James Bay." I knew it wouldn't be any of the Liberal members here this evening.

I thank you for asking for unanimous consent for me to speak and complete my comments. However, I would like you to be just a little bit more sporting about how frequently you terminate the proceedings in this House by calling quorum.

Mr Bisson: On a further point of order, Mr Speaker: I believe we do have a quorum now.

The Acting Speaker: That is not a point of order.

The Chair recognizes the member for Kingston and the Islands for comments and questions.

Mr Gerretsen: Let me just concur with the member for Mississauga South that Mayor Hazel McCallion of Mississauga has been a tremendous municipal influence in this province for many, many years. I enjoyed working with her on the AMO board during the 1980s. She was a positive influence.

You know, it kind of reminds me of the argument we heard at the time the downloading took place. Do you recall that, Speaker? After the municipalities accepted about a \$650-million download of services to their level from the originally proposed \$1-billion download, the government came in and said, "The municipalities think it's a great deal." Well, of course they would prefer to have only \$650 million of services rather than \$1 billion of services downloaded to them.

It's exactly the same thing in this act. This act is better than nothing, but it could have been so much more. Once again, what this government is guilty of is that they are not really looking at municipalities as equal partners. They've talked for the last five or six years about the partnership arrangements they have with municipalities. In a partnership, there's a sense of equality. This act doesn't connect to that sense of equality whatsoever. It is still the same old way of governing, and that is basically

by telling municipalities, "These are the powers you have, and if you don't like it, you can lump it." That, to me, is not the sense that AMO wanted originally, that the municipalities wanted, or that this government promised the people of Ontario as far as municipal government reform is concerned.

The Acting Speaker: The member for Parry Sound-Muskoka has two minutes to respond.

Mr Miller: Thank you to all the members who commented this evening. To the member from Hastings-Frontenac-Lennox and Addington, talking about municipalities having to wait since I believe 1995 for this new act to come through, well, I'd certainly like to point out that the original act has been around for 150 years, so a couple of years to make sure we get it right is certainly the smart thing to do. It's also worth noting that this Minister of Municipal Affairs, Minister Hodgson, is one who very much believes in consultation, so he has done a lot of consultation on this act to make sure he has taken all the considerations of municipalities that could be thought of into consideration for this new act.

Also, I'd like to thank the member for Timmins-James Bay for being so complimentary this evening. He must have enjoyed the wine tasting last night, I think. It's got him in a good mood this evening. Thank you very much for being so complimentary.

I would also like to mention the member from Mississauga South, who was talking about Hazel McCallion, who was here last week when the bill was introduced and certainly had input into the creation of this new legislation. It seems to me that many municipalities have offered support, as I was quoting in my talk. Many different municipal politicians have been supporting this bill.

The member for Kingston and the Islands was talking about municipalities becoming more equal partners, working in partnership with the province. I think this act goes a long way toward creating a better and more equal partnership between municipalities and the province.

The Acting Speaker: Further debate?

Mr Gerretsen: I look forward to taking a few minutes to deal with this act, because as a former municipal politician, and I know there are many in this chamber who have served on municipal councils and school boards, this is the kind of legislation we can all relate to, having served there and knowing what some of the problems are at the local level.

Let me just say I was quite hopeful when I heard that the Minister of Municipal Affairs was going to bring forward a new comprehensive Municipal Act, that the different municipalities, the different interest groups such as the Association of Municipalities of Ontario etc, were finally listened to and that we were actually going to have an act that would set up the kind of equal partnership that this government and governments before have always talked about as existing between the provincial government and the municipalities, yet in reality, Speaker, as you and I well know, has never really existed.

I think the member from Parry Sound-Muskoka, who just spoke—I'm sorry I didn't get a chance to respond to him earlier—said it best when he said, in his own words,

which I marked down, that the list of services municipalities are involved in has grown tremendously over the last number of years. That's true. The kinds of services that municipalities are involved in are much greater than was ever envisioned certainly in the 1850s, but even in the 1950s or in the 1960s and 1970s. There are many more social services, daycare services and health care services that municipalities are now involved in that they weren't before. Many of those services have been downloaded on local municipalities.

What we were hoping for, something we ran on in the last election, was that we wanted to pass a municipal charter that clearly sets out the responsibilities of municipalities and the powers they need to accomplish their goals and, let's face it, the goals of all of us. All of us are provincial residents, but we are first and foremost residents of each of our towns and communities and villages and cities out there. We were quite hopeful that an act would be presented that would take that into account.

Unfortunately, what we have here is a big, thick new act that goes for some 320 pages, that deals with many different aspects of municipal life, that has taken many individual acts out there right now, the laws that currently exist with respect to municipalities, and combined them into one act. But it is missing the fundamental ingredient of making municipal governments fully accountable to the people and giving them the powers and the authority the municipalities nowadays need to carry out their functions. There is still the old theory that they are really only creatures of the provincial government, that in fact we only have two levels of government in this country, those being the federal and the provincial levels and that everything a municipality does will always be subject to and limited by the provincial government.

1940

I had hoped that we would see a municipal charter. You know, we wouldn't be first province to get involved in that. The province of British Columbia is going through that process right now. The government that recently got elected put out the concept of a municipal charter before that and has now issued a white paper, after the election. It's now going back to the people on it and a referendum will be held, the way I understand it, or at least there will be full public consultations. Then after that, the municipal charter they're talking about will be presented to the Legislature and will be adopted, presumably, by the government of British Columbia. That is totally lacking here.

Even the notion that consultations will take place on a regular basis is not contained in this act. Now, I know there is a wild statement here in section 3, and I'll just read it to you: "The province of Ontario endorses the principle of ongoing consultation between the province and municipalities in relation to matters of mutual interest." The government has put the spin on it that this is something new. Well, I'll tell you, this has been going on for years with different governments.

I can remember dealing with the Davis government back in the early 1980s when I was heavily involved on

the executive of the Association of Municipalities of Ontario. The executive met on a monthly basis with the Minister of Municipal Affairs. Later on, during the Peterson years, we had exactly the same arrangements. In those days, the Minister of Municipal Affairs brought in other ministers if there were items on the municipal agenda that we wanted to discuss with them. Once a year, the municipalities of Ontario, through the executive of the Association of Municipalities of Ontario, which contained a large number of mayors of the various municipalities and other councillors and also unelected people such as administrators, met with the cabinet of the day to talk about municipal issues and to resolve those issues.

So this notion that somehow a memorandum of agreement is going to be signed between the government and the Association of Municipalities of Ontario and is something brand new is absolute nonsense. Any government worth its salt would, on a regular basis, meet with local municipalities and the leadership of those municipalities to make sure that everybody is on the right track on the issues of the day. So that government spin just doesn't go anywhere.

As a matter of fact, what really should happen is that there should be a clause in this act that clearly sets out that no provincial government will change the laws of this province in such a way that the municipal taxpayer, through municipal government, is in effect saddled with additional costs without giving municipalities at least, let's say, one year's notice.

Maybe you and some other people out there might think, "Is that realistic?" Well, let's look at the reverse of that. Let's look at what happened prior to 1999 when this government decided not only to bring in a whole new assessment system, not only to amalgamate all sorts of municipalities all over this province, but at the same time to download initially about a billion dollars worth of services that the province had always paid for in such areas as public housing, child care, public health, community and social services and ambulance services. Initially, a billion dollars of those services were going to be transferred from the provincial tax base to the local property tax base to be collected at the local municipal level. Later on, as I already stated tonight a bit earlier, it was changed to about \$650 million in downloads to the local municipalities, and yes, the municipalities at that time said, "A \$650-million download is better than a \$1-billion download. Are we happy with the changes? No, but it's better than the billion-dollar download." So as far as that is concerned, absolutely nothing has changed. Forced amalgamations can still take place.

The other thing this government may have decided to do, or may have made provision for in the act, is that I'm not so sure whether all municipalities out there are necessarily looking for the same powers and authority. The problems and situations that arise in larger municipalities are totally different in many cases from those that are the requirements or the needs of a smaller municipality. The act could have provided different powers for different kinds of municipalities. It could have

been much more flexible than it actually is, and it didn't do that.

Let the people of Ontario also not forget that there isn't a major project that can take place in any one of our municipalities, large or small—if you're talking about a major capital project, you're not only talking about a provincial contribution, but you're also talking about provincial control. It's a fact of life. If any municipality wants to do any major upgrading or renewal of its water system, of its sewage system, of any of the major capital projects or capital works that are under its jurisdiction, it needs financial help from the provincial government, because it simply does not have the tax base locally to support those kinds of large infrastructure projects. With the provincial money comes provincial consent or the provincial approval system.

Those of us who have been involved in municipal government all know that if you want to do anything in a local municipality of a capital nature, you need the approval and consent of the provincial government or else you can't do it. You haven't got the resources to do it. What is a real shame in today's circumstance is that this government more than a year ago made a commitment to the people of Ontario—at least it made an announcement to the people of Ontario—that it was going to set aside \$600 million to help municipalities with their infrastructure upgrading as far as water and sewer facilities are concerned. What's happened to that? As of today, I believe \$14 million has been committed out of the \$600-million fund that was set aside by SuperBuild. SuperBuild, of course, is a myth as well, because all SuperBuild is—

Interjection.

Mr Gerretsen: The member for Simcoe knows this quite well. Simply, what the government has done is that it has taken all the capital projects, the capital budgeting, of each and every ministry, put it together and given it a different name: SuperBuild. Rather than having it controlled by each individual ministry the way it used to be, it's now controlled by David Lindsay and his group at SuperBuild.

Hon Jim Wilson (Minister of Energy, Science and Technology): It's coordinated.

Interjections.

Mr Gerretsen: Of course they're shouting and screaming, but ultimately the Premier and Lindsay are going to decide how that money is going to be spent for the various municipalities.

The real shame of that is that you, as cabinet ministers sitting across the way here, no longer have the kind of control you at one time used to have within your ministries, because I assume that you and your senior ministry staff people know best what projects should and shouldn't be approved. It should not be off-loaded to a bureaucrat who knows little or nothing about your particular ministry, and that's happening on an ongoing basis.

It is with that in mind that my leader, Dalton McGuinty, in the opposition day motion we dealt with

earlier today, suggested to the government, as far as the Ontario security fund is concerned—I totally agree with the member for Parry Sound-Muskoka that security and safety of the individual is a matter of great concern to people nowadays, ever since September 11. But although situations like body-rub parlours and adult entertainment parlours are of some security interest, I suppose, to some people, those are not the real concerns of Ontarians. They are really concerned about their safety and security in their municipalities on a day-to-day basis.

As to what we have suggested, we have said, out of that \$600-million SuperBuild fund you've set up and haven't spent yet, why don't you take \$100 million of that and make it available for the real security concerns of individuals—for the firefighters, for the police forces and for those projects identified at the municipal level that can actually enhance the safety and security of the local citizens? That's what should have happened. Of course this kind of a bill can't possibly deal with those issues, because those are not the kinds of powers for municipalities that are contained in this new Municipal Act.

1950

Are there some good things in this act? Yes, there are; no question about it. Three private members' bills that were suggested by three members of my party are contained in the bill: Mr Bartolucci and his child prostitution bill; Ms Papatello and her anti-rave legislation; Mr Bryant with respect to his security legislation. To that we say, "Good, you listened to us. You included those ideas, and municipalities can now deal with those," which wasn't the case before. But on the central issue of giving the municipalities the power and authority to deal with all those issues that are within their concern, you have totally and absolutely failed.

I say to the Minister of Energy that I find it a real shame that you no longer have control over the capital budget within your ministry, and the same thing with respect to the rest. That has all been handed off to David Lindsay and the Premier. I know and you know that what's going to happen is that just before the next election there will be a whole new series of announcements as to how that money is going to be spent. But you and I know, Speaker, that that money could be expended right now on the much-needed sewer and water projects various municipalities have.

Ms Marilyn Mushinski (Scarborough Centre): You are such a cynic.

Mr Gerretsen: I'm accused of being a cynic by the other side. Your government has made me a cynic. I used to be an individual full of optimism, but certainly listening to this government for the last five years has made me the kind of person I am today. So you can take the blame or the responsibility for it.

Hon Mr Wilson: That's because you like living in misery.

Mr Gerretsen: I like living in misery? No, I'd much rather live in Kingston, one of the greatest places in this province. Those of you who have been there know it is

just down the river from Mr Runciman there, who may or may not be a leader in this upcoming leadership convention. It was very interesting to get an e-mail today from an individual by the name of, I believe it was, Dean French. He was e-mailing the entire Liberal caucus, asking us basically to set up support for Mr Runciman. I know that's got nothing to do with the Municipal Act, but it is kind of interesting that here in your offices you get e-mails not just from your own supporters, but from people all across the political spectrum.

The other thing that's included in this act, to show you how much trust you have in municipalities and to show you how much partnership you want to have with them, is that you have brought in those report mechanisms from the Public Sector Accountability Act. Municipalities will now have to fill out more forms that you're going to be happy with. If you really are in a partnership situation with municipalities, is that necessary? We have a Provincial Auditor who could audit the books of local municipalities. All you have to do is pass my Audit Amendment Act which I've suggested to you, and he would look after that. All you've done is created more red tape. Yes, this may come as a surprise to you, but you've created more red tape. Just ask the hospitals and the universities and colleges about all the reporting requirements you now need for the funds you give them. You have created a lot more red tape. I know you don't want to hear that, but that's the fact of the situation.

Yes, we had hoped to support this bill. We had hoped to be in a position where we could do that. However, there are so many gaps, so much lacking in the essential ingredients of what we wanted to see in a new Municipal Act that unfortunately we can't support it.

Interjection.

Mr Gerretsen: Now the member in government sounds more like a cynic than when she accused me of being one earlier, but that's the way things are around here, I guess.

I would sincerely hope that this bill will get a good public airing. We're talking here about a major piece of legislation, no doubt, a faulty piece of legislation, 320 pages worth of legislation. If what I heard earlier this evening is correct, that the government is going to allow three or four days of public consultation during our constituency week, which is 10 days from now, I would think what is sadly lacking in a major bill, which in their own words is the first time this Municipal Act has substantially changed in the last 150 years. Surely it requires more than one week of public consultation with all sorts of individuals and groups.

I've just talked about the municipal sector, but there are also many other groups out there that don't necessarily agree with what's in this bill either. If we're going to pass an act, and if you're going to accept some of our recommendations that hopefully by way of amendments will strengthen this act rather than being the weak act it is, we will need a sufficient amount of time to do that in. I would hope that will take place in January or February of next year.

This bill is lacking. This government has lost a golden opportunity to treat municipalities with respect and in equal partnership.

The Acting Speaker: Comments and questions?

Mr Bisson: I listened and I heard a number of points that were made by the member from Kingston and the Islands. I was going to say another community; don't ask me why. I know you come from Kingston and the Islands. He was the former mayor there, and I know he speaks with some authority when it comes to the issue of powers that should be more properly put in the hands of municipalities. I too, along with the member from Kingston and the Islands, agree with the concept that we need to give the municipalities, as the government says, the kind of tools they need to be able to do their job right. After all, they are the government that's the closest to the people, and we need to make sure we don't hamstring municipalities from being able to carry out their duties. Truly, it is long overdue that a bill comes to this House to give municipalities the kinds of powers they need.

I fear, however, there are a number of things in this bill that need a little more public consultation. That's one of the reasons I'm asking, as a member of the New Democratic Party, along with our critic, Michael Prue, that there be hearings this winter, in January, February or March, to be able to consult municipal partners on this bill. For example, and the member from Kingston and the Islands may want to answer this, why is it that in this bill every municipality other than Toronto is allowed to set the boundaries for where the wards are going to be in a municipal election? Why is it only the city of Toronto that doesn't have that right? They're excluded in this bill. Why is it that every city or town across Ontario has the right to determine how many councillors are going to sit around the council table but again the city of Toronto is precluded from doing that in this bill?

I think that's offensive. I think that's Toronto-bashing. I'm not the biggest fan of the city, I'm a small-town boy from northern Ontario, but I understand the city of Toronto has problems that are specific to it. I wonder why the government has specifically blocked Toronto from being able to do those things on their own, such as any other municipality should be doing.

Hon Mr Wilson: I just wanted to comment on the comments of the member from Kingston and the Islands with respect to the new Municipal Act. I respect his opinion. He has the right to express his opinion. He is a former mayor and came from the municipal ranks. I just wanted to clarify a couple of things.

SuperBuild is a very positive initiative by the government of Ontario, and I'll give you a couple of good examples. When I was Minister of Health—so I would be about the biggest capital spender in my two and a half years because we were building hospitals, not closing them, but unfortunately it takes a while to plan these things, like five years to do the blueprints on the hospital—we spent a record amount of money and, yes, the Minister of Health could look at his or her capital budget and set priorities based on input from various commu-

ities. But there was no real coordination. The new hospital wouldn't necessarily go into the fastest-growing region in the province because we didn't necessarily talk to the Minister of Municipal Affairs, or we didn't necessarily have forced coordination, which is really SuperBuild. SuperBuild, as the honourable member said, is all of the capital of the government of Ontario, some \$13 billion worth of capital over the last three years, a record in Ontario. It's meant to coordinate across ministries, something the people of Ontario asked us to do, municipalities have asked us to do, and to do proper planning in this province.

I just wanted to correct the record: David Lindsay is a deputy minister of this government. He does not make final decisions, and the Premier doesn't sit on SuperBuild. So it would be very, very infrequent that he would have anything to do with that committee. Those decisions are made by MPPs on the governing side, and it's done with a lot of input from a lot of ministries, which is a better management system than anything in the past.

2000

Mr John C. Cleary (Stormont-Dundas-Charlottenburgh): I want to speak for a few moments as a municipal politician, which I was for 15 years, and 11 years at the head of a council. They always said that that was the government closest to the people and could represent them well. I know that changes have to come, the times and changes we're in, but I do hope we'll have public hearings on this piece of legislation. I think the municipal representatives could possibly make it a better bill in the end.

Initially there was a billion dollars of downloading to municipalities, and I understand that's now in the neighbourhood of \$650 million. I know, as a former municipal politician, that with all the downloading, the provincial highways, the ambulances, sewer and water in some instances, mostly water—the overpasses in our part of Ontario are falling apart. At one time we used to come here to the Good Roads convention and meet with several ministers. We used to get supplementary funding to help repair those bridges and overpasses, and now that's more difficult. On top of that, housing was thrown in there, and the municipalities are having a hard time facing that.

I have many inquiries, almost daily, on how to access the SuperBuild fund, because the municipalities want to know. They were at your conventions. They met with your ministers, they listened to your staff, but they came away not much wiser. I think they cannot wait until the election to access this money. It's got to be done now.

Mr John O'Toole (Durham): Most members here, and I respectfully say that it would include both sides of the House, have served time municipally and realize that they've always been asking for more authority, if you will, autonomy in some senses as well, and it's long overdue. The Municipal Act, as we know, has had several attempts. The previous governments had the attempt to look at this rather antiquated piece of legislation.

We also know that, clearly, the municipal level of government, constitutionally, is empowered under the

Municipal Act, which is a provincial jurisdictional area. We've clearly made it that there was some efficiency on the whole debate on amalgamation, and the government is giving an option for municipalities, lower- and upper-tier, to become more efficient by harmonizing and bringing together areas of the province, indeed my own area. So if I want to look locally, having served at the municipal level and regional level, they can do things better, and they are, as was said by one of the previous speakers, closer to the people. But we have to build into that equation not just the rights of the municipality to respond to their constituents and their residents but to be responsible for the use of taxpayers' money.

We relentlessly say there's only one taxpayer, and ultimately the tools in the new Municipal Act will allow municipalities to do certain things. One of the problems I've heard about, of course—we've all talked about it—is the right to license. I'd like to see that in the future you wouldn't have to have a multitude of licences. For instance, a plumber in Durham region should not have to have a plumbing licence to operate in Clarington or Port Perry or Oshawa, which are the municipal centres in my riding. They would find some practical method of allowing small business to operate without another layer of burden and regulation.

This is an empowering sense of legislation. I support it and I expect the other side will as well.

The Acting Speaker: The member for Kingston and the Islands has two minutes to respond.

Mr Gerretsen: I thank the members from Timmins-James Bay, Durham and Stormont-Dundas-Charlottenburgh and the Minister of Energy.

Let me first of all say that I totally agree when you say that the municipal politicians are the closest to the people, and the services that a municipality provides are probably the services that more people deal with on a day-to-day basis than at any other level.

Let me also quickly say to the Minister of Energy that I don't think there is anything wrong with major capital projects being vetted through more than one ministry. That's not the point I'm trying to make at all. As a matter of fact, in good municipal governments, department heads get together all the time to find out exactly what's happening in other departments so there can be co-ordination. There certainly should be that coordination here as well.

The point is this: some municipalities applied under the \$600-million fund 15 months ago. They've filled out all the applications. They've been checked. They've met with your bureaucrats. They've done everything they possibly could—15 months ago—for much-needed sewer and water projects, and out of the \$600 million, only \$14 million has been allocated. Nothing else has been approved. That's where you've lost your power and authority. At one time, you could approve, as minister, the capital projects within your ministry. That has been lost by its going to SuperBuild. Mr David Lindsay can be the most wonderful individual in the world, but he should not be placed in the strong position that he is.

Let me correct one other thing. Certainly in the areas of universities and colleges, SuperBuild has made some huge investments, including in my own municipalities. Queen's University, with the \$40 million that it got for its new chemistry building, and St Lawrence College, with the \$21 million that it got for its expansion, we are thankful for. Finally, some of the money is coming back to the people who have been paying it into the government, and we thank you for that.

The Acting Speaker: Further debate?

Mr Garfield Dunlop (Simcoe North): Thank you very much for the opportunity to rise here this evening and speak to the second reading of Bill 111, the new Municipal Act. With so many former municipal mayors, council members, regional council members and county council members that we have in this House, I can't imagine anyone not being very happy with a new Municipal Act. I congratulate my friend and colleague Chris Hodgson, the member for Haliburton-Victoria-Brock. He's done a phenomenal job in all the ministries he has represented, beginning with MNR, as Chairman of Management Board, and now as Minister of Municipal Affairs and Housing.

I think it's fair to say that this bill is one of the more important bills this House, I hope, will pass. It's something municipalities from across our province have desperately wanted for a number of years, at least three decades that I can think of. I've heard comments back and forth from mayors and council members and in the media that a new Municipal Act was required.

From my own perspective, I spent 18½ years in municipal politics. I really want to dwell a lot on that this evening and particularly talk about the rural aspect of municipal politics and give a little history of myself and some of the friends I've met over the years, and finish my comments off with some accountability measures that this bill takes in and some quotes from some very well-respected mayors, people in the media and council members from across our province.

When you run for municipal council, some people plan for years and years ahead. But other people, and I think particularly in rural Ontario—it's what is really nice about rural Ontario—we often put our name on the ballot just to help out on a particular initiative or to work on a certain project in the community. Mr Speaker, I think you may have been a municipal council member yourself in the past. I think often we in rural Ontario compare being on the council to belonging to a service club or an organization in your community. It's your way of trying to help the community, because you certainly don't go into municipal politics for big money. That's one thing you don't go into it, for because you do spend a lot of time on it.

2010

I know that when I ran for council I couldn't believe people actually asked me to run. It was 21 years ago when they thought I would be a decent council member. I ran in that election in a municipality of 1,300 people, my hometown. I was very proud to be elected. The first time

I ran for council I think I placed fourth on the ballot; I was the fourth highest in votes. I really enjoyed it. I really enjoyed being on the municipal council of the village of Coldwater. I can remember being put on the library board and on the community centre board. I think one of the reasons I was originally asked to run for council was that I was very—

Interjection.

Mr Dunlop: Don't heckle me, Jim. I was very active in the minor hockey organization and ran hockey tournaments and that sort of thing. With that in mind, I decided at the end of two years—by the way, that was the last two-year term. That was 1980-81. That was the end of the two-year terms. John, you were probably one of those people who were on council in the two-year terms as well. In the fall of 1982 we ran for the first three-year term and it's been that way ever since. That year I ran for reeve of the village of Coldwater. I won that time. I think I was the youngest reeve there ever was in that community, with the exception of maybe one other gentleman who's a friend of mine, Earl Brandon. I think Earl and I were almost exactly the same age.

I hope I'm not boring you with these things, but I find it very exciting.

Becoming the reeve of the village of Coldwater gave me the opportunity to sit on county council, and I'll tell you, our council chamber in the village of Coldwater was in an old building. It wasn't too classy, but we got a lot of work done there. When I went to county council for the first time, in Midhurst, we had this beautiful state-of-the-art structure that I was so proud to be part of. They swore you in and the process you followed to become the member of county council was very formal.

When I ran for council I never dreamed I would be there for any more than one or two terms, and suddenly, four terms later as the reeve of the village of Coldwater, sometimes when I was—

Mr Bisson: What year was that?

Mr Dunlop: Between 1983 and 1994. I ran for four terms and won as the reeve. I was really excited about the work I got done, but I never campaigned because I didn't make enough money as the reeve of the municipality to even afford the expenses of running. But people elect you and they think you're doing the best.

In my work as the reeve of the village of Coldwater, I believed in two things: honesty and hard work. I still believe in that today. I don't know how many other politicians feel that way, but I've always taken the high road in politics. I believe in honesty and hard work and I think that's why I keep getting elected. I didn't go into it for the prestige or whatever. I'm very proud of those years, and there is an opportunity tonight to make some of these comments when we're talking about the Municipal Act.

But then we noticed pressures on all of our small municipalities in Simcoe county—there were 33 of them—and many, eight or nine villages, were facing pressures with the possibility of adding sewer and water systems and updating roads. We all decided, in 1989-90, to do a study of the county and we decided to amalgamate at that time.

One of things we did in the amalgamation process with Simcoe county, one of the factors that contributed to it, was the fact that we got Honda Canada to come into the riding of Simcoe county, creating what today are around 3,000 jobs. It's been a phenomenal organization, company, corporate citizen, in our county. At that time a lot of municipalities in the county were actually trying to annex land so they could grab part of the Honda property. The provincial government of the day—I believe it was Mr Peterson—felt it was unacceptable to have all these annexations around the county, that we should take a strong look at what was happening at the south end of the county. We amalgamated about eight or nine municipalities into three. Those three municipalities still stand there today and the county of Simcoe remains very strong.

At the same time, by the year 1995, we had the opportunity to amalgamate the rest of the county, and that's when the municipality I was in, along with all the other municipalities, put together a planning program. I became the deputy mayor of the township of Severn. I'm proud to say that right today the person I ran with in that election, my colleague and good friend Ron Stevens, who was the mayor of the township of Severn at that time, is now the mayor of Orillia. He's actually had an opportunity to run in two municipalities and he's now the mayor of the city of Orillia.

Probably one of the proudest moments I've had in municipal politics, leading up to 1999 when I was elected provincially, was the fact that I was elected warden of the county of Simcoe. For people who don't know the county of Simcoe, it's about the largest county in the province. The county was formed, I believe in 1843, five years before we even had the original Municipal Act. Today the county of Simcoe is very proud of many of the programs they run. In particular, the waste management program is very well run by the county.

The county of Simcoe has 31,000 acres of reforestation, I believe more than all the other counties in the province put together. We're very proud of that program in Simcoe county. Each year, and I've said this before in the House, the harvesting of the forest products amounts to a little over \$1.5 million in the county of Simcoe. They put that money toward programs in the county; for example, purchasing more lands for environmental concerns, and in fact they bought some wetlands; continually buying up other pieces of forested land so they can replant in the future or just have it for our future. It's very difficult to buy a piece of Simcoe county reforested land today.

The other thing I want to say tonight is that recently, just last week, the county council continued with its plan to help fund hospitals. Historically, including many of the hospitals dating back, I believe, to 25 years ago, the county of Simcoe has shown a strong interest and had a funding formula in place to help fund hospitals. The hospital at Collingwood was done not too long ago—

Hon Mr Wilson: The capital program.

Mr Dunlop: Toward the capital project as well, yes.

The Royal Victoria Hospital, the beautiful new facility at Barrie that we have—\$14 million was put into that by the county. Last week they announced that they would help fund the Soldiers' Memorial Hospital in Orillia, and that helps all the citizens around the city of Orillia in the townships of Ramara, Oro-Medonte and Severn. Those citizens who use that hospital now have some of their taxpayers' dollars, along with the 50% of dollars from the province, going into this hospital. I'm very proud of the fact the county made that decision last week. I want to congratulate all the members of the county council for taking that initiative and working hard to see that our hospitals are well-funded into the future.

What I'm saying here this evening, and I know I have gone on a long time about it, is that it's nice to be part of rural Ontario and it's nice to have a background in municipal politics, because when you come to this level of government, it is completely different. You're part of a governing body and it makes it worthwhile having had the experience of being on a municipal council. I've enjoyed provincial politics, but not any more than I enjoyed my years as a municipal council member.

That brings us a little bit to the reasons we have to have a good Municipal Act today. The reason for putting it in of course is that it reflects the government's commitment to a better provincial-municipal relationship.

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The municipal sector has told us a number of times that we need a new Municipal Act. I think we go back as far as—the ministers I can remember—Claude Bennett, John Eakins, Mr Cooke from the NDP. They all talked at one time or another about a new Municipal Act, and today I'm very proud to see that Minister Hodgson has brought forward one more initiative that we promised in our Blueprint commitment. We promised the people of Ontario in 1995 that we would see this take place, so I'm very happy that it's one more thing that has been accomplished.

I think it's fair to say that the new Municipal Act will replace the current one, which is 152 years old. The new Municipal Act is simpler and easier to understand, less prescriptive and more enabling for municipalities to deal with. Municipal requests for more flexible authority must be balanced with the need for greater accountability and transparency in service delivery.

One of the themes of the new act is community safety. Municipalities—and I know you'll be happy on the other side to hear this—will be empowered to deal with biker gang clubhouses by regulating and prohibiting excessive fortification of properties. I think that's probably a good idea and I'm really glad that some of those suggestions may have come from our colleague from St Paul's. I certainly appreciate some of the comments he's made on some of my private member's work in the past, and if Michael had anything to do with this tonight, I thank him for it.

We appreciate the important ongoing role of AMO and other municipal associations and the business sector in resolving issues in the development of a new act.

AMO is something very special. I think our colleagues in the House tonight and those who are present at other times who have a municipal background really do appreciate AMO. They have had some great leaders, great presidents and chair people from across the province over the last 21 or 22 years that I can imagine, and I think they've worked well with all governments. Even when the NDP was in power, I thought they did a good job of working with the government. The Premiers and the Ministers of Municipal Affairs and Housing are always keynote speakers at most of the functions, and I think they've done a wonderful job.

I'm pleased to say that the feedback received so far from stakeholders and the public on the new Municipal Act has really been positive. I'd like to just take a couple of minutes and read some of the responses we've had from our colleagues across the province.

Mr James J. Bradley (St Catharines): Tories.

Mr Dunlop: They may be Tories. I don't know why anybody would be partisan if you were president or chairman of AMO.

First of all, from Ann Mulvale, the president of AMO: "We believe this legislation will improve provincial-municipal relations. We serve a common taxpayer. It does not make sense to them that legislation clouds responsibility and accountability. This act should go a long way in clearly setting out how we handle shared provincial-municipal interests and providing the autonomy necessary to deal with entirely municipal community interest." That's by Ann Mulvale. As well, she said on October 19, "This is truly a historic day." She's referring back to the act that's 150 years old.

Detective Inspector Jim Symons of the Thunder Bay Police department said, "I think the proposed act is better for the community. It allows the community better control of what kinds of businesses they have, who is in them and what they do."

Another quote: "This act could also be used to curb rising fuel costs in northwestern Ontario," said Thunder Bay Mayor Ken Boshcoff. "We could end up being a gasoline distributor ... if we felt the private sector was not serving us properly," and that's because of some of the parts of the act that allow municipalities to work more closely with the private sector.

From Ken Seiling from Kitchener-Waterloo: "On the face of it, it gives a lot more flexibility to municipalities." I think a lot of people in this room have met Mr Seiling over the years. He's done a great job as the regional chairman of Waterloo.

I could go on for some time with that, but I just want to wrap up by making a few comments about SuperBuild. We heard that earlier from the member from Kingston. I'm very pleased with the announcement we've heard on SuperBuild as well. We've had a couple of announcements in my riding to date, totalling over the \$14 million he's talking about, just in my riding alone. As well, our Georgian College in Barrie, with satellites throughout Simcoe county, has received SuperBuild approval and is currently planning on construction of 2,300 new pupil

places for Georgian College. I think over a billion dollars has been allocated from SuperBuild to colleges and universities across the province.

I'm happy to say that I think we're going to have a lot of good announcements that will make a lot of people in this room from all parties very happy when they hear some of the proposals that I understand are coming down before too long.

With that, Mr Speaker, I want to say that I appreciate your patience in allowing me to say a few words about my background in municipal politics, particularly from rural Ontario. I really do appreciate the fact that Minister Hodgson has brought this bill forward. I expect everybody will support this.

Interjection.

Mr Dunlop: I can tell my friend from Hamilton Mountain will be supporting it for sure, and maybe even the member from St Catharines. It's been a pleasure to be here this evening and say a few words on this.

The Acting Speaker: Comments and questions?

Mr Bradley: I was hoping the member would have made reference to the obvious hidden agenda contained in this legislation, and that is the hidden agenda of the privatization of municipal services. There's considerable encouragement to municipalities to outsource those services. In these difficult times of security, where people are looking to governments to try to ensure that there is safety and security, we really wonder about this government encouraging that privatization.

There's always a group of people who slip away from municipalities to Toronto or somewhere, and they bring in—I don't know the person's name, Skip Kip, or something like this. He's the former deputy mayor of Indianapolis, and he has this great plan for the privatization of services. The people who are rubbing their hands about this, of course, are the people who attend the Tory fundraising dinners, because they talk about it, they whisper in the ears of the ministers who come to those meetings and say, "You know, we can provide this service much cheaper."

Well, we have seen some examples of that service, and it has been neither cheaper nor better in some of those circumstances where the private sector has come in to operate those services. In fact, I can think of one municipality where there's been some considerable investigative reporting taking place on what is happening, and it does not reflect favourably upon the company that is providing that so-called service.

I notice in the regional municipality of Niagara, they've got some group from the southern United States that wants to come in and say, "We will give you \$25 million for your water and sewer system. The reason we're proposing that to you is that it's a write-off in American taxes."

I'll tell you, the municipalities have to keep their eyes open for these schemes. We all know, in dealing with these kinds of proposals, that if it sounds too good, if it looks too good to be true, it is too good to be true. But this government is leading municipalities down that path, and I believe that's a mistake.

Mr Bisson: I just want to say to the member across the way again that as a New Democrat I don't oppose the direction that this bill is taking. In fact, there's much in this bill I can support. I also want to say again, because it needs to be repeated over and over, that if we're going to get this bill right—because it is quite a complex act. I think the member would agree. The bill itself is about an inch thick. A number of fairly technical sections are tied to the bill. It's the type of bill that, if it is passed without good scrutiny on the part of the legislators and, I would argue, our municipal partners, we could end up in a situation as we did with the Assessment Act, where the government hurried the bill and passed it to change assessment systems in the province and then had to come back and pass seven pieces of legislation to try to fix the problems created in the initial act.

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I'm making a suggestion to the government, which I see as a friendly suggestion, that we should have the debate, as we are now, at second reading this fall on this bill. We should allow that bill to travel through the winter months into next spring—even if the House were to prorogue this fall, which I think it could do, we could, by motion of the House, allow that bill to survive to the next session—and then have it out there as a way to go out and engage with our municipal partners in a dialogue that would look at how you make this bill work. There are a number of sections in this bill that I think need some complementary work.

It would also give the leadership candidates in the Tory party an opportunity to laud something that the government is trying to do over the winter with some of the municipal folks that I'm sure are going to be part of the Tory convention in selecting the next leader, whoever he or she might be.

I suggest to the member that we end up in a process of real consultation in committee this winter and we don't hurry this bill, as I suspect this government's going to do this fall.

Ms Mushinski: I'm particularly pleased to join in the debate this evening with respect to the comments from my very esteemed colleague from Simcoe North, who offered a very refreshing perspective from his own personal experience. It's interesting, because I know he served a few years in municipal government, as did I, and I think he brought that sort of very grassroots-based perspective to his discussions and arguments with respect to supporting changes to the Municipal Act, which have not fundamentally changed for over 150 years.

He spoke also to the fact that it is important that municipalities—and I agree with the member for Kingston and the Islands, because it's a level of government that is actually closest to the people. It is important that senior levels of government, like this government, give municipalities the tools by which they can govern over the issues that most affect them.

I know, for example, my very good colleague the member for Niagara Falls has been working very closely on legislative changes to address the whole issue of

body-rub parlours. Pretty well every municipality, certainly from my own personal experience, wants to have those tools to deal with those local issues.

The Acting Speaker: Comments and questions? The Chair recognizes the member for Hamilton Mountain.

Mrs Marie Bountrogianni (Hamilton Mountain): Thank you, Mr Speaker. It's amazing how you can look over there and see me over here. That's really very good.

I'm pleased to speak about this bill for a couple of moments. I appreciated listening to the member for Simcoe North's background; it was very interesting. Now, you ended up by saying a few announcements are going down the pipe that are going to make us very happy. Well, we want more than just the announcements; we want the money to the municipalities, to the universities, to the colleges. Most of this money has been announced. Most of this money is still being waited for at the universities and colleges and hospitals.

A good example was in the paper this week at Ryerson. Calatrava, a world-renowned artist and architect, was supposed to come and build the attachment to Ryerson to give some aesthetics to a badly needed city core. The deal fell through, and one of the reasons was that the SuperBuild money that was announced hasn't arrived yet. There again, a world-renowned architect left. I'm sure we'll get a very good architect and I'm sure the building will be built someday, but when?

I guess we're a little suspicious on this side of the House that all these wonderful announcements that the member for Simcoe North alluded to are probably going to come—

Mr Bradley: At election time.

Mrs Bountrogianni: Thank you, Mr Bradley—just before the election so you can all look good and pose with shovels in the ground and so forth.

With respect to the universities, this money is needed now because it takes time to build buildings, it takes time to build lecture halls. It's not needed down the way, just before an election, so you can all look good.

I agree with the member from Timmins that when the leadership across—it's a good opportunity to discuss this bill and to improve upon it. A few of the aspects of it we agree upon, those our colleagues contributed, but it doesn't go far enough. It's just window dressing.

The Acting Speaker: The member for Simcoe North has two minutes to respond.

Mr Dunlop: I'd like to thank the members from St Catharines and Timmins-James Bay, my colleague from Scarborough Centre and my friend and colleague from Hamilton Mountain for their comments on my comments.

I'd like to talk a little bit about SuperBuild again. I've been very excited about this program from the very beginning. What I also find exciting about it is the fact that in some cases of SuperBuild announcements we've actually been able to get Brian Tobin, from Industry Canada, to participate in some of the announcements under a revised Canada-Ontario infrastructure program, and that's good. Let's face it. We criticize the feds in

here and governments of all levels fight back and forth, but when we're talking about the Municipal Act and the relationships we can build with our municipal partners and the opportunities to allow them to seek some private partnerships, if they want, or some new initiatives, it's also nice to see that we can co-operate as well with Mr Tobin's ministry and do some Canada-Ontario infrastructure program announcements.

I know we'd like to go a little further on that. We'd like to bring Mr Collette into the picture. We'd be pleased to see that with some transit money for across the province. I'm sure he spoke about there being a need for it. We took him at his word and felt possibly he would come up with the money for that as well.

But really, there's only one taxpayer in the province and we need to use that money to the best of our ability. I'm glad to see the province co-operating with both the municipal and federal governments on this infrastructure program.

The Acting Speaker: Further debate?

Mr Michael Gravelle (Thunder Bay-Superior North): Mr Speaker, I'd like to share my time, if I could, with the member for Ottawa Centre.

Mr Dominic Agostino (Hamilton East): A great member.

Mr Gravelle: The honourable member for Ottawa Centre is a great member.

This is indeed an important piece of legislation. The member for Simcoe North made reference to that and many of my colleagues have made reference to that. I think I will begin by saying there are some elements of this bill that are quite positive. What's interesting about those positive elements is that they relate in a particular sense to community and public safety, and they're pieces of the bill that have come about as a result of legislation that was brought forward by three of my colleagues in the Liberal caucus.

Sandra Pupatello's rave bill proposed that municipalities be required to issue a permit before a rave occurred. Bill 111, the Municipal Act, gives municipalities the ability to license and regulate raves, and we're pleased to see that in the legislation. Bill 104 of Michael Bryant and Dave Levac, our members for St Paul's and for Brant, allowed municipalities the ability to restrict and regulate the use of fortifications on buildings. Bill 111 grants these powers to municipalities. Bill 24 of Mr Bartolucci, the member for Sudbury, allowed for the licensing and regulation of adult entertainment parlours by municipalities. We're pleased to see that Bill 111 gives the municipalities expanded powers to license and regulate body-rub and adult entertainment parlours.

If I may refer to the remarks by the member for Simcoe North, he quoted Detective Jim Symons from Thunder Bay, and those positive comments were in direct relationship to those specific issues. So we're glad to see those in there.

But there are some real problems with the legislation. We have tried to explain them. Certainly the member for Kingston and the Islands did a pretty good job of ex-

plaining, and may I say our critic, Mr McMeekin, did a very good job when he first opened debate on this legislation yesterday by saying that what it comes down to is that these are issues of trust and respect.

The history since 1995, since this government came to power initially, has been one of a relationship with municipalities that's been nothing short of insulting.

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We certainly know about the Who Does What process, headed up by David Crombie, which was begun back in 1996, I think. This was basically to work on the re-alignment of responsibilities from the province to municipalities. What we ultimately discovered was that this was really about downloading responsibilities to municipalities without providing them with the resources they needed to manage those responsibilities, let alone the fact that some of those responsibilities absolutely should be under the purview of the province. That process itself was fascinating, mostly because the actual Who Does What committee recommended against a number of things and the government went ahead anyway. The municipalities had to go through a process whereby they were forced to take on these responsibilities, and I think a great deal of trust and respect was lost during that process.

We've seen it also with the forced amalgamations that have taken place in the province. I have one amalgamation in my riding that is still a very sensitive issue, that is, the amalgamation of the community of Greenstone. Greenstone is an interesting story. This is a massive municipality, made up of Beardmore, Longlac, Geraldton and Nakina and a substantial amount of unincorporated territories around there. There were a significant number of people who thought this was not going to be a good idea. It was a huge area. For example, between Beardmore and Geraldton, there's about 80 kilometres' distance. Between Geraldton and Nakina, there's about 75 kilometres' distance. It's a massive municipality.

Those who wanted this to go forward—the government was going to force them to go forward; they even went to court to force them to go forward—said the huge benefit would be the great revenues that would come from the TransCanada pipeline. We've learned since then that the transitional costs are massive—the municipality is obviously huge—and the revenues from the TransCanada pipeline do not appear to be anywhere near what we expected them to be. Again, I think there was a great loss of trust as a result of that process.

One would like to see enshrined in this legislation at least an agreement or a memorandum of understanding that in the future, if further decisions are being made in terms of governance of municipalities, at least they will have some opportunity to have consultation and be able to really discuss this. The government has agreed in this legislation that they will do this memorandum of understanding, but only after the legislation is passed. So if you are thinking in terms of trust and respect, you have to be concerned about it. That memorandum of understanding should be enshrined, let alone the fact that the

vast bulk of this bill—we won't even get to know what's in it until it has been passed. As usual, the devil is in the details, and we're going to have to see how the bill works out in the past tense, so to speak.

I appreciate that a number of municipalities have endorsed this legislation; probably AMO has in essence endorsed this legislation, and a lot of other organizations. And some of those quotes have been used. I must admit I appreciate why. There is a general understanding that this is better than what was there before, and there is certainly great hope that this legislation will give the municipalities more authority and will allow them to run their municipalities in a better fashion. I hope that's true. The one thing I will say is that municipalities continue to be optimistic that they will get the opportunity to run their communities the way they want to.

I, for one, do not have that great faith, based on the history of the province with the municipalities. While I applaud the municipalities for being hopeful, I can't share the optimism that that's going to be the case as long as those things aren't in place. When you don't have a memorandum of understanding that there will be no decisions forced on municipalities related to governance without consultation, unless that's enshrined, it makes you worry. It makes one believe there's a reasonably good chance we might not be able to trust them, simply based on the history of the relationship we've had between the province and the municipalities. So I have concerns in that regard.

There's another situation I can't help but think of. The minister of corrections, Mr Sampson, announced in May 2000, and then reannounced in September 2000, that there was going to be a major expansion of the correctional centre in Thunder Bay. They were going to close down the district jail and build a major expansion of the correctional centre—this is a great, \$20-million project. Subsequent to that, the municipality made a decision that they would prefer to have the system run as a public system—actually prior to that; they did this first—rather than as a private system. The minister announced that indeed the correctional centre would be publicly run for at least the next five years. But subsequent to that the minister has made it very clear that he is not going to be moving forward with this particular project unless the municipality removed that resolution related to their belief that the correctional centre should be a publicly run system.

This, to me, is a form of—what's the word I can use? Help me here. It's not a good relationship when the province can hold that kind of threat over a municipality. One would hope that kind of threat would not be in place. I think that's wrong. This is an important project in Thunder Bay, and the municipality should not feel threatened that they must remove a resolution that was done with the best of intentions in order to get a project from the province.

We have before us a piece of legislation that actually requires the municipalities in many ways to become more accountable. They've taken some of the aspects of what I

think was previously Bill 46, which require municipalities to provide report cards and other accountability measures. They have now been rolled into Bill 111. The irony of that is that we have a government in Ontario that is not particularly accountable itself, and yet it is going to continue to force the municipalities to be accountable in a fashion that may have some negative implications.

One is left with the conclusion that although there are some good elements in this legislation—and again I thank my Liberal colleagues for bringing some of those measures forward, and I thank the government for including them in the bill—and although this act by all accounts is better than the one that was there before, there is enough concern out there and frankly enough concern that I think we have rationally debated in the Legislature, whether I'm speaking on behalf of municipalities or on behalf of our constituents, that should make us take pause, based on the history of the relationship we've seen between the province of Ontario—the government—and municipalities in the past.

It gives me some worry. I certainly would like to see appropriate amendments going forward. I think we need to have substantial public hearings. I certainly hope the government will at least allow us to put forward those amendments.

Mr Richard Patten (Ottawa Centre): I'm happy to participate in the debate this evening on what is really an important issue. I imagine that by this time members will certainly be seeing a pattern here.

In a nutshell, this bill, which is voluminous, with 319 pages I believe, represents somewhat of an exercise in streamlining—and I think that needs to be recognized—in that it has cleaned house somewhat and tidied up some efforts in identifying the basis on which the municipalities exist.

Just to reinforce and perhaps put it in a different context, the people who live in communities perhaps aren't aware of the nature of the relationship of municipalities with the province, that indeed they do not have any constitutional authority in and of themselves. They are in effect creatures of provincial legislation. Having said that, while the historical relationship has changed from government to government over time, it has suffered somewhat since 1995 with some fairly drastic manoeuvres on the part of this particular government by virtue of amalgamations that have taken place and the downloading of services without the concurrent resources that are required to operate those services.

I know that municipalities have had a very tough time, some perhaps more than others given their particular responsibilities, and I will address that as we move along.

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I'm quite aware that the Association of Municipalities of Ontario officially did lend their support to this, but they call it a good first step. Members will know what that means. That's code for, "It didn't go far enough; it's a bit better than what we have at the moment, but it's really not sufficient to do the job." Certainly that's what I'm hearing from my municipality and from some other

municipalities by way of some of my colleagues in the House.

There are, as I have said, some provisions in the bill that I believe are important. So it really comes down to, should we be lending our support to something that is less than a half measure? And I say that because it is a half measure, given that the majority of the people in Ontario live in municipalities—they live in towns and cities—and yet those particular jurisdictions do not have anywhere near the authorities or the scope to address the responsibilities that they are charged with, and of course increasing their responsibilities over the last little while by virtue of some of the downloading that has gone on by virtue of the Harris government since 1995.

There has been an incorporation, as has been pointed out by some of our colleagues, Rick Bartolucci and Sandra Pupatello and Michael Bryant and David Levac, of some of the pieces of legislation that relate to this particular overall effort. But this act is too small a victory in what is a far larger battle. It's almost akin to someone being told that they're going to perhaps lose their leg and they'll have to receive an amputation at the hip. Then after a little while, the surgeon says, "Well, by the way, I have good news for you. I won't have to amputate at the hip; I will only have to amputate at the knee." The patient is delighted that this is somewhat of an improvement on what might have been a pretty tough situation. At least half the leg is in place.

Perhaps that's a severe analogy, but I believe that the challenge that we face in the 21st century is really shoring up our cities, that we have a choice in Ontario, that we have the largest population of any province in the Canadian confederation, that we have cities of two million and pretty close to a million in Ottawa, where I come from, and others that are around 600,000 or half a million and in that particular range, which places a good number of cities in the forefront, population-wise, in the Canadian context.

So we have an opportunity to respond as other provinces have responded, and I cite Saskatchewan and I cite BC, with their effort to recognize the necessary opportunities for cities to be able to have a degree of authority and to function within their own context. I must say that it is somewhat embarrassing to see mayors of large municipalities in particular—it doesn't matter the size—having to crawl on hand and knee and beg for resources and beg for opportunities to meet and address issues that of course they are responsible for but do not have the resources to address what is there.

When I think of the meeting that was here of AMO, there were a number of comments made by various mayors and municipalities related to this legislation. I have one here from the Ottawa Citizen commenting—it was done by April Lindgren, who is here in the Legislature, and it talks about our mayor in Ottawa saying, "What we want to do is generate an action plan for public awareness and political action to get the federal and provincial governments to look at a new constitutional status for cities," which of course does not exist, and this does not exist in this particular bill.

He goes on to say that Ontario's cities, for example, should be free, as—this is just one example—American cities are. You wonder how some of the American cities get so much money to build sports facilities for basketball or for hockey or for football or whatever it is. Why? Because they charge athletes from other areas who arrive in their city, if they're out-of-state, a tax. So they pay these taxes from their income tax.

We're not permitted to do this in Ontario. Why, I don't know. This would certainly help at least two, three or four cities to deal with arenas or stadiums or certain facilities that of course are businesses even in and of themselves. I'm proud to remind people that the CFL is returning to Ottawa, so we have a good facility there now, but who knows what will be required over time? Certainly not a dome as we have here in Toronto, but maybe some help on being able to address the elements.

I was looking for another quote but I can't find it in my notes right now. But I would say that the municipalities have no more powers to raise revenue. Of course, this is a sensitive one. We certainly don't want to see a situation where one municipality goes absolutely crazy and has all kinds of taxes, limits itself, hurts its own image, affects surrounding areas, and you have a patchwork of all kinds of arrangements. At the same time, you want to provide some flexibility for some opportunities, because each municipality is unique in some ways, and provide some reasonable arrangements for some revenue generation and decision-sharing that will certainly help the environment of healthy cities and healthy environments where most of the population of Ontario lives.

Unless there is great consultation, great sensitivity and movement on the part of the government on this particular bill, it would be very difficult for us to support this at this time.

The Acting Speaker: Comments and questions?

Mr Bisson: I'd like to echo some of the comments made by the member from Ottawa Centre. He raises I think what is the general gist of what we're trying to say here, not only within the Liberal opposition but within ourselves as a party, as New Democrats.

We believe that the bill is a step in the right direction. We believe, as New Democrats, that municipalities must be given the "tools" to be able to exercise their authority when it comes to dealing with issues that clearly should be and are under the control of municipalities. However, when you read through the bill, and this is the problem I'm having as I go through and read the bill, it's some number of hundreds of pages, almost 345 pages long. It has over 485 sections in it. When you read the details you find out that municipalities are really not getting the kind of powers the municipalities should be getting. So it makes me a bit worried the more I read this bill.

Again I say, I like where you're going, I like the direction; I'm not going to argue on that. But I somehow fear that the bill really doesn't do what it purports to be doing. For that reason, I would argue we need to have fairly extensive public hearings in the intersession

between the month of December and the month of March to give municipalities and other interested individuals the opportunity to come before legislative committee re this very large bill and give us ideas as to what they think the bill does or doesn't do. Then, truly, if we're all agreeing in this House that we should be giving municipalities the kind of tools they need, if we're lacking in the bill, as I seem to see in this bill now, we'll be able to fix those types of things.

I urge the government not to move quickly on this bill, as I know they're going to do at this point, which is, "Let's give it quick passage. Let's get out of here before Christmas and pass this bill," because in the end I don't think we'll be doing the municipalities the type of service we need to be giving them as members of this assembly.

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Hon Tony Clement (Minister of Health and Long-Term Care): I rise to comment on the member for Ottawa Centre's discussion of the bill. Of course, I have a more than passing knowledge of the bill, having been Minister of Municipal Affairs for a period of time. I want to assure this chamber that this is a proper balance bill. This is a bill that talks about the appropriate responsibilities and the rights and duties of municipalities to deliver the kinds of services within their spheres and to deliver those services—and this is the second part of the bill—in an accountable manner.

It is not only about rights; it is about responsibilities. It is not only about powers; it is about the accountability, the way that one can measure the performance of municipalities, just as this chamber should be measured, just as the federal order of government should be measured as well. It really is a recognition of the maturity with which we treat municipalities in today's day and age. They are an extremely important order of government. There's a whole wealth of services that they have grown to deliver to the people in their respective jurisdictions, and this bill recognizes that. It is a modern understanding of the appropriate role of the municipal sector and at the same time a modern expectation, if I can use that term, of their responsibilities and the accountability necessary—not an accountability to this House necessarily or to the individuals in this House; an accountability to the public.

The municipalities would say, "We don't need any lessons in accountability to the public." I understand that argument and I accept that argument. But you need to have the parameters available in the legislation so that people know what to expect of their municipal government, know what rights they have to demand of their municipal government. This bill is that balance. I would expect that this House will find some things they want to say about it, but that is a good start, at the very least.

Mrs Dombrowsky: I would like to make some comment about the presentations made by my colleagues the member from Ottawa Centre and the member from Thunder Bay-Superior North, because I think they bring to the conversation some really important caution to municipalities in the province. Since my election, I've had many occasions to talk with municipal representa-

tives whose greatest issue is the fact that the downloading of services—or the realignment of services as the government would say, but it is a downloading of services—that that responsibility that now rests locally was not a dollar-neutral initiative. That was promised, that was guaranteed by the government, and that has not happened. I've not had one municipality in my riding come to me and say, "Mrs Dombrowsky, we have actually saved money with the downloading of services." That's not the case at all. In fact, they believe they are more burdened now than ever before.

Members have also referenced another issue that is a bone of contention within many municipalities. It is the fact that this bill does not prevent the government of Ontario from forcing amalgamations on communities. That's another issue, a very sore point, in many parts of the province still today. If you've had the opportunity to pay some attention to our colleague who is the critic for municipal affairs, you can appreciate how the fact that the government has been able to unilaterally and arbitrarily amalgamate municipalities against their will has been divisive. It has not produced the savings that the government had promised the initiative would, so I believe my colleagues have brought forward some very salient points that need to be considered by the government.

The Acting Speaker: The member for Thunder Bay-Superior North has two minutes to respond.

Mr Gravelle: I want to thank the member for Timmins-James Bay, the Minister of Health and the member for Hastings-Frontenac-Lennox and Addington for their comments. I can particularly make reference to the comments made by the Minister of Health, formerly the Minister of Municipal Affairs. I appreciate what he was saying and I appreciate that he's had a fair amount to do with this being put together in his previous role. I would think also that he would be sensitive to the fact that the one thing municipalities would like to have is some assurance of consultation. I know that the act right now, as it stands, says—there's no memorandum of understanding that indeed consultation will take place. I think that's a very important and a very sensitive point. Again, based on the history of the relationship between this particular government and municipalities over the last six years and some of the arbitrary decisions the province has made related to downloading, related to forced amalgamations, I think this consultation should be enshrined in legislation. I don't think that's an unreasonable thing to ask, and to some degree it's somewhat alarming, perhaps, that it's not enshrined in the legislation. We believe, as a caucus, that there should be a community charter, not unlike what they do in British Columbia, one that really does recognize the rights of municipalities to make decisions at the local level.

That's an issue that I think is very significant and, may I say, I hope not as significant as it seems. But it does puzzle me that the new act does not have consultation locked in as a guarantee. It's something that I think municipalities should expect and, again based on the history,

something I think they would really want. I appreciate that they want to move forward with this, but that is an area of concern we have that is very serious, and we certainly intend to bring that up in the public hearings.

The Acting Speaker: Further debate?

Mr Bisson: I looked forward to having an opportunity to put my comments on the record for this bill, and I know that the government across the way is paying attention to the many comments I'm going to make here. I think there are a number of things we really need to look at in some detail when it comes to this bill.

First of all I want to say up front, as I've been saying all night tonight, I do not have an objection as a New Democrat, as a member of our caucus, and neither does our caucus or our leader, Howard Hampton, have difficulty with the direction the government is taking by way of this bill. I want to make that comment straight up front, at the beginning, because I don't want people to think that we don't want to move in the direction that this bill is trying to go.

I have to believe that the government has introduced this bill because they're doing what they state they're trying to do by way of the title of the bill. The bill says, "An Act to revise the Municipal Act and to amend or repeal other Acts in relation to municipalities." As you read the preamble of the bill, it supposedly says we as a province are going to give municipalities certain abilities, by way of legislative and regulatory power, to make decisions on their own on a number of issues where before they had to come to us as a province and get authority.

I think there is not a member in this House who doesn't agree that we need to give municipalities in this day and age the type of authority they need to be able to do their jobs. It doesn't mean to say we shouldn't have provincial standards on a number of issues and make sure there is some consistency across municipalities. Surely the province has to have a role in that. But generally we want to make sure the municipalities have the tools to do their jobs.

It's true when the government says the Municipal Act hasn't undergone major revision in a long, long time. There's been some minor revision by various governments but there's never been a huge revision of the bill. I will argue that this is not really huge, when you read it in detail, because the government purports that this is a huge step forward. As I'm now reading the bill, I'm finding more and more that it's really a small step in the right direction, because the government says it wants to give powers.

For example, one of the major powers, one of the major bones of contention for municipalities is the whole issue of restructuring. For example, we would know that the provincial government, by way of provincial legislation in this session and the prior session, restructured a number of municipalities, such as the cities of Toronto, Ottawa, Matheson, Moosonee, Sudbury, Haldimand-Norfolk, Hamilton, and the list goes on. Legislation often came to this House without the support of municipal councils to do restructuring.

You will know that Toronto, Etobicoke, Scarborough, North York and others were forced to amalgamate into the huge city of Toronto by way of legislation in the House, much to the chagrin of local councils of the day. If I remember correctly, there were some five referendums held across Toronto on that very issue, and the residents in those communities, who voted in great numbers, large turnouts, voted over 75%, overwhelmingly opposing the government's move to amalgamate all of those municipalities into the supercity of Toronto. Unfortunately, the government just went ahead and did it anyway, and the city was formed into the one major megacity of Toronto. We were told at the time, "We're going to get you savings. We're going to get better efficiencies in the municipality." One only needs to go to this new city hall now and find out that it's inefficient and is actually costing us more money. We haven't saved a sou, as we say in French, when it comes to what we do now in Toronto.

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I have been reading the bill. I thought from what I heard the minister say that we were going to give the municipalities that power, that we were not going to foist restructuring on them by way of our legislative authority. Only we, the province, and only the municipalities would have the final say about who gets restructured. So if two neighbouring municipalities decided on their own, by way of plebiscite or whatever method, they alone would have the authority to decide if they wanted to amalgamate, and then they would come to the province and we would just rubber-stamp it. We would respect their decision. That, to me, is a very basic thing we should do for municipalities. It should be up to the local ratepayers, not us, the province, to decide which municipalities get amalgamated. If the residents of the communities of Kapuskasing and Fauquier want to move together, which I know they don't, it should be entirely up to them. It should not be up to the province to make those decisions. I would argue that a plebiscite should make that decision.

So the government says, "We're going to give them that kind of right." As I read the bill, it is not like that in any way, shape or form. The bill, as I read it, basically says that the old provisions of Bill 26 still apply when it comes to municipal restructuring. I think it's under section 40 of the bill, if I remember correctly. It talks about—no, section 40 is about the tolls. I'm just going by memory here. I wish I had marked it in the bill. It basically says that the minister still has the power under the existing acts of the Legislature to decide to restructure a municipality, yea or nay.

That says to me that we're not giving the municipality the kinds of tools they want. In fact, at the end it will still be the minister who will decide, along with the Premier and cabinet, which municipalities have to restructure. Should a municipality decide to restructure on its own, it will again be up to the minister. It won't just be a rubber stamp that the minister will give. It will be his or her decision entirely. That is not the kind of tool I want to give municipalities. I believe, as a New Democrat, that it

is up to the local municipal people to decide if they want to amalgamate, if they want to create a single-tier or a two-tier municipality. It's entirely up to them.

There's nothing in this bill to prevent the province from restructuring a municipality by special legislation, although to have an absolute guarantee of non-intervention, one would have to change the constitution. I have to say that this bill is really a problem when it comes to those issues. The bills that created the new cities of Toronto, Hamilton, Sudbury and Ottawa and the counties of Haldimand and Norfolk are not superseded by this act. That means all those restructurings that happened in communities where they did not want them to happen, such as the Kawartha Lakes, basically are going to stay in place. I argue, "Hang on. If we're giving municipalities the tools to restructure, why then are we not giving them the types of tools they need?"

Par exemple, c'est important pour les communautés d'Ottawa, de Sudbury et autres de s'afficher bilingues pour s'assurer que ces communautés offrent aux citoyens de ces villes et cités l'habilité de donner des services en français. Moi, j'aurais espéré avoir une provision dans ce projet de loi qui regarde à traiter cette question d'une manière adéquate. Je ne vois rien dans ce projet de loi qui va donner aux municipalités dans ces régions l'habilité de changer ce qui est présentement en place. Je dis au gouvernement, si vous dites que vous voulez donner des outils aux municipalités, vous n'avez vraiment qu'à leur donner ces outils.

I look at another section of the bill that is really problematic: section 40. I didn't realize this until I had been reading this bill. Here's the problem. We've now had two days of second reading debate, both this week, and we were just given these bills this week to start reading them. The bill is almost 400 pages. I'm down to page 131, I'm not even halfway through it and this bill is probably going to get second reading passage before I get a chance to finish reading it.

There are already a number of sections of this bill that I've highlighted as having some severe problems. For example, we're saying in this bill that we're going to give municipalities the ability to affix tolls on roads across their municipal boundaries. Wow, that's pretty big stuff. Up to now municipalities have not been able to do that and I'm not so sure that's the kind of tool I want to give the municipality.

I'm prepared to listen to the debate. I'm prepared to go to committee and be told the reasons why this would be necessary. I could well imagine why municipalities would want to do that, but we are going to be allowing municipalities across the province to affix tolls on roads. Then whoever the new Premier is—it might be Mrs Cunningham who's the new Premier—will be able to hide behind the legislation and say, "Oh, the tolls in London were not the Mike Harris government's fault; it's the municipal council that put the toll on that road in our municipality." We'll know very well it's the province that allowed that to happen.

I want to read that specific section of the bill:

"Toll highways

"40. (1) Subject to sections 36 to 39, a municipality may,

"(a) designate a highway as a toll highway; and

"(b) operate and maintain the designated highway as a toll highway."

That also says to me that municipalities will be able to privatize certain roads, such as happened with Highway 407. Is that a policy we want to follow as the province? I'm not so sure.

"Restriction

"(2) Despite subsection (1) and section 35, a municipality does not have the power to designate, operate and maintain a highway as a toll highway until a regulation is made under this section that applies to the proposed toll highway."

Here's where it really gets interesting. I am clearly saying as a New Democrat that I do not support tolls on provincial highways, let alone municipal highways. The province is saying, "We're going to give the municipality tools to introduce tolls on municipal roads and, as I read it, highways in the municipality. Does that mean provincial highways? Good question. The province is saying, "We're giving you that power," but then when you read the weasel words under "Restriction," it sounds to me that the regulatory power to allow municipalities to do what the government purports may very well define to a great extent the ability of the municipality to move ahead with a toll road, which tells me it's doublespeak.

The government on the one hand is saying, "We're giving municipalities power"—one that in this case I don't support—but then when you read it, it's full of weasel words. It goes on to say:

"Regulations

"(3) The Lieutenant Governor in Council may make regulations providing for any matters which, in the opinion of the Lieutenant Governor in Council, are necessary or desirable for the purposes of this section, including,

"(a) requiring a municipality to obtain the approval of any person or body before designating, operating or maintaining a highway as a toll highway."

It goes on to list about two, four, six, eight exemptions around how this can't be done, the point being—I'm not going to read them all; I don't have enough time—that it's doublespeak. On the one hand you purport to give municipalities the tools, but you really don't respect the municipalities because you're really not giving them anything. You're saying, "I'm making it possible to create a toll highway," but you're really not allowing them to do it.

I would argue that toll highways shouldn't be in this bill, but I want to point out that there is a lot of doublespeak in this bill. If I were a municipal councillor in favour—and I would not be—of toll highways or toll municipal roads, I would say, "Oh, good. The province has given me the ability to make that a toll road." Then I would find out that in fact it's not in here. Municipalities are going to wake up to the realization that they're really not being given the powers, the point being that not only

is it doublespeak—how many other sections of this bill are the very same, where the government purports to give municipalities certain authority, but in fact the authority is not in the bill?

The more I read this bill, the more I'm beginning to think, "Whoa, we need some public hearings on this bill." I support giving municipalities the power to do a number of things. I would not support giving them the power to do toll highways or roads, but I believe there are a number of things they should be given exclusive control over. For example, it's important that municipalities in the end are the ones who should decide what the rules for restructuring the municipality will be. It's the local ratepayers who pay the bill; it's not the province of Ontario, by and large. Provincial downloading on to the municipalities has long ended the day when the province was a major player of primary importance when it came to providing a number of services in the community. Everything from public health to daycare services and transit has been either entirely or largely downloaded to the municipality, so the province really has less say than it used to by way of dollars. I believe that nobody should allow restructuring to happen. It should be the municipalities that decide that process and some kind of framework that we can devise in order to give them the authority to do that by way of legislation.

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I would argue that if a city or a town out there wants to amalgamate or wants to separate itself from whatever arrangement it has now, it should be up to local ratepayers to allow that to happen. I don't necessarily believe that bigger municipalities make for more financially responsible municipalities or give you the savings.

I'll just give you an example. Speaker, you represent a riding, not from northern Ontario but one that's not dissimilar to mine, and I know my good friend Bert Johnson represents a lot of small communities in his riding. You know what makes municipalities work when they're smaller is the volunteerism. For example, if I look at the communities of Fauquier, Opasatika, Val Rita, Moonbeam, Mattice, Jogues, Hallebourg—there are many—those smaller municipalities by and large don't have a large tax rate. The amount of tax that the individual resident pays for his or her house is less than what I pay in the city of Timmins, which is the largest municipality in my riding.

Mind you, they get fewer services. That's a choice the ratepayers have made by way of their council. They're saying, "We don't want to pay higher taxes to get services that quite frankly we don't think we should be receiving." So that's a bit of an offset. They pay lower taxes and they get lesser services than a bigger community. On the other hand, they keep themselves more effective and less expensive to operate because of volunteerism.

I look at Fauquier as a good example. Fauquier has four or five employees, if that, who work for the municipality. It's a community of around 900 people. Basically, everything is run by way of volunteers. The

municipal councillors are certainly not getting a lot for what they're doing and neither is the mayor. But when it comes to services in the community, many of the services are provided by volunteers. If we go by way of amalgamation into larger municipalities, that volunteer basis is eroded, because all of a sudden the volunteers in the small community will say, "Well, that's Kapuskasing that's doing that now. Why should I do it?" I'm saying if amalgamation between Kap and Fauquier were to happen—I don't believe it will—that's sort of the effect. So there is not a saving for making a city bigger.

I say that in this bill we've done nothing to deal with that whole issue of amalgamation. So I say to the government that we certainly have to make sure we look at that a little bit better.

The other thing is that much of what's going to be in this bill is by way of two measures. One is the regulatory authorities that will be given under this bill. We haven't seen those yet and when we ask, again, it's a pig in a poke: you vote for this bill because you agree on the direction. We're going to find out by way of the regulations that the bill in fact is not going to do what we think it's going to do.

The second thing is that the bill is going to be accompanied by a memorandum of understanding committing the government to consultation with the municipal sector on matters affecting municipalities. This hasn't even been negotiated yet, and we're being asked to pass this bill. At the very least, I want to see that memorandum. I want to know that it's been signed by the municipalities, and I want to see that memorandum so I'll know there is municipal support prior to even voting for this bill. But again that has not been done. So I say to the government that this is a really dangerous precedent we're setting by way of supposedly giving municipalities powers that I think they're not going to have in the end.

We get into the whole idea, not a bad one—the municipalities are given what they're calling spheres of jurisdiction. So we're saying in this bill that highways, including parks and traffic on highways, will become municipally controlled; transportation systems and other highways will become municipally controlled. I guess this is in response to the municipal downloading of roads. I thought that was wrong. I still think it's wrong. I think we should upload a number of those provincial highways that are now municipal roads back onto the province. Why do we want to leave it there?

I'll give you a good example. Highway 11, the Trans-Canada Highway that runs through Kapuskasing, has now been called a municipal road. What hogwash. It's the TransCanada Highway. Does a trucker or a travelling motorist have the ability to say, "Oh, I'm going to bypass Kapuskasing because I don't want to ride on that municipal road"? It's ludicrous. That is a road that, as a provincial infrastructure, should be maintained by the province when it comes to winter road maintenance and also should be maintained when it comes to resurfacing.

Now what's happening, because it is a municipal road and we don't have the kind of money we'd like at the

municipal level, is that the standards of maintaining those roads and expanding them the way they should be for traffic control are certainly not being done the way the province used to do it.

So I say, what have we really done here? We're enshrining downloading in the legislation. We're saying that waste management will come under the sphere's jurisdiction. What does that really mean? Are we saying we're going to allow municipalities to decide some of the issues around very sensitive environmental issues such as, should Keele get yet another lift on its major dump? There are certain things that I think need to remain under provincial control.

Yes, you need to make the process of approving a landfill site easier. I certainly know that because I went

through the process with the town of Iroquois Falls when I was a member of that riding, which dealt for a number of years with trying to get a lift on its dump approved. Nobody is going to argue that we should abrogate our responsibility as provincial legislators when it comes to provincial standards on the environment.

There are a number of issues in this bill that basically leave a lot of questions yet unanswered. I would argue strongly that members of this Legislature should be given the opportunity to debate this bill at second reading and have committee hearings this fall so we can properly look at its contents.

The Acting Speaker: It being almost 9:30, this House stands adjourned until 1:30 o'clock tomorrow.

The House adjourned at 2127.

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Prince Edward-Hastings	Parsons, Ernie (L)	Whitby-Ajax	Flaherty, Hon / L'hon Jim (PC) Deputy Premier, Minister of Finance / vice-premier ministre, ministre des Finances
Renfrew-Nipissing-Pembroke	Conway, Sean G. (L)	Willowdale	Young, Hon / L'hon David (PC) Attorney General, minister responsible for native affairs / procureur général, ministre délégué aux Affaires autochtones
Sarnia-Lambton	Di Cocco, Caroline (L)	Windsor West / -Ouest	Pupatello, Sandra (L)
Sault Ste Marie	Martin, Tony (ND)	Windsor-St Clair	Duncan, Dwight (L)
Scarborough Centre / -Centre	Mushinski, Marilyn (PC)	York Centre / -Centre	Kwinter, Monte (L)
Scarborough East / -Est	Gilchrist, Steve (PC)	York North / -Nord	Munro, Julia (PC)
		York South-Weston / York-Sud-Weston	Cordiano, Joseph (L)
		York West / -Ouest	Sergio, Mario (L)

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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