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**Official Report
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Wednesday 12 May 2004

**Journal
des débats
(Hansard)**

Mercredi 12 mai 2004

**Standing committee on
regulations and private bills**

**Comité permanent des
règlements et des projets
de loi d'intérêt privé**

Chair: Tony C. Wong
Clerk: Trevor Day

Président : Tony C. Wong
Greffier : Trevor Day

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE
ON REGULATIONS
AND PRIVATE BILLS**

**COMITÉ PERMANENT DES
RÈGLEMENTS ET DES PROJETS DE LOI
D'INTÉRÊT PRIVÉ**

Wednesday 12 May 2004

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The committee met at 1008 in committee room 1.

SUBCOMMITTEE REPORT

The Chair (Mr Tony C. Wong): Ladies and gentlemen, this is the standing committee on regulations and private bills. I call the meeting to order. The first order of business is the report of the subcommittee on committee business.

Mr Bob Delaney (Mississauga West): Your subcommittee met on Wednesday, May 5, 2004, to consider the method of proceeding on Bill 43, An Act to amend the Liquor Licence Act by requiring signage cautioning pregnant women that the consumption of alcohol while pregnant is the cause of Fetal Alcohol Syndrome, and recommends the following:

(1) that the committee meet in Toronto on Wednesday, May 19, 2004, for the purpose of holding public hearings and clause-by-clause consideration of Bill 43;

(2) that the committee clerk, with the authorization of the Chair, post information regarding the hearings on the committee's Web site and on the Ontario parliamentary channel, Ont.Parl;

(3) that interested parties who wish to be considered to make an oral presentation on Bill 43 contact the committee clerk by 12 noon on Friday, May 14, 2004;

(4) that witnesses be offered 15 minutes for their presentation and that the committee clerk, in consultation with the subcommittee, be authorized to modify this time in order to facilitate the scheduling of all witnesses;

(5) that in the event all witnesses cannot be scheduled, the committee clerk provide the members of the subcommittee with a list of requests to appear by 1 pm on Friday, May 14, 2004;

(6) that the members of the subcommittee prioritize the list of requests to appear and return it to the committee clerk by 5 pm on Friday, May 14, 2004;

(7) that the deadline for amendments to Bill 43 be 5 pm on Friday, May 14, 2004;

(8) that the deadline for written submissions be 12 noon on Monday, May 17, 2004;

(9) that one hour of the committee's meeting on Wednesday, May 19, 2004, be reserved for clause-by-clause consideration of Bill 43;

(10) that each party be allotted five minutes for an opening statement at the commencement of clause-by-clause consideration of Bill 43;

(11) that the clerk of the committee, in consultation with the Chair, be authorized prior to the passage of the report of the subcommittee to commence making any preliminary arrangements necessary to facilitate the committee's proceedings.

The Chair: Shall the report carry, members? Any discussion? OK. The report is carried.

**MALTON SEVENTH-DAY ADVENTIST
CHURCH ACT, 2004**

Consideration of Bill Pr2, An Act respecting the Malton Seventh-day Adventist Church.

The Chair: The next order of business is Bill Pr2, An Act respecting the Malton Seventh-day Adventist Church. Dr Shafiq Qadri will be sponsoring this bill. Would Dr Qadri and the applicant please come forward? I'll ask the applicants to introduce themselves when they speak. Dr Qadri, as the sponsor, do you have any comments?

Mr Shafiq Qadri (Etobicoke North): Yes, Mr Chair and my colleagues. First of all, welcome to the Seventh-day Adventist group and to others who'll be testifying later. This particular bill is an anomaly. It seems like an artifact of government regulations. As I understand it, taxation is being extracted from the church, and it should not be. Of course, there's quite a bit of legalism, which I will leave wiser heads to actually explain the details of, but I think it's really just a technicality, and hopefully we'll be able to reverse this. I understand that this particular request has been pending, as always, for some time.

The Chair: Thank you, Dr Qadri. Applicants, please introduce yourselves when you speak.

Mr Barry Bussey: I'm Barry Bussey. I'm general counsel for the Seventh-day Adventist Church in Canada. We've got with us today Mr Ulysses Guarin, who's the treasurer of the Ontario conference of the Seventh-day Adventist Church. Next to him is Pastor Donkor, who is pastor of the Ghanaian church, which is sharing this building, this structure.

This matter arose because in March 1995, the church had purchased a warehouse at Atwell Drive. What hap-

pened was that it was, of course, a commercial building. The church made contact with the authorities for the city and so on, with respect to the fact that this would be used as a house of worship. Suffice it to say that from 1995 to 1999 the property was still assessed as a commercial building rather than as a house of worship. Finally, what happened was the respective limitation periods ran out with respect to the Assessment Act and the tax act and, as a result, there was no opportunity to get the recognition that this property was, in fact, a house of worship.

We received a court order in 2000 which recognized that, in fact, the property was a house of worship, but as the limitation period had run out, the court order was only for the year 2000 and onwards. So the purpose of this act is to allow us to basically get the property reassessed for the years 1995 to 1999.

I would just like to note that in this proposed act we do have in section 1 that it's for the 1995 to 2002 taxation years. However, it should be for the 1995 to 1999 taxation years.

That is, in essence, where we're at. Basically what will happen is, should this be passed, it will allow us 90 days to get this property reassessed. Then we will have it recognized, we hope, as a house of worship.

The Chair: Thank you. Does anyone else from the applicants want to speak? OK. There are no other interested parties for this item? Any questions from members?

Mr Tony Ruprecht (Davenport): Thank you very much for your presentation. We certainly want to encourage you in your work. Did you say you needed 90 days to have the reassessment done, or can that be done quicker?

Mr Bussey: Well, we hope it would be. Basically what will happen is, as soon as it receives royal assent we will seek the assessment as soon as possible, depending on what will happen with the assessment board.

Mr Ruprecht: So as soon as you leave here today you're going to approach the assessment office? Is that what you're going to do?

Mr Bussey: We've been in touch, of course, with the assessment board. They've basically been saying that their hands are tied. So, as soon as this act is through, we will get them to reassess.

Mr Ruprecht: I would hope this will be done as quickly as possible. Dr Qaadri is here, and of course, if he supports this bill, then I will certainly add my name to it, right? We have full faith in Dr Qaadri's decision on this issue.

Let me just point out one more thing: I was delighted when I was invited by the Perth Avenue Seventh-day Adventist Church. Just as an aside, I want to say "thank you very much" to you and to them for the work in the community, and I wish you Godspeed.

The Chair: Any further questions? Does the parliamentary assistant have any comments?

Mrs Maria Van Bommel (Lambton-Kent-Middlesex): At this point, I want to thank the presenters for coming. In terms of the position that the government would take on this, we are not opposed to this. It certainly appears to

have been an error in terms of assessment, and it should have been rectified. We would support this act.

Mr Gerry Martiniuk (Cambridge): As a former lawyer, I know the fragile nature of missing a limitation period. I hope you'll continue your good work, and I'm pleased to support your application.

The Chair: We are now going to deal with the act section by section, starting with section 1.

Mr Delaney: This is Bill Pr2, An Act respecting the Malton Seventh-day Adventist Church. I have an amendment to be moved to section 1.

I move that section 1 of the bill be amended by striking out "2002" and substituting "1999."

Interjection.

The Chair: Seconded by Mr Ruprecht.

All those in favour of the amendment? Carried.

All those in favour of section 1, as amended? Carried.

Section 2: All in favour? That's carried.

Section 3: All in favour? Carried.

Section 4: All in favour? Carried.

Shall the preamble carry? All in favour? That's carried.

Shall the title carry? All in favour? That's carried.

Shall the bill, as amended, carry? All in favour? Carried.

Shall I report the bill, as amended, to the House? All in favour? Carried.

I want to thank all parties who have participated.

We will now deal with the next order of business.

1020

ASSOCIATION OF REGISTERED GRAPHIC DESIGNERS OF ONTARIO ACT, 2004

Consideration of Pr3, An Act respecting the Association of Registered Graphic Designers of Ontario.

The Chair: Mr Tim Peterson, MPP, will be sponsoring this bill. Mr Peterson and the applicants, please come forward.

Again, I will ask Mr Peterson to speak first, and the applicants, please introduce yourselves when you speak.

Mr Tim Peterson (Mississauga South): I'm here this morning with George Dzuro, the lawyer for the registered graphic designers; Carmen von Richthofen; and Albert Ng.

I'm pleased and honoured to be a sponsor of an amendment to the act that governs the Association of Registered Graphic Designers of Ontario, commonly known as the RGD. It's the professional body for graphic designers in Ontario. The association grants graphic designers who qualify the right to the exclusive use of the designations "registered graphic designer" and "RGD" and is the governing and disciplinary body for its members.

RGD Ontario is the only graphic design association in Canada to have such legislation. This amendment will enable the association to set the term of office for its elected directors. At present, the association defaults to

the requirements of the Corporations Act, which mandates that the term of directors be only one year. The association requires a greater length of time for its directors to ensure smooth and seamless work for the directors as well as the association as the whole. Hence, that is why we're sponsoring this amendment. We want to turn over the length of term to the management of the association itself.

If you have any questions, I'm happy to answer them, or other members from the RGD are happy to answer them as well.

The Chair: Thank you, Mr Peterson. Would the applicant like to speak?

Mr George Dzuro: I'll say a few words. I'm George Dzuro, the legal counsel for the registered graphic designers.

As Mr Peterson indicated, this association was created by a private member's bill in April 1996. The private member's bill that was passed at that time set the term of office for directors at one year.

Since 1996, the association has operated and has found that because anyone who serves on the board of this association is in a volunteer capacity, they felt it was unduly onerous to expect these individuals to take up the term for only one year. There was a fair degree for volunteers to learn during that first year in order to properly carry out their duties as directors, and they would then have to stand for re-election on a yearly basis. This also led to difficulty in finding qualified individuals, because there is the potential that you would spend the year, you would learn the job and then we'd have to find a whole new set of people to take up the position. We never were able to create experienced board members.

This is something that is commonly allowed within the Corporations Act, which is the act that we default to and we are governed by. If we were created by letters patent, we would have the ability as an organization to amend those letters patent and allow our members to extend terms of directorship and also allow the terms to rotate so that you wouldn't necessarily have your whole board turn over on a yearly basis; you could stagger it over a number of years so that you would have continuity.

This is really just a housekeeping matter. Because this association was created by way of a private member's bill, the only way we could give our members the ability to pass a bylaw that would allow us this flexibility was to go back and change the original bill. The original bill said specifically that it could only be one year. So we really are just trying to bring the original bill near what would otherwise be the case under the Corporations Act.

The Chair: Thank you, Mr Dzuro. Questions from committee members?

Mr Khalil Ramal (London-Fanshawe): I have no problem supporting the bill because I know exactly one year is not enough for the volunteer members to get their act together, and by one year, when they finish it, they're up for another election. But I'm wondering, how long are you asking for, a year, two, three? What's the term you're looking for?

Mr Dzuro: Within the legislation that we're passing, we're going to go back to our members and ask what the members want in terms of the term of office. We've said that no term can exceed five years. This would be the requirement under the Corporations Act.

Mr Ramal: You mean under five years.

Mr Dzuro: It would be a maximum of five years. The members may decide they really want them to be two-year or three-year terms. We're going to allow the members to make that decision, but it can't be more than five. Again, this is the same flexibility we would have had under the Corporations Act. It exactly mirrors the same provisions.

The Chair: Any further questions?

Mr Rosario Marchese (Trinity-Spadina): Just a quick point: I'm assuming that the reason they did this in 1996 was because they thought one year might be sufficient, that it's possible members may not want to sit longer than one year, that it could be onerous on members to sit for two or possibly three, but in their experience, they realize this is a problem. I'm assuming that's what it is.

Mr Dzuro: You're absolutely correct.

Mr Marchese: This basically is enabling legislation that allows you the flexibility to move the terms to two or three, or whatever it is that you decide.

Mr Dzuro: Correct, as the members would decide.

The Chair: Further questions, comments?

Mrs Van Bommel: I want to thank you for appearing today. Just from looking at the information and from hearing your presentation, it sounds like it's relatively an internal matter for your organization. It certainly does not impact in terms of your scope as a regulatory body. I would support this act. I can certainly understand, having been a volunteer myself on many boards, the issues around the terms of the directorships.

Mr Albert Ng: Can I say something? My name is Albert Ng. I'm the founding president of the Association of Registered Graphic Designers of Ontario. Besides asking the committee to support our application, I want to take this opportunity to thank everyone, especially the Ontario Legislature, for helping us to create this association by passing Bill Pr56. That was eight years ago, when I first presented in this room.

I want to share with you that this bill is very important. The Ontario Legislature has helped the association in Ontario and in Canada, making the association number one in the world. Recently we've been approached by the Queensland government administrator and also many organizations around the world, looking at the Ontario model. So I just want to thank you and the Ontario Legislature.

The Chair: Thank you, Mr Ng, for those comments. We're going to vote now.

Shall section 1 carry? All in favour? Carried.

Shall section 2 carry? All in favour? Carried.

Shall section 3 carry? All in favour? Carried.

Shall the preamble carry? All in favour? Carried.

Shall the title carry? All in favour? Carried.

Shall the bill carry? All in favour? Carried.

Shall I report the bill to the House? All in favour?
Carried.

Very good. Thank you, Mr Peterson, and the applicant.

1030

ONTARIO RECREATION FACILITIES ASSOCIATION ACT, 2004

Consideration of Bill Pr4, An Act respecting the Ontario Recreation Facilities Association.

The Chair: The next order of business is Bill Pr4, An Act respecting the Ontario Recreation Facilities Association. Mr Jim Brownell will be sponsoring the bill, so please come forward with the applicant.

Mr Jim Brownell (Stormont-Dundas-Charlottenburgh): Good morning, Mr Chair, and thank you for this opportunity to introduce members of the Ontario Recreation Facilities Association, a group that has worked very hard to bring to this stage the bill in its form.

It's a pleasure to introduce the ORFA's president, Mr Greg Wright; Mr John Milton, the executive director; Mr Bill Upper, who is the director for region 4, which covers an area from Deep River to Cornwall; and Mr Fred Horvath, the past president of the Canadian Recreation Facilities Council.

I have to say, with regard to this bill, that it will help the organization to carry out its objectives, to govern and discipline its members and especially to provide that official designation to those people who work so hard in recreation facilities.

I would like to say that for 14 years I spent time in municipal government and I worked with recreation associations, recreation facilities, parks, arenas and the like. As I worked with those groups and the people who worked in them, I always thought they deserved greater recognition than was applied at the time—for example, somebody who worked at the arena being called a “rink rat.” The individual working in that situation required far greater recognition for what they did.

When I had the opportunity of sponsoring this, I jumped on it right away. About two weeks ago, I was the guest speaker at the ORFA's general meeting up in Guelph, and it was a pleasure for me, as somebody who really did not as a youth have an opportunity to participate a lot in sports, to introduce this for something I believed in. Further to that, when I saw the support that this organization received from across Ontario, and they went out and certainly did their homework, I couldn't help but support them and believe what they're doing is important.

At this stage, I would like to turn it over. I know my friends from the association would have far greater and far more detailed comments to make with regard to the bill than I do, but it's a pleasure to welcome them here today.

The Chair: Would the applicant like to make comments?

Mr Greg Wright: My name is Greg Wright. I'm the president of the ORFA. Good morning, Mr Chairman, committee members, colleagues and guests.

At the outset, I'd like to thank Bill Upper, our region 4 director and chair of our operations committee, for his dogged determination in getting this bill to this stage before you today, and a special thank you to Mr Jim Brownell for enthusiastically supporting and sponsoring our bill.

The Ontario Recreation Facilities Association has been serving the training needs of its members for more than 49 years. The association was originally founded as the Ontario Arenas Association. The association has enjoyed 49 years of continuous sustained growth.

Over our history the association has partnered, worked with or worked for many groups and organizations. Some examples include:

- the Ministry of Tourism and Recreation for development of documents like the air quality in arenas and facilities. They supported our program financially at Guelph many years ago. They supported the development of the refrigeration manual that is one of our hallmark publications;

- the Ministry of Energy in the 1980s, when energy conservation was on the forefront, worked with us in the publication of our magazine;

- the National Hockey League, whose logo is on the plaque on one of our certifications related to ice technicians;

- the Canadian Recreation Facilities Council;

- the Copyright Board Canada. As a result of ORFA's actions related to that, they developed tariff 21, which saved municipalities a lot of money and a lot of problems related to using licensed music in their facilities;

- the Ontario Parks Association.

We work and continue to work with provincial public health units, especially the York region public health board, which is presently working diligently with us on the development and improvement of our aquatics programs.

We work with the Centre for Addiction and Mental Health. We presently are the agent for the delivery of their municipal alcohol policy guidebook.

We work with the Quebec Cree.

We work with STAR, the national organization from the United States that's named Serving The American Rinks. We brought Mr Milton back from Chicago, where we're attending the international conference.

We're working with Natural Resources Canada, specifically the CANMET building technologies program. One of the offshoots of that will be that they will support the French translation of that hallmark basic refrigeration manual I was speaking about, which I think will be a great opportunity for us.

We work with the Technical Standards and Safety Authority.

We work with the Canadian Standards Association. This document was released yesterday in Toronto: the New Standard to Protect Spectators in Arenas. It's based on the ORFA guideline for the same topic.

Industry: We have a new, exciting relationship with Simcoe refrigeration, where they're working with us to develop and modify our refrigeration program so that we can meet the new standards that TSSA is putting forward in the industry. We agree that the need is there for improving those programs and raising the standards.

This bill is an internal matter to the ORFA. This bill has no financial implications to this government. At the same time, this bill and the programs delivered by our association offer value to this government and the people of Ontario.

We are not political activists. We're not at your doorstep asking for funding. We simply seek recognition for our designation program, recognizing the education, experiential learning and cumulative competency and general training our members have achieved.

We have already seen our designation cited in job postings in the recreation facilities sector. They are listed as valuable assets, but are not compulsory, much in the same way that bilingualism is a valuable asset in an employee but not necessarily compulsory.

Municipalities will decide what criteria and qualifications are required to fill a position with competent people. Some small communities have recreation directors in our province who have neither certificates nor diplomas in recreation, even though this is a recognized profession.

The Parks and Recreation Federation of Ontario report on certification from the early 1990s, which I have here, identifies that recognition for training should not be a licence or become a requirement for employment. We agree with this conclusion. The report also identified that the increasing public awareness level of the program was important, to do more promotion of the benefits of certification was important and to make the program competency-based.

We are here to raise awareness. We are here to raise recognition. We are here to promote the benefits of this recognition program. This report was a comprehensive study of the issues, collaborating with the 12 existing member organizations of the Parks and Recreation Federation of Ontario. The ORFA continued to offer recognition for training while the others and their descendants chose not to.

Municipalities will make their own decisions, to be members of our association and whether to opt into our designation program. The criteria for designations and the competency certifications included in this bill were developed over many years by committees of experts in recreation facility management. We believe these criteria for designations are the minimum standards for competency. For example, our requirements for designation as a registered recreation facility supervisor—RRFS—are the following: the candidate be a member of our association, have a grade 12 education, have current WHMIS training, have current first aid training, have four years' full-time recreation industry work experience, and have completed the following ORFA, University of Guelph and/or equivalent courses: legal awareness and risk management, advanced building maintenance and

operations, hold a certified ice technician or a certified aquatics technician designation or have taken one of the following: ice making and painting technologies, advanced aquatic facilities operations, parks equipment safety operations, marinas operation and management, revenue-generation in a recreation setting, plus four elective courses, either ORFA or other equivalent training. The training courses we offer were developed and are continually reviewed by a recognized expert in the profession. These courses evolve annually to stay current, on topic and relevant.

Of course the association recognizes that we are not always the only source of such professional development opportunities. We have provisions to accept equivalencies on the basis of individual merit.

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Whom will this bill serve? It serves those of our members who opt into our designation process. Having competent recreation facilities staff improves public safety for our customers and workplace safety for our employees. Competent staff manage energy consumption, protect the environment and provide value to the taxpayer.

Section 25(2)(c) of the Occupational Health and Safety Act states, "When appointing a supervisor, appoint a competent person." The test for competency should not be in court after a workplace accident or incident. The act clarifies competency as skill, knowledge and experience. We believe our designations meet that required competency to do the specified job safely.

The Ontario Ministry of Labour is becoming increasingly diligent in enforcing occupational health and safety, and rightly so. Bill C-45 raises the bar further by criminalizing wanton and reckless disregard to worker health and safety. We strongly believe that having staff meeting requirements for designation gives an employer and the employee superior tools to protect their workers themselves, and thus the assets of their organizations.

This reporting year, our sector will be part of the municipal performance measurement program. We understand that Parks and Recreation Ontario, or PRO, sponsored by this government, will hold seminars training our sector in how to complete the paperwork for meaningful municipal performance measurement reporting.

The underlying purpose of performance measurement is to identify best practices and efficiencies. For 49 years the OFRA's competency-based training has been doing exactly that. We've been sharing best practices. We've been helping members adapt best practices to their communities. We've been raising and communicating almost instantly issues and facility safety concerns.

Our position is that best practices must be communicated. Our training, either week-long, day-long or hours-long, helps our members improve their service delivery and performance, either in comparison with other similar communities, or more importantly, comparing their own performance measurement against their prior years.

Our training stresses risk management. A diligent risk management system will enable communities to meet their obligation under the Occupiers' Liability Act to protect the safety of those entering our recreation facilities, reducing the risk of associated liability for our municipalities.

The Ontario Parks Association has concerns about our bill. For most of our 49 years of providing training, we've had a partnering relationship with their association and share many of the same members. The facts are, over the last 10 or 15 years, the OPA was asked three times by a dual member if they were going to offer competency-based training. They replied in the negative each time.

In that vacuum, and with the urging of our members, we responded and offered competency-based parks operation and management training. This training was developed and/or delivered by us, for us, by a number of Ontario Parks Association presidents, past presidents and executive members, some of whom are here today. Thus, we feel it is easy to explain our perception that our requests and our partnering over the years in course delivery was in fact collaboration.

Regretfully, we are putting forward an amendment withdrawing "certified parks technician" from the bill. We will eagerly watch the Ontario Parks Association in delivering alternative competency-based parks training, meeting the training needs of the parks sector in our great province. We wish them well.

In summary, this bill formalizes our designation process for our members. It recognizes the efforts of employers and employees to meet basic competency in the workforce. Our 49 years and the thousands of recreation facilities professionals we have trained are testament to this designation process. I ask the question: If the ORFA didn't bring this issue forward, who would have?

Regardless of the outcome of our bill, it is inspiring that parks and recreation facility issues are being debated here today. I thank you for your time and consideration.

The Chair: Thank you, Mr Wright. Would anyone else like to speak on behalf of the applicant? If not, then questions from committee members to the applicant?

Mr Delaney: I have a question. On page 2 of the bill under section 9(2), which is called "Offence," you say, "Any person who is not a registered member of the association is guilty of an offence if the person takes or uses any designation set out in subsection (1) alone or in combination with any other word, name, title, initial or description, or implies, suggests or holds out that the person is a registered member of the association." Can you describe to me what work you have done to ensure there is no inadvertent name collision with any other association?

Mr John Milton: My name is John Milton, executive director with the association. If I understand the question correctly, it's related to the designation initials that follow the actual registered recreation practitioners.

Mr Delaney: No. How do you know that no other association of any type uses these initials?

Mr Milton: The honest answer is, we do not. We do not know that.

Mr Delaney: As you sure that putting forth this provision is wise, as you can inadvertently expose someone or some organization to litigation on behalf of your association, through no fault of theirs, or conversely, expose your association and its members to litigation if such a name collision occurs through lack of due diligence?

Mr William Upper: If I may respond, please, in discussions with Laura Hopkins and the Legislative Assembly, we were told this is a standard part of the legislation that goes through any private bill. We have, through our association, advised and publicized the writing of this bill in accordance with the guidelines set forth by the government of the day. We also put forth a resolution through municipal councils, OMA and ROMA, which we sent to every municipality in Ontario, and received nothing but positive feedback related to that.

The feedback we received initially from the ministry asked us if we would be in consultation with other organizations. We took a step backwards and have attempted to speak in consultation with OPS about the designation. This is why we withdrew and made the amendment to our act today.

Mr Delaney: You haven't answered the question, though.

Mr Milton: But your question is too vague to answer, sir. How can any organization come before you today and answer such a question, other than putting out the advertisements and going through the system your government of the day has set out for us to do? That's what we did, to the best of our ability.

Mr Delaney: Are you aware of any other organization, and what effort have you undertaken to research whether any other organization uses the letters RRFO, RRFS, RRFM, RRFA, CIT, CAT or CPT?

Mr Milton: I'll turn that over to our president.

Mr Wright: Early in the process we were speaking with Susan Wright. I'm not sure of her position, but it was when we brought the bill forward the first time. She had done a search and the only issue was "counsellor-in-training" related to our CIT. Because of the international aspect of the CITs and the relationship we have with the NHL, it was impossible for us to change that. My understanding of that clause is that we won't be seeking out counsellors-in-training to take punitive action against them. That would be the worst-case scenario. We left that clause in specifically on the recommendation of counsel and the clerk's office here that it was standard procedure.

Mr Marchese: We certainly appreciate the work you're doing. I don't think that's what we're disputing. Your assertion that there are no implications to government is generally correct in terms of cost. There is no cost to the government. But there appear to be other implications to other possible bodies doing this type of work.

What alerted me to a possible problem was the words in the preamble that speak to "the exclusive use of the

designations.” I thought this presumably presents a problem to other people providing this kind of service. They could be in cities or universities or colleges or somewhere else. In your mind, are there implications, not to government but to other bodies doing this, if you have the exclusive designation in these various areas?

Mr Wright: We would also hold the exclusive liability, so I would think that it would be incumbent upon us to—

Mr Marchese: OK. I understand the liability issue. I’m just wondering whether in your mind—

Mr Wright: We do openly accept equivalencies in all our training components of the designations.

Mr Marchese: I understand. I asked a different question. In your mind, is there a problem in terms of getting the exclusive designation and how that shuts other people out? Are there costs to other organizations implied if you have the exclusive designation in this field in terms of possible training?

Mr Upper: If I may, if we don’t do what we do, who does it? For instance, we are only the Ontario Recreation Facilities Association; heavy on the word “facilities.” We do not go into other regions or areas of expertise. We never have nor do we intend to. Our roots are in arenas and pools and so is the legislation.

1050

Mr Marchese: I understand that. We just got this about five minutes ago; I’m not sure you’ve seen a copy. Do they have a copy as well? You do?

Mr Upper: No.

Mr Marchese: Can they have a copy too? This isn’t something we’ve seen before. We just got it.

Mr Upper: We have not received it.

Mr Marchese: We didn’t either, except at the moment. You’re about to get it, and you’ll have a chance to see it as fast as I did.

They make reference to the fact that you perhaps may not have consulted broadly with other affected groups. They make reference to, in the fifth bullet:

“The proposal, if it remains in current form, could drastically increase the cost of required training as the training would be provided by a sole source provider—the ORFA.”

Then they go on to say, “The city of Mississauga recently certified its own internal trainers for pool operator certification and constructed an expanded internal training program out of concern over the high cost of sending staff outside of the municipality for ORFA courses. If this is a concern for Mississauga, it must be a concern for many other municipalities.”

Is that a legitimate concern?

Mr Upper: If it is, it hasn’t been brought forth other than at the eleventh hour when we sit here before you. When we spoke to the ministry, my understanding in presenting a bill through the legislative counsel was that we need to advertise, we need to promote.

When I spoke with Trevor Day’s office, Trevor said it’s implicit. “What ministries should we contact?” we

asked, and one of them that was listed was the Ministry of Tourism and Recreation.

We received no feedback from the Ministry of Tourism and Recreation at that point, in fact. Speaking to Susan Klein and then Laura here, Laura finally picked up the phone and called the minister and said, “This is coming down. Do you have any comments?” It was at that time that the ministry started to move, after we had sent the necessary legislation.

Our belief is that we’ve notified all the necessary parties and that the ministry felt they should notify other groups. They should and we’re complicit to that. When they said, “Have you talked to OPA?,” we did and moved accordingly. We don’t believe that we provided any legislation changes other than complying with your rules and regulations, and we don’t believe it’s going to cost any more money.

This year, I know for a fact that we don’t comply and we don’t require that people come to Guelph or any one of our regional training sessions. However, the city of Ottawa, which is a member, but does not pay for its members to come—four individuals of the city of Ottawa attended Guelph this year, took their annual leave to come to Guelph, take their courses and pay out of their own pocket, because they believe our association offers that training. It’s the training we’re looking to do here. It’s the training we’ve been doing for 49 years.

If Mississauga doesn’t want come aboard, OK, Mississauga doesn’t want to come aboard. I work with Algonquin College. I’ve been teaching there for close to retirement years, and we recognize the validity of this association. By the same token, other colleges do not. We don’t force them.

Mr Marchese: What of the point they make? It could “increase the cost of required training, as the training would be provided by a sole source provider”? Is that an unfair criticism to make?

Mr Wright: I think so, because our policies and procedures are very clear that we don’t hold ourselves up as the only provider. Say, for example, the city of Mississauga develops their own internal program. Our policies and procedures would dictate that we have to assess that and if it meets the minimum level of our requirement, then we would grant that.

Mr Marchese: But the problem would be that if you’re seeking exclusive designation, then no other organization can have those designations. I guess they could call them something different, but if you have that designation, it means no one else can offer that training in that particular field, as designated by—

Mr Upper: Only as recognized by the association, sir.

Mr Milton: If I could jump in again. It’s not so much the exclusive use of training, it’s the aspect of training that would be recognized by a designation that would only be issued by our association. There’s nothing to prevent any other organization or larger municipality from doing internal training that meets their needs. I’m absolutely sure there are competent, well-trained individuals within those employment settings that can cost-

effectively provide that kind of internal training. The only difference through the association is the acknowledgement that it's a program that has been created through the auspices of our association and not an exclusive—

Mr Marchese: OK. That seems reasonable as an argument. I don't know whether the parliamentary assistant—is there legal staff on this committee? Do we have someone that offers advice with respect to this particular issue that's just been raised? I don't know if you heard.

Ms Laura Hopkins: I stepped away from the microphone for a moment. Could you ask your question again?

Mr Marchese: I was saying that if they offer a specific designation and have exclusive use of that designation, how does that affect any other group that would want to offer training? Would they have to have a different title in order to be able to provide their training, given that they have exclusive use? What they're saying is—if I paraphrase it correctly—it only affects them and their organization in terms of their designation and that nobody else is affected by it, because they can do whatever they want with their own designations.

Mr Milton: Absolutely. We are not the only training association in this province. Under that auspice, the designation the ORFA would issue is based on some set skills and knowledge and competencies—

Mr Marchese: As it relates to your organization and no one else.

Mr Milton: —that we have developed over time, period. Exactly. It does not prevent any other organization from doing exactly the same or offering various training opportunities under a different format.

Mr Marchese: The reason I raise that question is because a representative from Mississauga says, "The proposal, if it remains in current form, could drastically increase the cost of required training as the training would be provided by a sole source provider."

The Chair: Ms Hopkins?

Ms Hopkins: The effect of the bill would be to allow only the association to give its members the designations listed in the statute. The legislation doesn't say that other organizations can't engage in training. The effect, though, would be that other organizations couldn't give their graduates the designations that are listed in this statute. Only the association—

Mr Marchese: They would have to give different designations.

Ms Hopkins: Yes. I understand that there are staff here from the Ministry of Tourism and Recreation who may be able to speak to the sole source issue.

The Chair: Members of the committee, there will be other parties that we'll be hearing from, so if you could just focus your questions to the applicant at this time.

Mr Marchese: OK.

Mr Phil McNeely (Ottawa-Orléans): I, myself, in business, and people working with me, belong to many of these organizations and they're extremely necessary when you're talking about smaller municipalities and medium-sized municipalities. Even the larger municipal-

ities can benefit by them. I'm sure you wouldn't tell the city of Toronto they must take your courses, they must take your certification, but it's extremely important for the greater part of Ontario to have this training. So that was one of the questions. It's not mandatory for municipalities to require these letters behind their names to hire people. That's up to the municipalities.

I think what you put together is a great organization and the membership will decide on where you go with your training programs. That will be up to the membership.

I just have more of a comment than anything. The drainage engineers did this. I participated in that for many years as a drainage engineer. The drainage superintendents did this. The consulting engineers did this. The association of professional engineers did this. An organization like yours will be able to set standards and provide the training that a small municipality cannot provide. So I think that's the role you're filling, and it's not mandatory. Those would be my comments.

Mr Upper: Phil, thanks very much. No, it's not mandatory and it's never been. I would like to use myself as an example. I'm also a councillor for South Stormont. Our recreational director is not certified, does not have a diploma, and I teach at a community college.

I did not take the position on council that it's mandatory that this person be upgraded; that's up to him. It's up to the committee. It's up to the council as a whole. We're not telling people you must come to Guelph and take our courses, you must attend them. We advertise them, you show up, you do the requirements, we give you the diploma. The community college diploma is based on that philosophy.

We don't tell people you must hire people who graduated from community college, do we now? Certainly not in our industry, and this is my 34th year in this business. We never have. Possibly over the 34 years it has evolved to that, but it is still not a standard in this province, and we're not asking for it to be a standard.

We would like to give designation to those people who believe we can offer the best possible training that we know how to offer and give them our designation that has been recognized in this province for well over 50 years, to be honest with you.

1100

Mr Fred Horvath: My name is Fred Horvath. I'm a past president of the Ontario Recreation Facilities Association. I'm a past member of PRO. I am the director of operations for the municipality of Clarington and I've been chair of the Canadian Recreation Facilities Council for 16 years.

I just want to make a clarification to a point raised one member ago. Number one is, in yesteryear, when the dinosaur was still around, this association only offered a training opportunity once a year to members across this province.

That training institute was at the University of Guelph. They realized in time that that could be cost-prohibitive to some of the small-town communities across this prov-

ince. Since that time, they still continue to operate the University of Guelph program. Next year—for members' interest; I know you've seen it in the correspondence—will be their 50th year of providing training to over 7,000 practitioners.

They also, in the last five to seven years, have taken many of the programs on the road to municipalities that wanted to train a greater number of members from their municipalities at a better price, because obviously travel and accommodation is a factor to most municipalities.

I find it odd—and I have a lot of respect for all municipalities across Ontario because I've had the privilege of serving and training in all of them—that over the last few years Mississauga has been a strong supporter of the programs at the University of Guelph; I believe just under 400 members have attended over the last seven to 10 years. If there's a concern from any member, I think that if you check the fee structure for the University of Guelph programs or any of the OFRA programs, it is certainly very cost-favourable.

ORFA, in their wisdom, decided to separate the tuition costs and the accommodation costs so that it wasn't a disabling factor. So I think they've been very receptive to package the program on the road to assist as many municipalities as far up as Dryden, Deep River, White Rock etc.

The Chair: Mrs Van Bommel, do you have a question for the applicant?

Mrs Van Bommel: Actually, I would like to ask counsel for some clarification, if that's possible. The preamble talks about exclusive use of designations. Is that common practice? Do all designations have to be entrenched in law?

Ms Hopkins: No.

Mrs Van Bommel: You were talking about other facilities that do training and would possibly use other titles. Would they in turn have to also come through and have those designations entrenched as well?

Ms Hopkins: No.

Mrs Van Bommel: Then my question to the presenters, to ORFA, is: Why are we coming forward and asking for this type of designation to be entrenched in law itself? Is there a particular reason? If you could have done this without having to come through legislation, why are we going through legislation?

Mr Wright: In my remarks I said that this is a means of getting recognition for what we do. Those members of ours who have worked the trenches in the recreation facilities have taken the training, as Bill referenced, on their own, paying their own way. It validates our process and it strives for the recognition that we wanted and it also begs the issue back to 1992 or whenever this document came out—and we can argue about the validity of something from 1992. It's recognition for what we do.

Mrs Van Bommel: Further to Mr Marchese's question, in the last paragraph in the last statement it says "the city of Mississauga." "If this is a concern for Mississauga, it must be a concern for many other municipalities." I understand that you have done some consultation.

Can you tell us the percentage of return that you've had on the consultations you've done with municipalities?

Mr Upper: I guess the easiest way to answer that is, as an alderperson, I passed a resolution at our council in South Stormont a month and a half ago. It was circulated through AMO and ROMA to every municipality in Ontario. The bulk of the resolutions that came back to our municipality I think were sent to Trevor Day, who formed part of your packages. They're still coming in as we speak.

It was noticeable, though, to be fair to the committee, that the larger municipalities sent back a notice to our municipality, to our clerk—and I've got a copy—stating that the councillors or aldermen of that city have been notified of the resolution and if they would like to bring it forth as a resolution at council for support, they would.

We received—I'm going to guess—65 positive feedback and support for where we are today with you people. We received resolutions from two councils—and if you ask me their names, I don't know without looking them up—that were not in support. Both those municipalities were from the northern part of Ontario where their recreational director was also their fire chief. Neither of those municipalities were members of our association, so I didn't pick up the phone and say, "Please do this." It's just the way things are and we were happy with that. I'm personally happy, in my skin, that we've notified every municipality in Ontario of what we are attempting to do and why we're attempting to do it.

If I may attempt to respond to your comment: Various degrees that I hold are not something that sets the standard for what you want to do; it's for what you want to know. That's what this association is all about. I think, after 34 years of my life, 50-some years as an association, that the persons Jim referred to earlier—we do not use the derogatory term any more of rink attendants or rink rats. First of all, you can't hire them; the liability is too high. We've been training those rink rats as technicians and it has taken us 34 years to get here and we'd like to get recognition for the people working in our facilities because of that. It's really as simple as that; nothing more complicated than that.

Mrs Van Bommel: Have you done any survey or consultation with other entities besides the municipalities that might be impacted, including the community colleges that currently do training of this type?

Mr Upper: If I may, community colleges do not do training of this type. I wish they did, but they don't. That's another day and another minister. I'd like to turn that comment over to our executive director, because I know we've had some discussions with the Ontario Parks Association.

Mr Milton: The aspect of community colleges providing this kind of training I think stems back to the original days of the association back in 1947, when the organization was founded by a small group of arena managers who simply wished to share information. From those founding days, the organization has grown to where it's at today. We continue to run not only, as was stated

earlier, an annual training program, but the regional training programs will put through anywhere between 1,500 to 2,000 people per year in competency-based one-week training programs. These are individuals who work within our industry, within the recreation field. These are not students graduating from community colleges.

Community colleges that do graduate—these are individuals coming out with a recreation leadership diploma in most cases, through the CSA—Canadian Standards Association—accreditation process. There are only two community colleges in this province that have recognized facilities components. They would be Seneca and Algonquin College. The association has found those abilities to recognize those individuals who graduate with that specialization that leads toward the facilities component as opposed to a generalist in recreation leadership. So the numbers that we continue to see attend our training programs are those very individuals who work in the industry and are seeking the recognition, whether as a planned professional development initiative with their employers or as an individual striving to be better in the industry.

Mrs Van Bommel: Are you the sole provider of training at this point?

Mr Milton: The sole provider of?

Mrs Van Bommel: Of training of this nature.

Mr Milton: The sole provider? I don't think we're that—

Mrs Van Bommel: Who else is providing that type of training?

Mr Milton: I don't think there are other organizations that offer the kind of training programs, but I would draw you to something as simple as the National Hockey League applying their shield of recognition to a certified ice technician designation that we offer throughout North America. That's an organization that has contracted our association to deliver training for their NHL building operators.

So, yes, there are other facility associations across Canada. Is there another recreation facility association in this province? No. Are there other organizations that provide building maintenance and operation-type initiatives? Absolutely. There's a need for that area of training. I think we're a specialist in some of the training aspects that we provide. That recognition goes way beyond Ontario in a lot of cases.

1110

The Chair: I want to remind the committee that we will be hearing from a number of other interested parties as well. There will be the opportunity to ask them questions directly. There are two more members who would like to speak.

Mr Martiniuk: Thank you, Chair. I think it's admirable that you wish to upgrade the profession. That is something that should be encouraged. However, you could do that right now, as you've answered the question.

What you're asking is that the Legislature, the voice of the people, approve your courses and your degrees or certifications. That leads to a problem, because it's akin

to the law society, which is a self-regulating profession, the universities and the colleges, because they have one thing in common: They are responsible and have a duty to the public.

I've read your objects in section 2. There's not recognition of a duty to the public. There's a recognition of the association's duty to their members but not to the public. Following that thought, all these self-regulating professions also have public members on their board of directors, for good reason. They are organizations that do things that are recognized by this Legislature and the crown. Your proposal is silent on that. You're neither fish nor fowl.

That leads to a problem with me. I checked yesterday, for instance. We happen to have a private ice rink in Cambridge. They cannot recall ever being notified regarding this proposal, so I really don't know whether they're in favour of it. Were private organizations, growing ice rinks in Ontario, notified?

Mr Milton: Notification was extended to any current member of the association. So if there are facilities out there from the private sector that are not members of the association, they choose to operate under their own four walls, they may not be aware of what's come before you today.

Mr Martiniuk: Very simply, you're coming to ask for public recognition of your certification and you are not offering any safeguards to the public other than your own goodwill.

I'm not suggesting that you're acting in bad faith. There are no safeguards built in so that we can say to the public, "Yes, this is a worthwhile certification because we have some control over it: members on the board of directors; a duty set out in the objects to the public." Both of those are lacking. In my mind, that leads to a difficulty. Thank you.

Mr Dave Levac (Brant): Just a quick comment. Bill, I think we've met each other a couple of times wearing different hats. You wear a lot of them.

Mr Upper: I've got a lot of hats. None of them fit well.

Mr Levac: Not to my understanding. You do it well.

I want to follow up on comments you made in support of what you've said in terms of the intrinsic value of these types of designations and the use of. The question I have is about the other side of the equation, not your organizations but the people who will be looking at those designations if you're the sole provider. I'll use the example you used about the NHL.

It seems to be, when that gets attached, that becomes the important part of the hiring. I have three or four degrees behind my name. If I see that on a resume, the first thing that goes off is, that's a good, positive check mark. If no one else is able to give that designation and yet their training could be equal or just as good as the training that's received by your organization, would that not be a disadvantage? I'm not asking you to speak for them, but would it not be a problem somewhere down the line, that sooner or later everybody says, "If I don't see

that designation, I'm not going to consider them in the job interview first"? A lot of people get thrown out with the garbage if they simply don't have certain designations. I went through a hiring process that said if I didn't have this degree or this certification, not to even bother applying.

Mr Upper: The simple answer to your question is yes. I don't think I would have retained or had my position at Algonquin College had I not got my necessary degrees over the years and maintained them. I don't think you retain tenure at university unless you've done adequate research. I don't think you retain any certification as an accountant or, ironically—the group that was presenting before you today—in the advertising industry. We don't have the general public involved in our association, although we have private members who are part of our association who do have input. As a matter of fact Western Fair Sports—

Mr Wright: Rob Lilbourne.

Mr Upper: Rob Lilbourne is a member of our board of directors. They run it well.

Could it happen? It may. I wish I had that crystal ball. I don't have that crystal ball.

Mr Levac: To follow up very quickly: Not to try to put water on the fire, but as a point of clarification, that's not the purpose of the request for the designation, that the only person to give this out therefore controls the hiring and firing of people.

Mr Upper: No, it's not. With due respect to the gentleman from Owen Sound, I was just at the convention of rural municipalities in Owen Sound. I spoke to the facilitator there to deal with, "You haven't been a member for a while"—and I'm out selling memberships. He said, "I haven't had time."

Is the Ontario Recreation Facilities Association recognized from coast to coast? Yes, it is. British Columbia has seconded us for advice on what they would like to do in their province. The province of Quebec has advanced itself to us, and we're advancing ourselves to them, but we don't go out and seek to promote ourselves. They've come to us by the same token as, if I may reiterate, I don't tell people, "You should hire a community college diploma graduate in recreation facility management." Do they get hired? Ninety per cent of graduates get hired over the years. I wish they all would. That's my business; I'm a teacher. But do I make it mandatory? No. I would not presume that I would have that type of insight and knowledge.

Mr Levac: Finally, Mr Chairman, and thank you for your indulgence, I'll come back to my praise and support for the concept of advancing and evolving to a level of expectation that, when you see that designation or when you see this organization, you've evolved yourself into this professional organization with the utmost respect for what you do, including parks, recreation and facilities. It's long overdue. I think all the organizations have indicated as part of their mantra that we're hearing, "We're elevating ourselves, because if you want to be somebody in this field, you're now moving into something that we just take for granted."

My concern would be whether all the organizations can come together and say, "Is there a way for that designation to be obtained in variations as opposed to being the sole provider of?" I think that might be the problem. Having said that—

Mr Upper: If I may just try to clarify, Mr Chair—

The Chair: Members of the committee and the applicants are mindful of time because we're only sitting until 12. There are only about 40 minutes left and there are a number of other interested parties who would like to speak to this matter. But I will allow you to answer the question, please.

Mr Upper: Thank you. We're not trying, nor would we wish, to advance our association and dispel another association. I would suggest to you that if you would give us the indulgence to approve that our bill move to second reading, within a year's time you're going to find the other organizations that offer services from a programmer—and that is a layperson's term—in this province advancing their standardizations.

We're but the first of a battery of people who offer service to the public of Ontario who have not done this. They've thought of doing it; they just haven't done it yet. It was thought back in 1991—this is your document, not ours. We all came together. They're all listed in the back here, every association we just spoke of. They will be coming forth and saying, "We'd like to get certification also." Why us? Because we raise our own funds, \$1.7 million a year, and we expend \$1.7 million a year. We don't even have a reserve account. We use that money to retrain our people, our members. We don't go after; we don't seek out; we promote our courses. That's the short and the long of it. Again, it's to elevate, as this gentleman just said, the people who work in our recreational facilities, our community centres and our pools—not the programmers, not the grass cutters, not the operators outside; the people internally who work in harmony with the other associations.

Recreation has been somewhat confusing over the years, but we're trying to clarify what we do, and hopefully, if we can clarify what we do, the other associations, I would guess, will be before you as time goes on, seeking the same type of legislation.

The Chair: Thank you, Mr Brownell and the representatives of the ORFA.

1120

The Chair: I'd like to invite the Ontario Parks Association to come forward at this time. Welcome. Please introduce yourselves before you speak.

Mr Vic Hergott: Mr Chairman and members of the standing committee considering the Ontario Recreation Facilities Association Act, 2004, known as Bill Pr4, my name is Vic Hergott, director of parks and recreation for the city of Brantford. But more importantly, today I am here speaking to you as a proud past president and life member of the Ontario Parks Association. I'm joined by our association president, Paul Ronan, from the city of Toronto, and Mr John Howard, who is the association's executive director.

Just now, in the last presentation, we heard that the Ontario Recreation Facilities Association has withdrawn any reference to “certified parks technician” or “certified parks training,” our concern. We acknowledge that, but we felt it’s important to be on the record with our presentation, which is as follows.

The Ontario Parks Association and its more than 600 members continue to enjoy a rich history, both in Ontario and across Canada, having recently celebrated its 50th anniversary since reorganization. In fact, the association was initially founded in 1936, some 68 years ago, and has been the only true parks association in Canada, serving as stewards of our landscape and environment.

Education and professional development has been a long-time commitment and priority for the association. March of this year marked the association’s 48th annual educational seminar, a venue offering a variety of training sessions for entry-level employees through to supervisors and managers in the green-space industry. In addition, the association has established solid recognition as a leader in playground design, safety and maintenance training. For the past four years the Ontario Playground Academy has toured the province to deliver an intense four-and-a-half-day training opportunity, rewarding those successful with the accreditation of “registered playground practitioner.”

In 1999, the OPA was proud to be chosen the lead partner with the Ministry of Tourism and Recreation in the development and 2001 release of the well-acknowledged Playability tool kit, an invaluable resource in the planning and development of accessible playgrounds and play spaces.

The OPA is also regularly called upon to advise on and become involved in relevant areas of its experience and expertise. For example, we are actively involved presently, with pesticides and the IPM, with urban forestry pests that threaten this province.

In speaking to the proposed Ontario Recreation Facilities Association Act, 2004, our association has concerns. Certainly, the ongoing progress of the ORFA is to be applauded. They have worked hard, they have been innovative and they’ve proven themselves a very credible organization in their specific areas of expertise: facilities and facility-based operations.

Our two associations have worked harmoniously together over the years, on occasion partnering in mutually beneficial training opportunities. Also, it is no secret that the ORFA has, for a number of years, annually contracted three to four OPA members to deliver parks-related sessions at their training program in Guelph. However, for some reason there appears to have been an assumption or understanding by some members of the ORFA—possibly in part because of the aforementioned arrangement in contracting these OPA members—that the entire Ontario Parks Association was endorsing their pursuit to become empowered as the provincial organization to grant a host of professional designations, previously including one proposed to be known as a certified parks technician or CPT.

As mentioned previously, the Ontario Parks Association continues to be regarded and respected as a key leader, advocate and resource to the parks, green space and environment sector, provincially and outside of Ontario as well. The association feels strongly that the proposed designation of certified parks technician or CPT will compromise its position, status and future endeavours and, further, create unnecessary confusion in the parks and recreation field.

In closing, I submit the following resolution from the Ontario Parks Association past presidents, authored at a May 5, 2004, meeting:

“Whereas the province of Ontario is currently considering a private bill at Queen’s Park recognizing the Ontario Recreation Facilities Association as the certifying body for recreation facility professionals that would empower the ORFA to govern its members and grant the following designations: registered recreation facilities operator, registered recreation facilities supervisor, registered recreation facilities manager, registered recreation facilities administrator, certified ice technician, certified aquatics technician and certified parks technician; and

“Whereas the Ontario Parks Association is concerned and objects to the ORFA being unilaterally recognized as the sole agent for the delivery of parks-related training; and

“Whereas the OPA has a long demonstrated history of providing quality education and professional development to the parks profession; and

“Whereas the OPA continues to provide the Playground Academy, which is the recognized training for the registered playground practitioner, as well as serving as advocate for the Playability tool kit, all according to playground standards developed by the Canadian Standards Association;

“Therefore, be it resolved that any reference to certified parks training or certified parks technician be removed from the current private bill.”

Thank you for your time and attention.

The Chair: Thank you, Mr Hergott. Questions from committee members?

Mr Marchese: On page 3 you state, “The association feels strongly that the proposed designation of certified parks technician will compromise its position, status and future endeavours, and ... create unnecessary confusion.” Presumably, if this affects you in this way, other organizations will have the same concerns about their designations. But what you’re saying is, “As long as you exclude us through the amendment, we’re OK with the bill.”

Mr Hergott: That could be coined as being correct. However, in the resolution, I believe there’s a reference to “unilaterally.”

Mr Marchese: I was going to get to that as well.

Mr Hergott: And that I would present as being broader and beyond the Ontario Parks Association. But certainly I’m here today, joined with my colleagues, as representing the Ontario Parks Association.

Mr Marchese: I understood that. I have another question mark around the issues of, “The Ontario Parks Association is concerned and objects to the ORFA being unilaterally recognized as the sole agent for the delivery of parks-related training.” But they’re saying—and you heard them argue this before—that that only affects them and their organization in terms of a designation. Others can do what they want. So it shouldn’t be a problem or a big deal. Is that a concern to you?

Mr Hergott: Yes, it is. Quite frankly, I think I would state the example that this could be recognized as a benchmark. Benchmarks, with very creative and very aggressive marketing, can certainly portray this association in this scenario as being the certifying body, certainly in the province and possibly, in the immediate future, nationally. We’ve heard, to their credit, that they’ve been recognized by the National Hockey League and others who are stateside. That’s terrific, but, again, in their expertise, which we feel is facilities and facility-based operation.

1130

Mr Marchese: What in your view could be done to try to deal with the issues they’ve raised, which appear to be legitimate? How do you get the various groups together to create standards so you can all be happy with that? Do you have suggestions as to how to do that?

Mr Hergott: I believe some of the comments made in the earlier presentation are right on the mark. There was reference to the attempt in the early 1990s by the parks and recreation field to create a certification process. Certainly, I would encourage that, and I believe I speak on behalf of our association. We would encourage that that endeavour be picked up and revisited.

Mr Marchese: Who would do that?

Mr Hergott: I believe the Ministry of Tourism and Recreation would be a good lead.

The Chair: I’m really mindful of the time, because I want to fair to the other groups that are here. I know that Mr McNeely would like to ask a question.

Mr McNeely: The resolution you brought from your association deals with the CPT, certified parks technician. Would it be just the one, number 7 on page 2 of the bill, that you are concerned with?

Mr Hergott: I’m sorry, I don’t have a copy of the bill in its entirety.

Mr McNeely: The only thing that looks like what you were saying, the certified park technician or CPT, would be number 7 on that list that you feel is getting over into your area, and that’s your resolution from your organization.

Mr Hergott: That’s right.

Mr McNeely: Otherwise, as far as the facilities operator, facilities supervisor, facilities manager, facilities administrator and ice technician, were there concerns there?

Mr Hergott: No, there weren’t. Again, this is the expertise of that association. We recognize that.

Mr McNeely: Just a comment; I think there is a real void in Ontario for many of these training programs, and

sometimes the void is not there. I would just like to know from legal counsel, how do you go about changing a deletion from that at this stage of the bill?

Ms Hopkins: If we want to change the text of the bill, we deal with it by way of a motion to amend the bill. The applicant has had prepared for the committee today two motions to amend the bill in order to take out the reference to “certified parks technician.” When we go to clause-by-clause, that’s the appropriate time to propose the motions.

Mr Ramal: From listening to the first and second group, I guess some kind of conflict of interest exists between the two groups. I would recommend being given some time to consult other areas. For instance, in London we have a lot of huge hockey arenas and we also have a lot of recreational parks etc. I have no idea what is the input of my area in this matter. As my friend said a few minutes ago, we have to go back and consult. This I think is the best way to deal with this issue, in order to have a fair vote and support.

The Chair: Thank you for that comment. I think, to be fair, we should hear the other groups that are here before we make a final decision. Thank you to the Ontario Parks Association.

The Chair: I would like to invite Parks and Recreation Ontario to come forward, please.

Ms Claire Tucker-Reid: The clerk has handed out a one-pager that summarizes Parks and Recreation Ontario’s position.

The Chair: Please introduce yourself first.

Ms Tucker-Reid: My name is Claire Tucker-Reid. I have most recently retired as the general manager of parks and recreation for the city of Toronto, so I’ll be offering some comments around that to set the context. I’m now in a consulting firm, providing strategy development to the parks and recreation field.

In terms of setting the context, I’d like to state first and foremost that we are all serving the same people and we have an obligation to ensure that our programs and our facilities are safe and meet the needs of the residents of Ontario. I think by setting the context we can say that there are many organizations that specialize—but frankly many of us belong to more than one organization, many of us have components of our job that serve arenas, parks, aquatics. So I think we have a great opportunity here to work collectively to develop a great model that is inclusive, that meets the needs of Ontarians but meets the training needs of parks and recreation practitioners on a more holistic basis. That is the crux of my presentation, and I’ll certainly get to that in the conclusion.

First of all, Parks and Recreation Ontario represents supervisory staff, management staff, recreationists, park staff, facilities staff etc. As I said earlier, we are all members of the various organizations; it’s just time that we work collectively to provide a quality product so that Ontarians can use our facilities knowing that there’s a holistic quality assurance model in place.

Parks and Recreation Ontario commends and supports the Ontario Recreation Facilities Association and we

recognize that they are a respected leader and expert in facilities management and operations, as Ontario Parks is in parks, as Parks and Recreation Ontario is in terms of general organization and management and various components, as well as aquatics and services for people with disabilities.

I think the legislation that's being considered today needs to be broadened, needs to be more consultative, and we could bring back a product that is supported by all. The implications of the existing legislation are of concern to the various municipalities in terms of liability, enforcement, hiring policies, mandated training and potential duplication. We have heard from the organization that it is to recognize people's contributions and their efforts, but frankly I think it's much broader than that. It's to ensure that Ontarians are walking into a facility or a park that has quality standards and that the people who are offering the services are offering from a model that ensures that quality is there.

The city of Toronto hires 1,600 full-time staff and over 12,000 staff annually, and we are clearly interested in certification to ensure that Torontonians enjoy a standard level of service across Ontario. We believe there needs to be further consultation with large and small municipalities. We all have the same concerns, but we can build a better product collectively.

Parks and Recreation Ontario members have also asked for some clarification around Bill Pr30, which enables Parks and Recreation Ontario to certify park recreation directors in Ontario. We are developing a quality assurance model for parks and recreation provision across Ontario. It's in the initial stages. There will be full consultation around that, to build a broad-based model and then look to individual certification under that umbrella.

We would like, and we have asked the president of the Ontario Recreation Facilities Association to work collectively with us, to ensure that one model is developed and delivered, that the various organizations with specific levels of expertise take carriage of that training. I think we would see much more ownership in all 442 municipalities across Ontario in the delivery of parks and recreation services as well as our partners in YMCAs, Boys and Girls Clubs, and private providers. So in order to support a legislated program, we would ask that, through amendments or direction or delay, we be directed to work collectively, bring back a comprehensive model that will ensure that Ontarians are provided with safe and needed programs in parks and recreation.

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The Chair: Thank you, Ms Tucker-Reid. Any questions from committee members?

Mr Ramal: From the concept, I think it's a good idea to pass this bill. But do you think we have to consult other municipalities and organizations?

Ms Tucker-Reid: Clearly, municipalities and organizations providing complimentary, specific services in parks and recreation, that is: parks, Parks and Recreation Ontario, the aquatics branch. It's a broad field. To ensure

that we have a good model, everyone should be consulted and work collectively. It's the only way we'll ensure that Ontarians have—

Mr Ramal: But you agree the concept is a good approach?

Ms Tucker-Reid: It's an excellent concept. It needs to be broadened.

The Chair: Mr Delaney, please be brief with both your question and answer.

Mr Delaney: In your opinion, should this consultation take place before or after this bill is passed?

Ms Tucker-Reid: Clearly, before.

Mr Delaney: Thank you.

The Chair: I'd like to invite Mississauga parks and recreation to come forward at this time.

Mr John Lohuis: You've probably had a chance to read the documents so I won't go through each element of it, but I will take a bit of time to show why I'm here.

The Chair: Please state your name for the record.

Mr Lohuis: John Lohuis, director of recreation and parks, city of Mississauga.

We received the resolution from the township of Stormont and, as is the case in large municipalities, it goes to the clerk's department, gets on to the city communications agenda and eventually makes its way down to people like me who have to respond to these resolutions.

It resulted in my requirement to brief the mayor this morning at 8 o'clock simply because of the timing and the way the committee's and the council's schedules are. This came to us relatively late, despite the date of the council's agenda going forth on March 9, originally through the township of south Stormont. It's not a whole lot of time to have a lot of people respond.

I'm here because we're a consumer. We are a client. We are a large municipality that, frankly, is a member of all the associations—Ontario Parks, the ORFA and PRO. It's alphabet soup. I can remember in 1971 I was a young student in attendance at a conference in this field where there was an attempt to unify the field and to unify many aspects of it. Here we are 30 years later, or better, talking about the same thing. I would say we have had joint efforts with ORFA. In fact, Mississauga, as has been stated in the past, continues to support the ORFA. We believe in its standards. We believe in what they are doing. We've even hosted regional workshops at our own facilities just to facilitate inexpensive and wider access to quality training.

I think the issue suggested here is that it become more mutually exclusive. It's unclear, even from my perspective, and I've attempted to find out, to what degree there is overlap, duplication and excess effort involved in the resolution as it is currently worded.

One concern I have is that it also moves into the managerial and supervisory ranks, which aren't in my centres. I have over 40 separate centres that have managers and supervisors, and they aren't all exclusively facility-based types of competencies; they're wider. I could do the same thing and suggest that maybe we

should take out certain other designations that include managers and supervisors because, as the past speaker had indicated, the field is somewhat wider.

From a consumer's perspective, we spent a lot of time five years ago indicating—and I have a compliance manager on my staff. That compliance manager's duty is to look at all the pieces of legislation that are in the provincial and federal realm to make sure that we have proper protocol, procedures and training to meet the legal requirements of providing parks and recreation and leisure in our municipality.

We've had that compliance manager now for over two and a half years. We have developed separate, internal, week-long training programs and formal modules of education for both parks and facilities, and we're moving on soon to training of front-line staff in clerical capacities. We actually document those modules on People Soft at a central location. We take attendance. We do all those things to ensure that we have appropriate due diligence in ensuring that people are properly trained.

Within that regimen, we send people to various associations and training. I certainly acknowledge the effort of ORFA in that I'm a strong supporter of what that group has done. What is uncertain is the impact that the designation itself will have. You'll have to try to do competency recognition. In other words, do people actually have the skill sets to be qualified? It's unclear to us as to how that would work. It's unclear about what it would mean in terms of pricing. Is pricing at their sole discretion? I would assume yes, because it would compete with anyone else who would choose to do it, but as the previous speaker indicated, it would set the benchmark. It would set the standard.

If I'm trying to defend a legal case for the city of Mississauga, it would look heavily into what was available for training, what would be the current benchmarks, what would people be expected to have in their training regimen, in their history, in their documentation that provides the municipality with its defence. So if this goes through in the current wording, I would assume that ORFA will definitely be required at the end of the day—maybe not right away, but it would certainly be something that would take hold and would be in credence, and probably it would be a good thing to do.

I think the field is much wider than that and needs more care and attention. In my brief, I made mention of the arborist certification. I have forestry staff and the past president of ISA—the International Society of Arboriculture—on my staff. A lot of effort was taken on doing that particular piece of certification, with broad consultation and a lot of homework being done. So I guess there are just too many unanswered questions from our end, and we would urge that more careful study and perhaps a wider approach could take place.

Finally, it seems that in the States, this isn't an issue. They seem to have found a way in the United States to use certified education units as the basis for allowing more partners, more people, more certification to take place amongst many states and many jurisdictions and

many disciplines to allow people to have a recognized platform. Perhaps greater emphasis on that could even allow Ontario to be the leader nationally. I think Ontario doesn't take second place with what we do, and we should be striving for that.

Those are my comments, and I thank you for hearing them.

The Chair: Questions from the members?

Mr Delaney: Thank you very much for your submission. Just one question for you: Who should take the initiative and coordinate the wider dialogue that you and the other speakers have referred to?

Mr Lohuis: I'm now speaking as a member of multiple organizations. I'm frankly very tired of the inter-jurisdictional wrangling. I'd rather get on with the job. So I would prefer to see some form of a multidisciplinary, multi-organizational framework established—not exclusively government; not exclusively trade associations. It should be comprised of advice from colleges and universities, from a couple of key government representatives, from enough of the trade or industry representation that you form a solid, informed core. It's probably more important who is on the committee and what they have to contribute than who is, in fact, at the end of the day, represented, so that we don't have 40 people trying to move it ahead.

I think if the challenge is issued by this committee, and if the end result would be a solid platform of recognition and certification for this province, which we've all sought for over 30 years, then that result would be a great one to issue, and I think the field would respond. Who would initially coordinate it? I'd be happy to see the three partners or the three groups that were represented here: ORFA, OPA and PRO. They should jointly get their heads together and get on with the job.

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Mr Delaney: So do you feel that the bill as is presently proposed would make your life in the city of Mississauga simpler or more difficult?

Mr Lohuis: It wouldn't change anything. It would just be clearer. You would be formalizing certain key competency courses, and from a client perspective, I wouldn't have to guess as much about what really matters. It would mean that everyone would have a more transparent view of what would be the necessary standards to ensure safety and proper operation of parks and recreation facilities in Ontario.

I would welcome it. I think what we would do is examine our training modules and see what impact that would have on inside versus outside training. We have over 460 full-time staff and over 2,000, thereabouts, that we put through annual training in our training regimen.

The Chair: Mr McNeely, do you have to ask this question?

Mr McNeely: I'd just like to make the point again that when you talk about 1,600—was that new employees in the city of Toronto with recreation? We're looking at broader Ontario, where I'm used to populations of 15,000. We have to make sure we differentiate. I don't

have a specific question, but it's a big difference from the little parks in Rockland and Hawkesbury, where you have 10 or 15 employees, to these large ones that can afford their training programs. There's a real need. I just wanted to make that point again.

Mr Lohuis: I just have one final comment. I was a small-town director of parks and recreation in the township of Delhi, so I understand clearly what's being said. You do with the resources you have. I acknowledge that.

The Chair: I'd like to invite the Ministry of Tourism and Recreation to come forward.

Mr Lou DiPalma: Thank you, Mr Chair. My name's Lou DiPalma. I'm a manager with the sport and recreation branch of the Ministry of Tourism and Recreation.

The Chair: We'd appreciate it if you could keep your comments brief, within a couple of minutes.

Mr DiPalma: Very, very brief, because a lot has been said today that really echoes the views of the ministry. We certainly applaud the efforts and value the training opportunities and the extent to which the ORFA has been involved in the sport and recreation sector. We think they provide a valuable service in terms of providing quality training to the sector and elevating the standards. We certainly do acknowledge and respect that.

However, we believe that this specific bill, in providing an exclusive designation to this organization alone, will have unintended consequences across the broader sector that are not fully known at this time, so our position is that a broader consultation should occur and that there should be more sector individuals and partners involved in that consultation to fully understand these future consequences. We believe there should be a more collaborative approach. We believe there may be some issues with respect to training, with respect to what organizations are doing, with respect to liability issues, as was mentioned earlier, and with respect to hiring practices within the human resources area.

So our recommendation at this point is further consultation to make sure this is more a sector-driven initiative as opposed to an initiative that deals specifically with a sole organization.

Mr Marchese: Mr DiPalma, has your ministry made any efforts recently or in the past to bring these groups or other interested parties together to try to create one model for training and certification?

Mr DiPalma: Since my time in the ministry—

Mr Marchese: How long is that?

Mr DiPalma: It has been five years. The answer is no. What we do within the ministry is provide support to the various provincial sport and recreation organizations to try and further the sector. We provide support in the form of financial grant money, we provide some capacity building and—

Mr Marchese: Do you see this as a role that you could or possibly should be playing, other than just providing support with a few bucks here and there?

Mr DiPalma: I think this is something the sector should speak to. We have a role in that, but as was

mentioned earlier, I think a number of organizations are well positioned within the sector to help and support and move this forward in a collaborative approach. We could certainly assist with establishing that collaboration, which is what we've done in the past in a number of areas.

The Chair: Thank you. Now I really have to cut off the questions, if any. Mrs Van Bommel, any final comments?

Mr Marchese: May I propose something and see whether Maria agrees?

Mrs Van Bommel: Can I speak first, if it's all right? Maybe we are in agreement already.

I want to applaud the ORFA for their efforts. It takes a lot of energy and time to initiate this kind of thing. In the kind of environment we are in today, we do look for standards, and the public wants the assurance that standards are established. As Member Levac mentioned earlier, maybe one of the unintended consequences would be that potential employers would look for certain types of certifications to imply the knowledge base that they need for the job to be done.

But I've also heard a lot of concerns expressed here today. As much as I applaud the effort to try to create the standardization for the industry, we need to address some of those concerns.

Chair, I would like to move a motion that we defer to a future date to give the proponent, the ORFA, the opportunity to address the concerns that have been expressed today.

The Chair: This is a debatable motion, so any discussion?

Mr Marchese: I agree with the deferral. I was going to propose something in addition to the deferral. If we were to defeat the bill, I think that would be an unfair thing to do to a group that's taken the initiative to deal with a problem that obviously no one has attempted to solve. I disagree with a few members who simply think that somehow this will happen on its own. It won't. I don't think the various organizations are likely to get together on their own. I don't. I think it's a ministry initiative, so I was going to propose referral and/or deferral, with instructions that the ministry actually bring these groups together, including other sectors that might have a role to play, and start the discussion around the development of one model. I really do believe that your ministry has to take a lead and that if you don't do that, this will have been kind of a lost debate.

The Chair: Are you making an amendment to the motion?

Mr Marchese: It's a friendly amendment, I'm assuming.

The Chair: Do you accept that it's a friendly amendment?

Mr Marchese: That the ministry take a leadership role in coordinating the three groups that are here—OPA, PRO and ORFA—and any other sector that the ministry believes it is important to have at that table, and begin the discussions immediately.

The Chair: So you accept that as a friendly amendment?

Mrs Van Bommel: A friendly amendment.

The Chair: Any further discussion?

Mr McNeely: Just a comment, Chair. It's nice to be able to pick out certain areas and progress with them. The items being addressed by this association were very neat and very specific to facilities. I just hope we don't get bogged down because of not being able to bring the three organizations together, because there is a great need in the smaller communities for this to proceed, and in the larger communities as well, probably. We've done it in many areas. I think it should be done with facilities. It'll

come back and it'll save the taxpayers money. I just want that comment, that it's very important that we don't get this bogged down because we can't get overall agreement. The big cities are fine. They have the organizations to do the training. This is very much required, and it's required to take it forward, so I hope we have that support.

The Chair: Thank you. Are members ready to vote on Mrs Van Bommel's motion, as amended? All in favour? That's carried.

Thank you very much. The meeting is now adjourned.

The committee adjourned at 1158.

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