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**Official Report
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(Hansard)**

Thursday 8 June 2006

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des débats
(Hansard)**

Jeudi 8 juin 2006

**Standing committee on
finance and economic affairs**

**Comité permanent des finances
et des affaires économiques**

Greater Toronto
Transportation Authority
Act, 2006

Loi de 2006 sur la Régie
des transports du grand Toronto

Chair: Pat Hoy
Clerk: Douglas Arnott

Président : Pat Hoy
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
FINANCE AND ECONOMIC AFFAIRS**

**COMITÉ PERMANENT DES FINANCES
ET DES AFFAIRES ÉCONOMIQUES**

Thursday 8 June 2006

Jeudi 8 juin 2006

The committee met at 0907 in room 228.

**GREATER TORONTO
TRANSPORTATION AUTHORITY
ACT, 2006**

**LOI DE 2006 SUR LA RÉGIE
DES TRANSPORTS DU GRAND TORONTO**

Consideration of Bill 104, An Act to establish the Greater Toronto Transportation Authority and to repeal the GO Transit Act, 2001 / Projet de loi 104, Loi visant à créer la Régie des transports du grand Toronto et à abroger la Loi de 2001 sur le Réseau GO.

The Chair (Mr. Pat Hoy): The standing committee on finance and economic affairs will now come to order. Good morning, committee members. We are here for clause-by-clause consideration of Bill 104. Are there any comments, questions or amendments to any section of the bill?

I should start out by saying that everyone should have a package of amendments. There are other amendments forthcoming. It was agreed upon that amendments should be in at a certain prescribed time, but that doesn't preclude other amendments from coming forward at a different time, such as this morning. We'll try to ensure that committee members know where we are as we move through a package that has been added to.

We're ready to begin. My understanding is that there is an NDP motion, the first motion of the morning.

Mr. Peter Tabuns (Toronto–Danforth): I move that subsection 1(1) of the bill be amended by adding the following definition:

“‘participant’ means a municipality listed in clause 9(2)(b) and any prescribed municipality.”

My reason for moving such a motion is that I'm concerned that you may well rule out of order a motion that I have to place further down in the clause-by-clause discussion, a motion that relates to the funding of this Greater Toronto Transportation Authority. It's my concern that if you rule that out of order, there will not be provincial funding going into this project as needs to go into this project. There will not be a statutory requirement for funding and thus much of the objects that are outlined in this legislation will fall on the backs of the municipalities that make up the GTA. On that basis, I'm going to be putting forward a series of amendments that would give those municipalities a greater say in the

workings of the GTTA as a whole. Thus I am going to start here by ensuring those member municipalities have greater power in this project.

The Chair: Further comment?

Mr. Phil McNeely (Ottawa–Orléans): The definition is not required since the term is used only for amendments that are not being supported by our government. So we'll be voting against this.

The Chair: Further comment? Hearing none, all in favour? Opposed? The motion is lost.

Shall section 1 carry? All in favour? Opposed? Carried.

Shall section 2 carry? All in favour? Opposed? Carried.

Shall section 3 carry? All in favour? Opposed? Carried.

Now we move to section 4, page 2 in your package. We have a motion.

Mr. McNeely: I move that the French version of paragraphs 1 and 2 of section 4 of the bill be struck out and the following substituted:

“1. La Division de la carte de transport en commun.

“2. La Division de l'approvisionnement en transport.”

These are just more definitive words for the French translation.

The Chair: Further comment?

Mr. Tabuns: I wish to speak on this section as a whole. I don't have a problem with the amendment to the section. Do we deal with the amendment first?

The Chair: We'll do that first, just to keep everybody on track.

Mr. Tabuns: Fine. I have no objection.

The Chair: Do you have a comment to the amendment, Mr. O'Toole?

Mr. John O'Toole (Durham): Yes. First of all, on this bill here and the process for the amendments, I'm just now receiving the amendments. I received a package which apparently, according to the clerk, is not sequential or the one we're dealing with. I'm still trying to catch up here. That's the problem with this hasty process here of allowing amendments later on when in fact we had to have them in on Monday at noon. It's just how this government operates. It really is quite frustrating, let's put it that way. Go ahead. I'm just trying to exercise my right to be frustrated.

The Chair: I did mention at the opening of today's meeting that amendments could come from the floor if we did wish to have amendments—

Mr. O'Toole: That's not what the report said. The report said that amendments would be filed Monday at

noon. I wasn't consulted as to whether there was to be an exemption to that. You, as the Chair, only conduct the business; you don't make the rules.

The Chair: The agreement was permissive. And now we'll go to—

Mr. O'Toole: That's not the point. As the Chair, you would consult the committee on that, and the Liberals, of course, would agree with you because you're a Liberal, but—

The Chair: You could make—

Mr. O'Toole: Anyway, that's fine. We would have liked to have had more time on this, quite frankly. To be told Thursday or Friday that it had to be due Monday put me to an exceptional amount of work. I actually did the drafting. None of you have even seen the amendments. It's all done by your whiz kids. We haven't got any whiz kids that—

The Chair: Should you wish to put forward other motions, you could.

Mr. O'Toole: That's fine. We've got amendments. We'll deal with them, and you'll vote them all down.

The Chair: We're dealing with the amendment, and then I will put that question. Then Mr. Tabuns wants to make a comment to the whole section, which I'll allow.

Interjection.

The Chair: I'm going to call the question first, if that's all right.

Mr. Tabuns: No problem.

The Chair: We're talking to the page 2 amendment in your package. All in favour? Opposed? Carried.

Now you may make comment to the section, if you wish.

Mr. Tabuns: My concern is related to this section and it shows up in "Objects" as well.

The corporation has the following divisions: farecard and transportation procurement. But in fact this corporation is also operating the GO Transit system, and I'm concerned that neither in "Objects" nor in "Divisions" is there reference to the ownership and operation of the GO Transit system. GO Transit is not the farecard division and it's not going to be transportation procurement, and I'm concerned that a significant piece of this whole puzzle—in fact, in dollar terms, the most significant piece of this whole puzzle—is not referenced here. Can the government give reasoning as to why it is not a division of this corporation?

Mr. McNeely: I think we might have legal come up and get into that, because we'll be dealing with it later on.

The Chair: Would you please identify yourself for the purposes of Hansard.

Mr. Ross Flowers: My name is Ross Flowers. I'm with the Ministry of Transportation legal branch.

If you look at section 50 of the bill, I think you'll notice that in subsection 50(2) the GO Transit division does become part of the corporation when GO Transit is dissolved. You'll also see throughout that section that its responsibilities are noted by a subsequent amendment to the objects of the corporation.

Mr. Tabuns: The question that I have, though, is this: You've got explicit reference to farecard and transportation procurement but you don't have explicit reference to what will be the single largest operating entity within this corporation. Why is that? Why not in the divisions and why not in the objects?

Mr. Flowers: It is in the divisions. Subsection 50(2) says, "On the day section 49 is proclaimed"—and 49 is repealing the GO Transit Act—"section 4 of this act," which is what the committee is now discussing, "is amended by adding the following paragraph:

"3. GO Transit division."

0920

Mr. Tabuns: My apologies.

The Chair: Further comment? Hearing none, shall section 4, as amended, carry? All in favour? Opposed? Carried.

Now, in your package, page 3, a PC motion.

Mr. O'Toole: I move that clause 5(1)(a) of the bill be amended by striking out "to provide leadership in the co-ordination, planning, financing and development of" at the beginning and substituting "to co-ordinate, plan, finance and develop."

The Chair: Thank you. You have a comment?

Mr. O'Toole: The purpose of this is actually to give it some action-oriented language which would strengthen the function of this new transportation authority.

The Chair: Further comment?

Mr. McNeely: We will not be supporting that motion. This removes the underlying concept of the GTTA, that it shows leadership and builds consensus amongst the municipalities and other stakeholders. So we will not support this amendment.

Mr. O'Toole: I'd ask for a recorded vote on this, please.

The Chair: A recorded vote has been requested. Is there any other comment? Thank you. I'll call the question.

Ayes

O'Toole.

Nays

Marsales, McNeely, Mitchell, Ramal, Sandals, Tabuns.

The Chair: The motion is lost.

Page 4 in your package, a government motion.

Mr. McNeely: I move that clause 5(1)(a) of the bill be amended by adding "and complies with other provincial transportation policies and plans applicable in the regional transportation area" after "regional transportation area."

The purpose of this change: To broaden the GTA, it has to conform with the Places to Grow Act, but also comply with other plans and policies of the province applicable to transportation and the GTTA. We felt this

amendment was required. It ensures the GTTA must comply with any provincial transportation-based plans.

The Chair: Comment?

Mr. Tabuns: I have an amendment further on that is somewhat more comprehensive than this amendment put forward by the government. If I could ask legal counsel, is there a contradiction, is there a problem if in fact we vote for this and at a later point vote in favour of my amendment that asks or directs that this bill be consistent with policy statements issued under the Planning Act, the Greenbelt Act and the Oak Ridges Moraine Conservation Act? That's amendment 14. Will there be a contradiction between the two?

Mr. Flowers: I believe that to the extent that those pieces of legislation also deal with plans and policies of the provinces, adding this language in 5(1)(a) would not be inconsistent with the subsequent amendment that you're proposing.

Mr. Tabuns: Okay. If I vote for this one, it does not preclude then voting for the next?

Mr. Flowers: In my view, that's correct.

Mr. Tabuns: Okay. Thank you.

The Chair: Any other comment? Hearing none, I'll put the question. All in favour? Opposed? Carried.

Now, page 5, a PC motion.

Mr. O'Toole: I move that the definition of "multi-modal" in subsection 5(2) of the bill be amended by adding "transportation services for persons with disabilities" after "buses."

The Chair: Comment?

Mr. O'Toole: The intent here is to address the accessibility issue in a broader term. I would move that as a friendly amendment and hope that the government is receptive to recognizing it's important to put this in the bill.

The Chair: Comment?

Mr. McNeely: We agree with the intention of the amendment, but it's not appropriate, as "transportation services for persons with disabilities" is not a mode of transportation. That's what would be included in there. The municipalities, GO Transit and other transportation providers will continue to work to make transportation accessible. It's not the proper place to put that in. We will be voting against that motion.

The Chair: Further comment? I'll put the question. All in favour? Opposed? The motion is lost.

If members of the committee would look, we have a further motion to this section 5. It's an NDP motion in a separate package.

Mr. Tabuns: The motion has not been circulated back to me. It has been, sorry.

The Chair: It deals with clause 5(1)(c).

Mr. Tabuns: I will withdraw it. Clarification from counsel has shown me that in fact the matter is addressed in the act.

The Chair: Thank you. Shall section 5, as amended, carry? All in favour? Opposed? Carried.

Now we move to section 6, page 6 in your package, a PC motion.

Mr. O'Toole: I move that clause 6(1)(a) of the bill be amended by adding at the beginning "within one year after it is established under section 2."

The Chair: Any comment?

Mr. O'Toole: The purpose of that is to give a little stronger direction to the start-up of this important function.

The Chair: Further comment?

Mr. McNeely: We will not be supporting that amendment. The time frame for completion of the transportation plan should be more appropriately put into the GTTA business plan and the memorandum of understanding with the Ministry of Transportation. It would be nice to get the transportation plan early, but we have to look at how the new authority is going to work. We will be voting against this amendment.

The Chair: Further comment? Hearing none, I'll put the question. All in favour? Opposed? The motion is lost.

Another PC motion.

Mr. O'Toole: I move that clause 6(1)(b) of the bill be struck out and the following substituted:

"(b) manage and fund integrated transportation across the regional transportation area."

That's just bringing more specifics, if I may, to the current language of the bill. We want to be on record as being supportive, but find that this particular structure is more of a skeleton without any meat on it. It doesn't provide any deliverables. We're convinced it's doomed to fail by the structure and lack of funding. This just brings a little bit more structure to it.

The Chair: Thank you. Further comment?

Mr. Tabuns: I have concerns that are similar to those of Mr. O'Toole about a lack of funding or right to funding for this entity that will be created by this bill. I'm very concerned in fact that it will be a shell. Given the likelihood that the language on finances, as written, will stand, the only place where this corporation could actually get money would be out of charges to municipalities or out of, in some ways, taking advantage of the existing underfunded transit systems. I'm concerned that it will be given powers to fund without a backup of provincial money to make that funding happen.

I'm going to be voting against the motion, not because I think the intent is incorrect—in fact, I think the intent is quite good—but because if there is no money coming in, there's nothing to provide funds from.

0930

Mr. McNeely: We will not be supporting this motion. This would limit the scope of the GTTA and its ability to engage in a range of financial activities with respect to transportation systems. We expect that funding—like GO Transit, whose expertise I hope would be available for places like Ottawa, where rail is new—would come from sources other than the GTTA.

The Chair: Further comment? Hearing none, I'll put the question. All in favour? Opposed? The motion is lost.

Number 8 is a PC motion.

Mr. O'Toole: I move that clause 6(1)(c) of the bill be amended by striking out “promote and facilitate” at the beginning and substituting “coordinate.”

Again, it's just putting more action and deliverables in the language of the bill. It seems that, even with what Mr. McNeely is saying, they're being evasive on any deadlines, whether it's timing, funding or functionality of this Greater Toronto Transportation Authority, which is designed to fail. I guess they're going to say, in the terms of politics, that they've kept a promise, and if you look at what they've actually delivered in that promise, there's nothing. That's the unfortunate dilemma here. We're actually trying to do important government work—or work with the government, that is—and it's turning out to be a failure.

Mr. McNeely: I think it would be irresponsible to throw this new authority into a deadline of one year to prepare that most important transportation plan, so I disagree with the PC member. This would limit the scope of the GTTA's ability to engage in a range of activities with respect to municipalities and would diminish the leadership model that we're striving for.

The Chair: Further comment? Hearing none, I'll put the question. All in favour? Opposed? The motion is lost. PC motion on page 9: Mr. O'Toole.

Mr. O'Toole: I move that subsection 6(2) of the bill be amended by striking out the portion before clause (a) and substituting the following:

“Requirements for transportation plan

“(2) The transportation plan required by clause (1)(a) must be substantially completed within one year after the establishment of the corporation under section 2 and must.”

Again, we're saying in this “substantially completed within one year.” We're trying to put some deliverables on this. What I'm afraid of is that this will get caught in the election of October 2007, and we're still in 2006. We're saying that they're going to say they're going to deliver everything after 2007. That's not going to happen because, in my view, hopefully the people of Ontario will see fit to make some serious changes.

Mr. McNeely: We're not supporting this amendment. The time frame for completion of the transportation plan is something that is more appropriately held with the GTTA business plan when it's developed and with the memorandum of understanding with the Ministry of Transportation. That's the proper place to look at that. We'll be voting against the amendment.

The Chair: Further comment? I'll put the question. All in favour? Opposed? The motion is lost.

PC motion on page 10: Mr. O'Toole.

Mr. O'Toole: I move that subsection 6(2) of the bill be amended by adding the following clause:

“(a.1) make use of intelligent transportation systems and other innovative technologies.”

Again, we'd like to see more deliverables in this in a broader sense, but certainly in the section dealing with these transportation smart cards using all of the available technology. I've seen and been exposed to a number of

options in other jurisdictions. From everything I've seen here, there's no possibility of seeing that for years, and that's going to be the integration part of the whole transit system.

The Chair: Further comment?

Mr. McNeely: We'll be supporting this part. We believe that this is a good addition to the bill.

The Chair: Further comment?

Mr. O'Toole: A recorded vote on this one. I don't believe it.

Ayes

Marsales, McNeely, Mitchell, O'Toole, Ramal, Sandals, Tabuns.

The Chair: The motion is carried.

Page 11, a government motion.

Mr. McNeely: I move that clause 6(2)(b) of the bill be struck out and the following substituted:

“(b) comply with the minister's transportation plans, policies and strategies for the province as they apply to the regional transportation area.”

The Chair: Comment, if any?

Mr. O'Toole: I question the parliamentary assistant on this one, because the current language is just “consistent,” and you're saying they've got to comply. In fact, the minister's running it. He or she—whoever—sets the budget. You're trying to make the argument that they have this flexibility going forward to develop their plan, and all of a sudden you're saying they're going to have to comply as opposed to being consistent. You aren't consistent in your arguments.

The Chair: Further comment?

Mr. McNeely: Just that this is a similar change. The language is broadened so that the GTTA transportation plan must comply with the minister's transportation plans, policies and strategies. It's consistent with the change in objects.

Mr. Tabuns: I just want to confirm that adoption of this amendment would not then bring any conflict with the later potential to adopt my amendment on your page 14. There's no problem? I see a nod from counsel in the audience. I take that as a yes.

The Chair: Further comment? Hearing none, I'll put the question. All in favour? Opposed? Carried.

PC motion, page 12.

Mr. O'Toole: I move that clause 6(2)(d) of the bill be struck out.

The reason for this one here—obviously, you're going to vote against this one—is that it gives some degree of municipal autonomy, and it seems, even if you look at the last amendment by the government, they're required to comply with the minister's orders. Dalton is going to run all of Ontario, right down to the official plans. I believe that this section should respect the municipalities. They are elected to make decisions. I'm more concerned about mature cities, like the city of Toronto, quite frankly. They have a very mature transit system, the

TTC. They are having their problems these days, as we all know, but, by and large, it's the largest and most important part of transit, and now they're going to have to comply with the government's plan.

Mr. McNeely: I'd just like to say that the proposed growth plan would provide a consistent provincial framework for transportation planning to guide municipal decisions and the proposed GTTA's transportation plan and decisions. It provides language to ensure consistency between the GTTA and the municipal official plans. I think that's extremely important.

The Chair: Further comment? Hearing none, I'll put the question. All in favour? Opposed? The motion is lost.

Now we move to a separate package. It is a government motion.

Mr. McNeely: I move that subsection 6(2) of the bill be amended by adding the following clause:

"(f.1) work towards reducing transportation-related emissions of smog precursors and greenhouse gases in the regional transportation area."

We're adding that in light of the importance of reducing smog and greenhouse gases. We are proposing that the transportation plan assist in that objective and that it be explicit.

The Chair: Further comment?

Mr. Tabuns: I'm moving a similar, but I think stronger, amendment immediately following this one. I'm interested that the government has brought forward a motion to this effect, but I don't think it should just be a question of this authority working towards reducing greenhouse gas emissions through their planning. They should actually be reducing them, not just working towards it, not just giving it thought, but having it as a significant part of their operation.

0940

If I had not put forward my motion, I might have supported this, but I'm concerned here that it's been softened. I would say, given recent comments of this government and recent comments of this environment minister, which I've criticized—this government is saying that it's very much concerned about climate change, its impact on society as a whole and this province in particular—that this language is much too weak, that in fact we have to concretely state that we are going to act to reduce, not just work towards reducing, greenhouse gases. I will be opposing this motion and I will be supporting my amendment.

Mr. McNeely: Our government is very much pro-environment. We feel that this is a proper place to place this in the legislation, and it will do. We certainly support the intention of where you're coming from, but this is much better language to be included in this bill.

Mr. O'Toole: I want to be on the record as supporting the intent, but I'll be supporting Mr. Tabuns's motion because it does bring some substance to it, which reflects the lack of substance throughout this bill, unfortunately.

The Chair: Further comment? Hearing none, I'll put the question. All in favour? Opposed? The motion is carried.

Now we return to your original package. NDP motion on page 13: Mr. Tabuns.

Mr. Tabuns: I move that subsection 6(2) of the bill be amended by adding the following clause:

"(g.1) reduce transportation-related emissions of smog precursors and greenhouse gases in the regional transportation area."

The Chair: Comment?

Mr. Tabuns: I've made my comments. I think that this is a stronger amendment, a stronger statement of direction for the corporation, and should be embodied in this act.

Mr. McNeely: I agree with the intention. We proposed an amendment, the one that just passed; 6(2)(f) already works towards easing congestion, which is a major cause of greenhouse gases.

The Chair: Further comment? Hearing none, I'll put the question.

Mr. Tabuns: Recorded vote.

Ayes

O'Toole, Tabuns.

Nays

Marsales, McNeely, Mitchell, Sandals.

The Chair: The motion is lost.

Page 14: NDP motion.

Mr. Tabuns: I move that subsection 6(2) of the bill be amended by adding the following clause:

"(g.2) be consistent with policy statements issued under section 3 of the Planning Act, plans under the Greenbelt Act, 2005, the Oak Ridges Moraine Conservation Act, 2001 and the Niagara Escarpment Planning and Development Act and other prescribed plans."

The intent is to ensure that transportation planning occurs within the framework of environmentally protective legislation that's already on the books. I want it to be clear that what is carried out in the name of this act is not going to override other environmental protections.

The Chair: Further comment?

Mr. McNeely: We will not be supporting this. The minister will be prescribing by regulation which plans need to be complied with. That will be a much more comprehensive approach, to leave it to regulation.

Mr. Tabuns: I understand the argument being made by Mr. McNeely. Our difficulty is that we don't have any hand in writing the regulations. If the regulations come out and they're insufficient, we won't have any ability to correct them. This is an opportunity to have the legislation amended in public view and given a stamp of approval by the Legislature. I would urge people to in fact vote for this now so that we will not have concerns later that the regulations are not adequate to the task. Regulations can be written that expand on what's here, but what's set out here is a foundation.

The Chair: Further comment?

Mr. O'Toole: Without prolonging the discussion here, we just passed a planning bill in the Legislature which changed the compliance of lower-tier municipalities to "be consistent with" provincial policy statements from "have regard to." What Mr. Tabuns is asking is to make sure they're consistent with those. I don't see a reason why they can't support it. My own view is that municipalities need to have some flexibility and at the same time comply with the greatest intent for the all reasons the NDP is suggesting here. But I think they're adequately elected and accountable at those levels, whether it's Halton or Durham, and that for the most part they want to be consistent and would be. So I can't see why the Liberals can't support this NDP motion. I won't be supporting it, but—

The Chair: Thank you. Further comment?

Mr. McNeely: I just feel that the proper time for this—it has to be a much more comprehensive approach and will be when the regulations are being made up.

The Chair: Further comment? Hearing none, I'll put the question.

Mr. Tabuns: Recorded vote.

Ayes

Tabuns.

Nays

Marsales, McNeely, Mitchell, Sandals.

The Chair: The motion is lost.

Page 15, an NDP motion.

Mr. Tabuns: I move that subsection 6(2) of the bill be amended by adding the following clause:

"(g.3) promote the increased development and use of cycling corridors across the regional transportation area."

I think there's an opportunity with this corporation to take advantage of hydro rights-of-way and of rail rights-of-way, and looking for other opportunities in park systems to actually have a regional biking system. If you can bike in from Etobicoke to west Toronto, you can contribute to reductions in congestion and smog. I think this transportation authority should be looking at these opportunities.

Mr. McNeely: We certainly support the intention, and in 6(2)(a) of the legislation, "take into consideration all modes of transportation," cycling is mentioned. We feel that's sufficient.

The Chair: Other comment? Hearing none, I'll put the question.

Mr. Tabuns: Recorded vote.

Ayes

O'Toole, Tabuns.

Nays

Marsales, McNeely, Mitchell, Sandals.

The Chair: The motion is lost.

Mr. Tabuns: On a point of order, Mr. Chair: No contradiction to any business that has gone forward here, but I have one amendment that will come later in the bill, and I don't know quite how to circulate it at this point. Could I give it to the Chair?

The Chair: The clerk will take that and make copies for the committee.

Mr. Tabuns: Thank you, Mr. Chair.

The Chair: PC motion, page 16.

Mr. O'Toole: I move that section 6 of the bill be amended by adding the following subsection:

"Recommendations re land use planning

"(2.1) The transportation plan required by clause (1)(a) may include recommendations of transit corridors and nodes, along with other initiatives related to transportation priorities in land use planning."

The point has pretty much been covered in some of the debate we've had. It's just more innovation in the transportation plan and more integration in that plan as well with respect to nodes. I don't see much of that, unless the parliamentary assistant can respond. I ask for your support.

0950

The Chair: Further comment?

Mr. McNeely: Just that the proposed recommendation would potentially bring the GTTA into conflict with the proposed growth plan. It may cause confusion to have both the growth plan and the GTTA transportation plan refer to nodes, densities and other related land use planning initiatives. We will not be supporting the motion.

Mr. Tabuns: I would say that it's quite correct that the transportation authority can't override the planning of the member municipalities. But if, in the course of doing transportation planning, their analysis brings forth a perspective on the need for particular transit corridors or development of nodes to actually make transportation function properly, I think it would be useful for all member municipalities to have access to this analysis.

One of the concerns I've had about this bill from the beginning is that unless there's a foundation of good urban planning for it to build on, this corporation is going to face profound problems in actually carrying out the purposes it was intended to carry out. It's a question I raised when I was interviewing a person in this building who was going to be appointed to the GO Transit board.

We have to look at urban planning. I think Mr. O'Toole's motion could be quite useful for all member municipalities, and I think the government should support it.

Mr. McNeely: We feel that this is going to be a co-operative authority. They will be discussing with lower-tier and upper-tier, and to put that implicit in the legislation could have the potential for causing conflict, so we will be voting against that amendment.

The Chair: Further comment? Hearing none, I'll call the question.

Mr. O'Toole: Recorded vote, please.

Ayes

O'Toole, Tabuns.

Nays

Marsales, McNeely, Mitchell, Sandals.

The Chair: The motion is lost.

Page 17, an NDP motion.

Mr. Tabuns: I move that section 6 of the bill be amended by adding the following subsection:

"Quantitative assessment of reduction in private vehicle use

"(3.1) The transportation plan required by clause (1)(a) shall include a quantitative assessment of the reduction in private vehicle and commercial vehicle use in the regional transportation area as a result of the plan."

I'm recommending that this be in legislation so that those who put forward this plan and, in the end, those who have to approve it and implement it, know whether or not this plan is actually going to deliver the kinds of goods that have been advertised in relation to this legislation.

I have grave concerns that this entity, as currently structured and funded, will have no impact: will not reduce gridlock, will not reduce total volume of vehicles travelling through the region. I would say that for anyone to properly evaluate the work of the planners, there has to be an assessment of what they expect to achieve from the plans they put forward. How are we going to evaluate these plans without knowing the expected outcome? I think this is a reasonable requirement and one that should be in law so that when we talk about these plans, we're talking about something concrete, not something vague and half-formed.

The Chair: Further comment?

Mr. McNeely: We will not be supporting this. We think this type of reporting is more appropriately included in the business plan, which will be developed by the GTTA once it gets set up.

The Chair: Further comment? Hearing none, I'll put the question.

Mr. Tabuns: Recorded vote, Mr. Chair.

Ayes

O'Toole, Tabuns.

Nays

Marsales, McNeely, Mitchell, Sandals.

The Chair: The motion is lost.

Page 18, a government motion.

Mr. McNeely: I move that subsection 6(4) of the bill be struck out and the following substituted:

"Review of transportation plan

"(4) The corporation shall, at least every 10 years after subsection (1) comes into force, complete a review of the transportation plan required by clause (1)(a) and make any necessary changes to the transportation plan to ensure that it complies with the prescribed provincial plans and policies in accordance with clause (2)(c)."

The time frame that the GTTA must review this transportation plan at least every 10 years instead of "from time to time," I think, is good. The transportation plan will be updated at least every 10 years to reflect the changing transportation landscape.

The Chair: Comment? Hearing none, all in favour? Opposed? Carried.

Page 19, a PC motion.

Mr. O'Toole: I move that section 6 of the bill be amended by adding the following subsections:

"Conflict with official plans

"(4.1) Despite any other act, if there is a conflict between the transportation plan required by clause (1)(a) and an official plan, the transportation plan prevails and the corporation may direct any municipality to amend its official plan to conform to the transportation plan."

I move this particular strengthening to ensure that this authority has the authority to effect the plans. Mr. Tabuns is trying, in many of his arguments, to say the same thing. It has to have the authority to actually make the strength of public transit, if that's what we're talking about, or roadways, if that's what we're talking about. In many cases, we're locked in to the wording of this bill itself. It sounds like we're only talking about public transit, and transportation is broader than just public transit. I know you mention the word "multimodal," but that's the purpose of this clause.

The Chair: Further comment?

Mr. McNeely: We won't be supporting this amendment. The proposed growth plan would provide a consistent provincial framework for transportation planning to guide municipal decisions and the proposed GTTA's transportation plan and decisions. The GTTA transportation plan must comply with the growth plan, as would municipal official plans. This is a co-operative leadership role that the GTTA will be carrying out, and we just don't want an amendment to have possible conflicts.

Mr. O'Toole: Just further to the parliamentary assistant, if your current language under the Planning Act is to "be consistent with" provincial policies, and that's your current position as government, and you're trying to make sure that transportation, whether it's the diminished use of cars, the increased use of public transit, preferred bus lanes or cycling lanes—the province is going to have to take the lead. As such, this particular kind of policy direction is fairly consistent with where you want to go. I don't understand why you can't put some strength into what you're doing. In fact, I'm surprised that you can't support it.

Mr. McNeely: Just to comment back, the transportation plan must comply with the growth plan, as would municipal official plans. This will all be complementary. To give the transportation plan the added strength is not necessary under the present legislation.

Mr. Tabuns: Just briefly, I understand the direction Mr. O'Toole wants to go in here. I think that if we want to get at the whole foundation of a transportation plan, which is the plan for urban development itself, that has to come from the government in other forms rather than here. I'm worried that it isn't coming forward in the way it needs to, so I understand why Mr. O'Toole is making this amendment. But because I believe it should be approached in another way, I won't be supporting this amendment.

The Chair: Further comment? Hearing none, I'll put the question. All in favour? Opposed? The motion is lost.

That completes section 6. Shall section 6, as amended, carry? All in favour? Opposed? Carried.

We'll move to section 7, page 20, an NDP motion.

1000

Mr. Tabuns: I move that subsection 7(1) of the bill be struck out and the following substituted:

"Duties of Corporation re: unified fare system

"(1) In carrying out its objects as described in clause 5(1)(a) with respect to the integration of transit systems, the corporation, primarily through its farecard division, shall plan, design, develop, acquire by purchase, lease, assignment or otherwise, construct, maintain, operate, dispose of, lease, license or sublicense all or any part of a unified fare system applicable to the GO Transit system, local transit systems in the regional transportation area to the extent that the local transit system or municipality has agreed to participate in all or any part of the unified fare system and local transit systems of municipalities outside the regional transportation area that agree to participate."

It is not clear to me from this legislation that the unified fare system or card system is mandatory or obligatory, and I want to make it very clear in the legislation that participation in the farecard system is done with the consent of the municipalities that will be covered by this act. I think that if you try to impose a card system without their participation, you risk the potential for non-compliance or lack of co-operation but you may also potentially impose a cost on their operations, which they already have difficulty meeting today. So I'd urge the government and the Conservative representative to vote in favour of clarity that participation in the fare system is something that is voluntary on the part of the member municipalities.

Mr. McNeely: It's our position that the bill does not require the municipalities to participate in the farecard, and therefore this amendment is not necessary.

Mr. O'Toole: I want to be on the record as saying I'm supportive of a stronger bill here. I think one of the main ingredients is going to be the integration of the systems, and the best way to do that is the technology route. I think that there will be a solution issue. You can hear it's already out there today. The TTC is not going to adopt

something that Mississauga adopts. It's going to have to be government-mandated through consultation, of course, with the best possible available technology. I think I would be more in support of the government's position here, but it's not strong enough; in fact, it's not deliverable. It's once again an example of, "When is this going to happen?" It's going to take 10 years. The whole thing is too wishy-washy.

I've met with technology people. There's SIM card technology available today, right now actually, and they can't even get to see MTO. MTO is doing consulting on this now, by the way, and I think it should be sooner rather than later. That will integrate the transits faster than anything. If they aren't provincially funded—anyway, I won't spend any more time on it because I guess I'll support the government side on this thing.

The Chair: Further comment?

Mr. McNeely: I just feel that would be one of the objectives of the GTTA, and that will be one of the areas we're going in, and we believe that the wording in the bill as it is now is the right wording in order to have the co-operation to move ahead on that issue.

The Chair: Further comment? A recorded vote has been requested.

Mr. O'Toole: We're voting on the amendment here, right?

The Chair: Yes, page 20.

Ayes

Tabuns.

Nays

Marsales, McNeely, Mitchell, O'Toole, Sandals.

The Chair: The motion is lost.

Page 21, a government motion.

Mr. McNeely: This is the translation thing. I move that the French version of subsection 7(1) of the bill be amended by striking out, "division Carte de débit" and substituting, "Division de la carte de transport en commun."

The Chair: Comment, if any? Hearing none, all in favour? Carried.

That completes section 7. Shall section 7, as amended, carry? All in favour? Opposed? Carried.

Now we move to section 8, page 22, a government motion.

Mr. McNeely: I move that the French version of subsection 8(1) of the bill be amended by striking out "division Approvisionnement en transport" in the portion before clause (a) and substituting "Division de l'approvisionnement en transport."

The Chair: Comment, if any? Hearing none, all in favour? Carried.

Page 23, NDP motion.

Mr. Tabuns: I move that clause 8(1)(a) of the bill be struck out and the following substituted:

“(a) coordinate, negotiate and manage the planning, design, development and acquisition, by purchase, lease or otherwise, of local transit system vehicles, equipment, technologies and facilities and related supplies and services on behalf of any municipality in Ontario, subject to the agreement of such municipality or its local transit system.”

It’s essentially the same argument I made earlier that there’s clarity here that you can’t impose on the member municipalities. These particular services are subject to their agreement.

The Chair: Further comment?

Mr. McNeely: We will not be supporting this amendment. The bill does not require municipalities to participate in procurement, and therefore this amendment is not necessary.

The Chair: Comment? Hearing none—

Mr. Tabuns: Recorded vote.

The Chair: A recorded vote is requested.

Ayes

Tabuns.

Nays

Marsales, McNeely, Mitchell, Sandals.

The Chair: The motion is lost.

Page 24, government motion.

Mr. McNeely: I move that section 8 of the bill be amended by adding the following subsection:

“Same

“(1.1) The corporation may perform its duty under clause (1)(a) by procuring local transit vehicles, equipment, technologies and facilities and related supplies and services on behalf of a municipality or by facilitating the procurement of such vehicles, equipment, technologies and facilities and related supplies and services by a municipality.”

The Chair: Comment?

Mr. McNeely: This clarifies the GTTA role, that it can assist in vehicle procurement. This provides flexibility for GTTA to procure or assist in the procurement of transit vehicles.

The Chair: Further comment? Hearing none, all in favour? Opposed? Carried.

That completes section 8. Shall section 8, as amended, carry? All in favour? Opposed? Carried.

Now we move to section 9 and a PC motion on pages 25 and 26.

Mr. O’Toole: This is under the board of directors. I move that subsection 9(2) of the bill be struck out and the following substituted:

“Composition

“(2) The board shall be composed of,

“(a) eight persons appointed by the Lieutenant Governor in Council on the recommendation of the minister; and

“(b) the following persons appointed by the Lieutenant Governor in Council on the recommendation of the minister:

“(i) four persons recommended by the council of the city of Toronto,

“(ii) one person recommended by the council of the city of Hamilton,

“(iii) one person recommended by the council of the regional municipality of Durham,

“(iv) one person recommended by the council of the regional municipality of Halton,

“(v) one person recommended by the council of the regional municipality of Peel, and

“(vi) one person recommended by the council of the regional municipality of York.

“Private sector representatives

“(2.1) The persons appointed under clause (2)(a) shall be chosen to represent persons in the private sector with interests in the regional transportation area, including persons representing business, financial institutions and non-government organizations.”

This amendment speaks to the input we received from the Toronto Board of Trade, as well as the Ontario Chamber of Commerce, and the need to have a less politicized structure in this mandate. It does give the government the control to appoint through order in council other than even elected persons, but they should be experts in the area of financing, capital financing, acquisition, contract language, transportation logistics, and kind of academic things. I think this reflects the input we heard in the hearings. At the same time, the government has really strengthened its role, because it can bring to bear in a function the experts who can make this happen. I’d ask for your support. It is what we heard.

1010

The reason I’m saying this, and it’s probably relative, is that even the quarrel at the TTC right now is political interference. Whether it’s Howard Moscoe or David Miller, who cares? The point is, that’s what happened with the Greater Toronto Services Board. I’m just saying that if you want success in this thing, take the bull by the horns and get at it, get the job done. That’s what’s needed. You can still work co-operatively, but at the end of the day you have to have some leverage here, and that’s what this provides.

The Chair: Comments?

Mr. McNeely: We will not be supporting this motion. There is already fair representation in the bill. The structure encourages a regional approach and does not focus on local transit issues. The board, in the bill, is small and focused, and there is the ability to use private sector representatives. We heard from various presenters that we should. That will be in the minds of people who are making appointments. The board structure in the bill was determined after consultation with the municipalities, so we will not be supporting this amendment.

The Chair: Further comment? Hearing none—

Mr. O’Toole: A recorded vote.

Ayes

O'Toole.

Nays

Marsales, McNeely, Mitchell, Sandals, Tabuns.

The Chair: The motion is lost.

I'm advised there is a replacement motion for the one on page 27 dealing with section 9. It can be found in a separate package.

Mr. McNeely: I move that section 9 of the bill be amended by adding the following subsection:

“Vacancy—no council recommendation

“(7.1) If a council referred to in clause (2)(b) fails to recommend the number of persons it is required to recommend under that clause within 90 days after the day this section comes into force or within 90 days after a director previously recommended by that council ceases to be a director for any reason, the Lieutenant Governor in Council may appoint any person to serve as director in the place of a person to be recommended by that council until the council makes the required recommendation and a person is appointed under clause (2)(b) for the remainder of the term.”

The Chair: I think you might be reading the original one. I'm told there is a replacement motion.

Mr. McNeely: Excuse me, Mr. Chair. Let me just make sure. Okay, I have the proper motion. I'll read it.

I move that section 9 of the bill be amended by adding the following subsection:

“Vacancy—no council recommendation

“(7.1) If a council referred to in clause (2)(b) fails to recommend the number of persons it is required to recommend under that clause within 90 days after the day this section comes into force or within 90 days after a director previously recommended by that council ceases to be a director for any reason, the Lieutenant Governor in Council, on the recommendation of the minister, may appoint any person to serve as director in the place of a person to be recommended by that council until the council makes the required recommendation and a person is appointed under clause (2)(b) for the remainder of the term.”

The Chair: Is there any comment? Hearing none, all in favour? Opposed? Carried.

That completes the motions I have before me for section 9. Shall section 9, as amended, carry? Carried.

Any comment on section 10? There are no amendments before me. Shall section 10 carry? All in favour? Carried.

Section 11: We'll move to the NDP motion first. I think that would be advisable.

Mr. Tabuns: I move that subsection 11(3) of the bill be struck out and the following substituted:

“Open to the public

“(3) Section 239 of the Municipal Act, 2001, applies with necessary modifications to meetings of the board.”

I'm concerned that the legislation, as written, largely allows this board to operate without enough public scrutiny. The amendment proposed by the Conservatives, which is not on the floor at the moment, lets the board determine when it will be open to the public and when it won't be open to the public. I would say that given the importance of the work this board will have at hand, we should use the existing legislative framework that's already out there, the Municipal Act, 2001, which in fact has a fairly rigorous, clear description of when and when not a board or a municipal committee or a municipal council will be open for public scrutiny. I would say the cleanest way of dealing with this is by using the Municipal Act, as I've recommended here. I think it's highly problematic to proceed with the legislation as written. I think this board would be at risk of operating in a closed way and, frankly, would be at risk of losing credibility because it would be seen to be operating in a closed way. Thus, I would urge that existing legislative frameworks be used to govern the transparency of meetings held by this corporation.

Mr. McNeely: We feel the board should be given adequate ability to decide when their meetings are public. Key meetings, as described in the legislation, will be open to the public. Otherwise the board needs the ability to discuss confidential items such as contracts, sensitive negotiations and proprietary information. The GTTA is a crown agency, not a municipal body, so we will not be supporting this motion.

Mr. Tabuns: It may well be a crown agency, but it is going to be making decisions in this region, if it is given sufficient budget and powers, to have dramatic impact on the day-to-day lives of people throughout Toronto, throughout the greater Toronto area and Hamilton. I think the government opens this corporation up to tremendous criticism, to a potential for great loss of credibility, if it proceeds with the wording it has here. The Municipal Act wording is entirely reasonable and clear and would, I think, ensure that this board avoids unnecessary criticism.

Mr. McNeely: We feel there's a fair balance. We'll be voting against this motion.

The Chair: Further comment? Hearing none, all in favour?

Mr. Tabuns: Recorded vote.

Ayes

Tabuns.

Nays

Marsales, McNeely, Mitchell, Sandals.

The Chair: The motion is lost.

I would seek agreement from the committee to postpone the PC motion on page 28. Do we have agreement?

Mr. Tabuns: I would so move.

The Chair: Agreed? Agreed. We'll have to come back to that one.

Therefore, we shall not ask the question on section 11 at this time, and we'll move to section 12.

Shall section 12 carry? All in favour? Carried.

Section 13, government motion number 30 in your package.

1020

Mr. McNeely: I move that the English version of subsection 13(2) of the bill be amended by striking out "persons who use and are otherwise affected by transportation in the regional transportation area" and substituting "persons who use or are otherwise affected by transportation in the regional transportation area."

The Chair: Any comments? Hearing none, all in favour? Carried.

Shall section 13, as amended, carry? Carried.

We have a replacement for the one on page 31 in a separate package: government motion replacement to subsection 14(3) of the bill. Mr. McNeely.

Mr. McNeely: I move that section 14 of the bill be amended by adding the following subsection:

"First appointment

"(3) Despite subsection (1), the first chief executive officer of the corporation may be appointed by the Lieutenant Governor in Council, on the recommendation of the minister, for a term not exceeding three years."

The Chair: Comments, if any?

Mr. Tabuns: I'm not comfortable with this amendment. I believe that it's not necessary. Frankly, I'm concerned that there's always the possibility of a patronage appointment. So I would urge this committee to vote against the amendment.

Mr. McNeely: It allows for the Lieutenant Governor in Council to appoint the initial CEO of the GTTA, upon the recommendation of the minister, for a period of up to three years. We feel that this is important. It would allow only the initial CEO of the GTTA to be appointed by the province and ensure that the CEO position, which is critical to the GTTA start-up period, is in place in a timely manner. For those reasons, we will be supporting this.

The Chair: Comment? I'll call the question. All in favour? Opposed? Carried.

Shall section 14, as amended, carry? Carried.

We'll go back to a PC motion on page 28 that deals with section 11.

Mr. O'Toole: I apologize first to the committee. I did have a call, and I will have one other call here this morning.

I move that subsection 11(3) of the bill be struck out and the following substituted:

"Open to the public

"(3) All meetings of the board shall be open to the public except in those instances when the board, by a majority vote, determines that a meeting or a part of a meeting shall be closed to the public."

The openness and transparency that are required today—we see this happening in the TTC as we speak—

are important. The public is paying for it, so they have the right to know about it.

The Chair: Comment?

Mr. Tabuns: Just a question for Mr. O'Toole. I'm concerned about openness here as well. The government has actually specified in its bill situations in which it must be open. You don't do that in your amendment, and I'm concerned that your amendment may not require this board to be as open as it should be. I'm not happy with the government's position, but yours may be weaker than theirs. Can you tell us why your position is a stronger one?

Mr. O'Toole: I'm saying that they should be listing when it should not be open, like for property and personnel matters, which is the normal in camera meeting bylaw. This thing here specifically talks about those things that should be talked about in public, and it should be the other way around.

Mr. McNeely: I went through these before with the amendment by the NDP, but the board should be given the adequate ability to decide whether meetings are public, and the key meetings described in the legislation will be open to the public. Otherwise, the board needs the ability to discuss confidential items such as contracts, sensitive negotiations and proprietary information. So for that reason, we will not be supporting this amendment.

The Chair: Comments?

Mr. O'Toole: Recorded vote.

The Chair: A recorded vote is requested.

Ayes

O'Toole.

Nays

Marsales, McNeely, Mitchell, Sandals, Tabuns.

The Chair: The motion is lost.

Shall section 11 carry? All in favour? Opposed? Carried.

We move to section 15. I have no amendments before me. Shall section 15 carry? All in favour? Opposed? Carried.

Shall section 16 carry? All in favour? Opposed? Carried.

Shall section 17 carry? All in favour? Opposed? Carried.

Shall section 18 carry? All in favour? Opposed? Carried.

Shall section 19 carry? All in favour? Opposed? Carried.

Shall section 20 carry? All in favour? Opposed? Carried.

Now, section 21, we have a government motion on page 32 of your package.

Mr. McNeely: I move that subsection 21(7) of the bill be amended by striking out "Sections 434 and 442 of the

Municipal Act, 2001” at the beginning and substituting “Sections 434, 437 and 442 of the Municipal Act, 2001.”

The Chair: Comment?

Mr. McNeely: This is revised to include section 437 of the Municipal Act to ensure its consistency with the current GO Transit Act allowing GO Transit to recover fine revenues collected by municipalities.

The Chair: Comment? Hearing none, all in favour? Opposed? Carried.

Shall section 21, as amended, carry? All in favour? Carried.

Shall section 22 carry? All in favour? Carried.

Section 23: government motion on page 33.

Mr. McNeely: I move that section 23 of the bill be struck out and the following substituted:

“Assets and revenue not part of consolidated revenue fund

“23. Despite part I of the Financial Administration Act, the assets and revenues of the corporation or of any of the corporation’s subsidiary corporations do not form part of the consolidated revenue fund.”

The Chair: Any comment?

Mr. McNeely: It clarifies the language with reference to part I of the Financial Administration Act, that the assets and revenues of the GTTA or its subsidiaries do not form part of the consolidated revenue fund. The technical change just gives greater clarity to this intent.

Mr. O’Toole: Just a quick question. In this theory here, where would the money show, for instance, in this current subway expansion in the last budget? Where would that show if it’s been committed and is an expenditure but the money hasn’t actually flowed? Where would I see that money? In the financial statement of this Greater Toronto Transit Authority, which isn’t—I don’t want it to be part of the consolidated revenue fund, but maybe in the overall public accounts. Where would those billion-plus dollars show?

1030

Mr. McNeely: Can we have that answer from legal?

Mr. Flowers: This is more of an accounting question, but it certainly will not be shown on the books of the GTTA.

Mr. O’Toole: It won’t show up on the GTTA?

Mr. Flowers: No. It has nothing to do with the GTTA.

Mr. O’Toole: If they happen to take over the York subway expansion, and money has been allocated to that, who has the money?

Mr. Flowers: My recollection of the announcement is that the money was—

Mr. O’Toole: Set aside in a trust.

Mr. Flowers: —set aside into a trust.

Mr. O’Toole: So it would show on the provincial books.

Mr. Flowers: Correct.

Mr. O’Toole: So it’s not actually spent. Why didn’t they use it to pay off the debt?

Mr. Flowers: I’m not in a position to answer that.

Mr. O’Toole: Or the deficit? It’s just phony. Anyway, thank you very much. I appreciate that. This is another treacherous accounting manoeuvre by the Liberals.

The Chair: Thank you. Comment? Hearing none, I’ll put the question. All in favour? Carried.

Shall section 23, as amended, carry? Carried.

Shall section 24 carry? All in favour? Carried.

Shall section 25 carry? All in favour? Carried.

Section 26, we have an NDP motion on page 34.

Mr. Tabuns: I move that section 26 of the bill be amended by adding the following subsection:

“Reports

“(4) Any reports or findings arising from an audit conducted in accordance with this section shall be provided to the corporation, the minister and the heads of the councils of the municipalities listed in clause 9(2)(b).”

My concern is that since municipalities will be carrying the bulk of this corporation, they should have access to this information.

The Chair: Comment?

Mr. McNeely: We will not be supporting this motion. The board, Auditor General and minister should be able to determine who gets the audit reports. It’s not appropriate for audit reports to be automatically provided to the mayors.

The Chair: Comment? All in favour? Opposed? The motion is lost.

Shall section 26 carry? All in favour? Opposed? Carried.

We have notice that page 35 is not a motion. We also have notice that page 36 is not a motion.

Shall section 27 carry?

Shall section 26 carry? All in favour? Opposed?

Mr. O’Toole: Section 27.

The Chair: Oh, I’m sorry. Shall section 27 carry? All in favour? Opposed? Carried.

Mr. Tabuns: The government recommended that we vote against section 27. I’ve also recommended voting against section 27. I suspect the vote, if reheld, would go in a different direction.

The Chair: Yes. There are indications in your package that might seem otherwise, so I’ll call the question on section 27 again.

Shall section 27 carry? All in favour? Opposed? The motion is lost.

Now we move to section 28, an NDP motion on page 37.

Mr. Tabuns: I move that section 28 of the bill be amended by adding the following subsection:

“Restrictions

“(3) The following sections of the Municipal Act, 2001, apply, with necessary modifications, to the borrowing, financing, short-term investment of funds and financial risk management activities of the corporation and its subsidiary corporations:

“1. Sections 408 to 416, with respect to debentures.

“2. Section 418, with respect to investing.

“3. Section 421, with respect to loans of security.”

I'm just suggesting that controls on investments related to the GTTA should be the same as those placed on municipalities under the Municipal Act.

The Chair: Comment?

Mr. McNeely: I'm having difficulty with this one. Where does it appear in our papers?

The Chair: It's page 37. It's an NDP motion, sub-section 28(3) of the bill.

Mr. McNeely: We will not be supporting this motion. The GTTA will not be a municipal corporation, therefore a municipal financing framework is not appropriate. Financial rules are to be determined by the Minister of Finance, the Ontario Financing Authority and other provincial financial procedures. So we'll be voting against this amendment.

The Chair: Comment, Mr. Tabuns?

Mr. Tabuns: I think my comments stand.

The Chair: I'll call the question. All in favour? Opposed? The motion is lost.

Shall section 28 carry? All in favour? Opposed? Carried.

Shall section 29 carry? All in favour? Opposed? Carried.

Shall section 30 carry? All in favour?

Mr. O'Toole: I've got an amendment. You're trying to get ahead of me. You're trying to trick me.

The Chair: There's another section. There is a new section 30.1. I'm advised that we would vote on this particular section 30. Your amendment would come under new section 30.1.

Mr. O'Toole: Oh, 30.1. Okay, very good.

The Chair: Shall section 30 carry? All in favour? Opposed? Carried.

Now we move to new section 30.1, PC motion, page 38.

Mr. O'Toole: Thank you, Chair, for that clarification.

I move that the bill be amended by adding the following section:

"Financially self-supporting

"30.1 The corporation shall be financially self-supporting and the means by which it shall be able to raise revenues shall be determined through consultation with the minister, the municipalities in the regional transportation area and representatives of the private sector in the regional transportation area."

It's just more or less strengthening the financing and self-supporting nature of this new organization.

The Chair: Comment?

Mr. Tabuns: One thing I have appreciated from Mr. O'Toole is that there has been a coherent and clear picture of where he wants to go with this legislation. In fact, I think it's useful to have the visions clearly put forward on the table.

I disagree with this approach. I think to have a properly functioning transit system, you need to have revenue from senior levels of government. When you look at the transit systems in cities like New York, London, Paris, Amsterdam, Los Angeles, you see substantial infusions of resources, funds from senior levels of government,

because that's what it takes for those systems to run properly. On the other hand, that's my criticism of the government's bill. I don't think there's provision for those funds, and ultimately it will mean this body will not have the impact it's promoted to have.

I would say, frankly, that there are big problems with this amendment before us. I can't support it, because I don't think that all the operations of this authority should be raised by the authority through a variety of smaller tax means. I think there should be infusion from the revenues of the province as a whole, and thus I disagree with its thrust.

Mr. McNeely: I think the appropriate financial powers have been identified in the bill, and future revenue and funding mechanisms will be identified through regulation. If you look at GO Transit, it's not fully self-sufficient now, so GO capital must be financed by the province and the municipality. So we'll be voting against this motion.

Mr. Tabuns: I'm concerned—again, I'm still not supporting your amendment, Mr. O'Toole. I'm sorry.

Mr. O'Toole: I was actually disappointed, Peter. I support a couple of yours.

Mr. Tabuns: I know you're heartbroken, but you must soldier on.

Mr. O'Toole: It's a lonely battle.

Mr. Tabuns: I'm concerned with Mr. McNeely's comments that appropriation will be made in the regulations. I find that problematic. When I look at the GO Transit Act, there is explicit provision for funding from consolidated revenue. That gives me and others some comfort that the government will be required to contribute. If the government is writing the regulations, it can write them to its own particular needs at any particular moment, and there won't be protection for this corporation in the way that I think it needs to be protected. I won't be supporting this motion, but I want to make it clear that I don't think the government's approach is the correct one either.

Mr. McNeely: There are already significant funds that have been advanced toward public transit in Toronto that are available. I'm sure the purpose is to make sure that the GTA proceeds well and is financed properly, and that will evolve.

The Chair: Comment? I'll call the question.

Mr. O'Toole: Recorded vote.

Ayes

O'Toole.

Nays

Marsales, McNeely, Mitchell, Tabuns.

The Chair: The motion is lost.

Mr. O'Toole: On a point of order, Mr. Chair: I have to step out for a few minutes. I wonder if unanimous consent for Mr. Ouellette to be subbed in—we don't have

any agenda; you'll be winning all the votes. He'd read the motions; it's necessary, I gather.

Interjection.

Mr. O'Toole: You could read them and move them, Mr. Levac, if you wish.

Interjections.

Mr. O'Toole: Thank you for your consideration. Mr. Ouellette, you're now on the payroll.

The Chair: I'm advised by the clerk that we cannot do this by unanimous consent. We don't have a sub slip to know who—

Mr. Dave Levac (Brant): Could we be apprised by what process we could have that completed? Could we be apprised of how we could have that happen?

The Clerk of the Committee (Mr. Douglas Arnott): The Chair and clerk would first have to receive a substitution notice, and then that request could be made.

Mr. Levac: Can we get that written up, guys?

Interjections.

The Chair: Very good. We'll look for that. In the meantime, we'll proceed.

Mr. Levac: I'm sorry, Mr. Chairman. I noticed my vote wasn't counted. Was that because I wasn't fast enough on the draw? Have you got the slips?

The Chair: Your substitution slip is for 1045 and the vote was taken prior.

Mr. Levac: Thank you for that clarification. I'm sure you know how I feel then.

The Chair: Substitution slips are deemed to be rather important here.

Mr. Levac: Thank you very much. I'm just too much ahead of my time, that's all. I'm just too quick on the draw.

The Chair: I recognize Mr. O'Toole.

Mr. O'Toole: There has been a substitution slip filed with the clerk. It reads that Mr. Ouellette would substitute for Mr. Arnott, who is an outstanding member of this committee. I would seek unanimous consent for this to happen.

The Chair: Just to clarify, I assume it's for the duration of the day?

Mr. O'Toole: Yes.

The Chair: Do we understand, committee, what the request is, that Mr. O'Toole would be substituted for Mr. Arnott?

Mr. O'Toole: No, no.

The Chair: Mr. Ouellette would be substituted for Mr. Arnott for the remainder of the day.

Mr. Levac: As long as it's understood that all of the members of this committee are outstanding, I accept.

Mr. Jerry J. Ouellette (Oshawa): Absolutely.

Mr. O'Toole: I agree, totally.

The Chair: Agreed? Agreed.

Mr. Ouellette: Thank you.

Mr. O'Toole: Thank you for your indulgence. I'll probably vote a couple of your motions now.

The Chair: Now, back to our various sections of the bill.

Shall section 31 carry? All in favour? Carried.

We have a new NDP motion—it's in a separate package—in regard to section 31.1. Mr. Tabuns.

Mr. Tabuns: I move that the bill be amended by adding the following section:

“Money for the purposes of this act

“31.1 In addition to any other sources of revenue for the corporation, the money required for the purposes of implementing, monitoring and updating the transportation plan required by clause 6 (1) (a) shall be paid from the consolidated revenue fund.”

As I've said, I don't believe that this corporation can do what it needs to do without clarity of financial support by the provincial government as a whole. I note that the GO Transit Act that this is overtaking does have such a provision within it. I note that the GO Transit operation now has somewhere in the range of 40% to 50% of its revenue from the government of Ontario, and I think that it is problematic to expect that this corporation can go forward and do what it needs to do without assurances in the legislation, not in the regulations, that funds will be provided.

The Chair: I advise on this motion that it is out of order under the standing orders.

Mr. Tabuns: Okay.

The Chair: Shall section 32 carry? All in favour? Opposed? Carried.

Now we move to section 33.

Mr. Tabuns: I move that subsection 33(3) of the bill be struck out and the following substituted:

“Submission to minister and participants

“(3) On or before January 1 in each year, or another date specified by the minister, the board shall submit a copy of the business plan to the minister and the participants for approval.”

Again, if in fact the province of Ontario will not be providing the funding under statute, as I believe it needs to provide, the bulk of the burden to make this corporation run forward may well be loaded on to the shoulders of the member municipalities, and I believe those municipalities should, given the burden that they may well inherit, have a copy of that business plan so that they can consider it and act politically as they see necessary.

1050

The Chair: Comment?

Mr. McNeely: We will not be supporting this amendment. The corporation is accountable to the minister, not to the municipalities, and municipal approval of business plans would unnecessarily bog down the process. So we will not be supporting this.

Mr. Tabuns: Recorded vote.

Ayes

Ouellette, Tabuns.

Nays

Levac, Marsales, McNeely, Mitchell.

The Chair: The motion is lost.

Shall section 33 carry? All in favour? Opposed? Carried.

I have a question for Mr. Tabuns. There was a motion to section 31.1.2. You had one that was ruled out of order. Do you intend to move this motion?

Mr. Tabuns: Yes, Mr. Chair. It was an error on my part.

The Chair: Would you like to move the motion?

Mr. Tabuns: I move that the bill be amended by adding the following section:

“Revenue distribution:

“31.1.2 The corporation will allocate new funding to subsidiary corporations based on,

“(a) ridership; and

“(b) population density.”

My concern—

Mr. Levac: On a point of order, Mr. Chair: Not to interrupt on purpose, but 31 has been passed.

The Chair: This motion and some others that are not within our package have come in to us, and I’m advised that I should have asked Mr. Tabuns if he intended to move this or not, since his other motion was out of order. We have three packages we’re attempting to cipher through here.

Mr. Levac: Right. The only question I have, not to disrespect what the motion is, but in terms of our passing section 31, we have approved 31 even before you had approved—which I don’t mind coming back to, but if we’ve already passed the motion, can you put another section in a motion that has already been passed? That’s the question I’m asking.

The Chair: I’ll ask the clerk to advise.

The Clerk of the Committee: Mr Tabuns’s proposal would not be an amendment to section 31, which was passed. Any proposal that has .1 or .2 after the section number indicates a proposal for a new section to be added to the bill between the existing sections.

Mr. Levac: Thanks for the clarification, Clerk.

The Chair: Perhaps what I’d ask you to do is just start from the beginning of your motion again, if you don’t mind. It’s rather short, and we’ll get clarity that way.

Mr. Tabuns: I move that the bill be amended by adding the following section:

“Revenue distribution:

“31.1.2 The corporation will allocate new funding to subsidiary corporations based on,

“(a) ridership; and

“(b) population density.”

If in fact we are going to be providing support to entities that will be assisting in transportation throughout the region, I think that the allocation of funds should reflect the need in the region, as expressed in both ridership and population density.

Mr. Ouellette: Never more evident than the debate that’s taking place in the Legislature right now on this very issue about high-growth areas and the allocation of funds, which works both ways for declining populations. Quite frankly, the ability to get the information out so

that funds can be allocated to those high-growth areas—particularly in the GTA—to ensure that they have the proper transit funding to move forward and to ensure that they can provide the services for the province would be a good idea, I believe.

Mr. McNeely: We will not be supporting this amendment. We feel that it gets involved in what the GTTA is going to be doing with their business plan etc. We will not be supporting that.

The Chair: Comment? Hearing none, I’ll call the question. All in favour? Opposed? The motion is lost.

We have an NDP motion on page 40.

Mr. Tabuns: I move that subsection 34(1) of the bill be struck out and the following substituted:

“Annual report

“(1) On or before July 31 in each year, or another date specified by the minister, the corporation shall submit to the minister, to the Minister of Finance and to the participants a report on its business and affairs and the business and affairs of its subsidiary corporations for the previous fiscal year, signed by the chair of the corporation’s board of directors.”

As I have argued, if in fact the government of the province of Ontario is not in statute funding this corporation, this authority, the burden will fall on the member municipalities, and the member municipalities should therefore be given greater say in the operation of this authority. This amendment is meant to move that forward.

Mr. McNeely: The corporation is accountable to the minister, not the municipalities. The municipalities will have access to the annual report when it’s tabled in the assembly. We’ll be voting against it.

The Chair: Comment? Hearing none, all in favour? Opposed? The motion is lost.

Shall section 34 carry? All in favour? Opposed? Carried.

Government motion on page 41.

Mr. McNeely: I move that the bill be amended by adding the following section:

“Corporation, subsidiary may declare it is not acting as a crown agency

“34.1(1) The corporation or any of its subsidiary corporations may, with the approval of the minister, declare in writing in any contract, security or instrument that it is not acting as a crown agency for the purpose of that contract, security or instrument.

“Same

“(2) Despite section 3 and the Crown Agency Act, where the corporation or any of its subsidiary corporations makes a declaration under subsection (1) in a contract, security or instrument, the corporation or subsidiary corporation is deemed not to be acting as a crown agency for the purposes of that contract, security or instrument and the crown is not liable for any liabilities or obligations incurred by the corporation or the subsidiary corporation under that contract, security or instrument.”

The comments on that are, as the section states, that the GTTA can only declare it is not acting as a crown corporation with the approval of the minister. The underlying section proposed by MOL ensures GTTA employees would receive the same benefits as are afforded to other crown employees; during bargaining process, present section 35 in the bill to be split into two sections for clarity. We'll be supporting this.

Mr. Tabuns: I guess I'd just like to ask, because I'm not familiar with this, why would a crown corporation want to declare that it's not one? What's the advantage again? You just talked about—

Mr. McNeely: I think I'd ask legal to—

Mr. Tabuns: If we could have some advice on that. I'm not familiar with this.

1100

Mr. Flowers: This provision is to provide the agency with the maximum amount of flexibility. It may be that, in dealing particularly, if it needs to, with entities outside the province, they would prefer not to deal with it as a crown agency for whatever reason. This would allow them to do that. It's difficult for me to give you a "for instance." This provision has appeared in other statutes; for example, in the capital investment planning act. So it's really to try to address the tools that the agency will have, so that if the circumstance arises, they'll be in a position to act. Again, this particular amendment suggests, or requires rather, that the agency do so only with the approval of the Minister of Transportation.

Mr. Ouellette: Does this remove any of the abilities to oversee, being that it's not a crown agency, by government authorities, whether the government in power or the minister? Does that remove any authority?

Mr. Flowers: I'm sorry. I didn't hear your question.

Mr. Ouellette: It's governed by legislation, so what I understand here is it's not to be deemed as acting as a crown agency. That removes no authority by governing bodies, being the government, to oversee?

Mr. Flowers: No. This is likely to occur only in the context of a contract, and it would only be for the purposes of that particular contract, so that all of the other responsibilities and obligations that the agency would have would remain in place, other than in the legal context of the particular agreement.

The Chair: Any other comment? Hearing none, I'll call the question. All in favour? Opposed? Carried.

Shall the motion carry? All in favour? Opposed? Carried.

Section 35, page 42: We begin with a government motion.

Mr. McNeely: I move that subsections 35(1) and (2) of the bill be struck out.

Mr. Ouellette: Can I ask the reasons why?

Mr. McNeely: They've been replaced with section 34(1).

The Chair: Other comment? Hearing none, all in favour? Carried.

Page 43, NDP motion.

Mr. Tabuns: I'll withdraw, Mr. Chair. Given the loss of some previous amendments, this now will not apply to anything, so I withdraw this motion.

The Chair: That's been withdrawn. Thank you.

Page 44, government motion.

Mr. McNeely: I move that subsection 35(3) of the bill be struck out and the following substituted:

"Proceedings against the crown

"(3) Where the corporation or any of its subsidiary corporations has made a declaration referred to in subsection 34.1(1), no proceeding shall be commenced against the crown in respect of the contract, security or instruments in which the declaration is made."

The Chair: Any comment?

Mr. McNeely: I wish to withdraw that motion.

The Chair: The one you just read?

Mr. McNeely: Yes.

The Chair: The amendment is withdrawn. Agreed? Agreed.

Now, government motion on page 45.

Mr. McNeely: I move that subsection 35(6) of the bill be amended by striking out "subsection (1)" and substituting "subsection 34.1(1)."

The Chair: Any comment? Hearing none, all in favour? Carried.

Shall section 35, as amended, carry? All in favour? Opposed? Carried.

Section 36: page 46, an NDP motion.

Mr. Tabuns: I move that section 36 of the bill be struck out and the following substituted:

"Protection from personal liability

"36. No action or other proceeding for damages shall be brought against a director, officer or employee of the corporation or of any of its subsidiary corporations or against the mayor, councillors, officers, directors, employees, agents, representatives, successors and assigns of any of the participants as a result of any act done in good faith in the performance or intended performance of any duty under this act, or in the exercise or intended exercise of any power under this act, or as a result of any neglect or default in the performance or exercise in good faith of such duty or power."

The argument being that, as I believe the municipalities will be drawn deeply into this authority should it actually become functional, the protections that have been proposed be extended to councils and their membership.

The Chair: Comment?

Mr. McNeely: It's our opinion that the GTTA officers, directors and employees are the only ones who need to be protected. It's not necessary or appropriate to protect municipal parties.

The Chair: Any other comment? Hearing none, all in favour? Opposed? The motion is lost.

We have a replacement motion for the one on page 46, a government motion.

Mr. Tabuns: I think you mean page 47.

The Chair: It's found elsewhere in your package, a government motion to section 36 of the bill.

Mr. McNeely: I move that section 36 of the bill be amended by adding the following subsection:

“Corporation not relieved of liability

“(2) Subsection (1) does not relieve the corporation or a subsidiary corporation of any liability to which it would otherwise be subject in respect of a cause of action arising from any act, neglect or default referred to in that subsection.”

The Chair: Any comment? Hearing none, all in favour? Opposed? Carried.

Shall section 36, as amended, carry? All in favour? Opposed? Carried.

Shall section 37 carry? Carried.

Shall section 38 carry? Carried.

Shall section 39 carry? Carried.

Shall section 40 carry? Carried.

Shall section 41 carry? Carried.

Now we come to section 42, page 48, an NDP motion.

Mr. Tabuns: I move that subsection 42(1) of the bill be amended by adding the following clause:

“(b.1) prescribing additional municipalities to be participants.”

Again, it’s consistent with the arguments that I have made earlier on in the bill.

The Chair: Any other comment?

Mr. McNeely: This motion would add to the number of board members, which we are not supporting. This board structure has been determined in consultation with the municipalities. Any change to board structure would rightfully be done through a legislative change. So we will be voting against this motion.

Mr. O’Toole: Quite honestly, I would agree that we need to—though we did hear from some of the areas within Peel region and others; Brampton, I think it was. They were concerned about lower tier. Oakville and some of those communities do have transit systems, and they’re looking for input, which was probably part of the amendment to the composition of the board of directors that we tried to move earlier. I think it’s up to the government to recognize that going into this is to increase the size of the participants. Also, in legislation—he says it takes a legislative change. You can also change it legislatively to make it more streamlined and smaller. So I’ll be supporting this NDP motion.

1110

The Chair: Any other comment? Hearing none, all in favour? Opposed? The motion is lost.

Page 49: a PC motion.

Mr. O’Toole: I move that subsection 42(1) of the bill be amended by adding the following clause:

“(k.1) establish a dispute resolution mechanism to resolve conflicts among the corporation, municipalities and local transit authorities.”

I think that’s pretty self-explanatory. There needs to be, other than just a plain, ordinary Dalton-knows-best kind of resolution, or like we’re seeing in the Caledonia situation, with no resolution at all—101 days. I’m just trying to put forward a dispute resolution process here.

The Chair: Any other comment?

Mr. McNeely: We believe that this has got to be a co-operative venture. It’s up to the board to negotiate issues with municipalities, transit operators and other stakeholders. The board bylaws can outline how they can work to resolve disputes. We wouldn’t want to prejudge how that is going to be done. We will not be supporting this motion.

The Chair: Any other comment?

Mr. O’Toole: Recorded vote on this.

Ayes

O’Toole, Ouellette, Tabuns.

Nays

Levac, Marsales, McNeely, Mitchell, Ramal.

The Chair: The motion is lost.

An NPD motion: page 50.

Mr. Tabuns: Mr Chair, I believe that my earlier amendment, clause 6(2)(g.2), lost, and thus, this motion does not connect into anything that exists. I’ll withdraw it.

The Chair: Withdrawn. Thank you.

Mr. Tabuns: With regret.

The Chair: Page 51: a government motion.

Mr. McNeely: I move that clause 42(2)(b) of the bill be struck out and the following substituted:

“(b) authorizing the corporation to establish and impose fees and charges and to utilize other mechanisms for revenue generation,

“(i) for doing anything the corporation is required or permitted to do under this or any other act, subject to any limitations and restrictions set out in the regulation, or

“(ii) to generate funding for any purpose that is consistent with the corporation’s objects.”

This authorizes the corporation to establish and impose fees and charges and to utilize other mechanisms for revenue generation. Examples are consulting fees, fees for providing services such as procurement on behalf of municipalities. The language in the amendment is more precise on authority than in the present bill; wording based on provisions in the Electricity Act in relation to the authority of the Ontario Power Authority to generate revenue. These are the reasons for this.

The Chair: Other comment? Hearing none, all in favour? Opposed? Carried.

Now, in a separate package, we have an NDP motion, clause 42(2)(b.1).

Mr. Tabuns: I move that subsection 42(2) of the bill be amended by adding the following clause:

“(b.1) prescribing amounts that are payable to the corporation under a development charge bylaw, including prescribing different amounts for different municipalities.”

The reality is that provision of a transit line is of great consequence to any developer. I’ve certainly talked to developers before who were very interested in extensions of GO bus and rail lines to their sections of the GTA so

they could develop areas that had in the past simply been farmland. If, in fact, we are going to finance this authority, those that generate the demand should contribute to part of the cost. Thus, I recommend this development charge.

The Chair: Any other comment?

Mr. McNeely: We see this as a potential conflict with the Development Charges Act, 2001, and will not be supporting it.

Mr. O'Toole: I'd like to just put on the record here that there have been a number of municipalities that raised—Mr. McNeely may not know this—the issue of revisiting the Development Charges Act, 2001. So I'd like the government to be on notice that I'd like to know—maybe I should ask through the Chair formally if I could have a written response. This is an important part of Mr. Tabuns's amendment. I think the Development Charges Act should be opened up.

The Chair: The member has made a request. You're free to answer at another time.

Mr. McNeely: That decision is up to the Ministry of Municipal Affairs. That's under their legislation. So we are against this motion.

The Chair: Any comment?

Mr. Levac: Staff have informed me that they would be willing to put something in writing.

The Chair: Very good.

Interjection.

Mr. Levac: Sorry, it's my allergies again. Staff have indicated their willingness to put that in writing, to respond in terms of the request about the development act.

The Chair: Thank you. Any other comment? Hearing none, all in favour?

Mr. Tabuns: Recorded vote.

Ayes

O'Toole, Ouellette, Tabuns.

Nays

Levac, Marsales, McNeely, Mitchell, Ramal.

The Chair: The motion is lost.

Page 52: an NDP motion.

Mr. Tabuns: I move that section 42 of the bill be amended by adding the following subsection:

"Limitation on regulations

"(3) No regulation shall be made under subsection (1) or (2) that has a financial impact on a participant unless the minister or the Lieutenant Governor in Council, as the case may be, has received the participant's prior consent."

Again, my concern is that the cost of this will be downloaded on to the municipalities; and thus providing them with protection.

Mr. McNeely: We will not be supporting this motion. Again, it's the use of the "participant" word. We will be voting against that.

The Chair: Any comment?

Mr. Tabuns: Recorded vote.

Ayes

O'Toole, Ouellette, Tabuns.

Nays

Levac, Marsales, McNeely, Mitchell, Ramal.

The Chair: The motion is lost.

Shall section 42, as amended, carry? All in favour? Opposed? Carried.

Shall section 43 carry? All in favour? Carried.

Section 44, page 53: We have an NDP motion.

Mr. Tabuns: I move that section 44 of the bill be amended by adding the following subsection:

"Financial statements to participants

"(1.1) The participants shall be provided with financial statements showing the assets, liabilities, rights and obligations of GO Transit as of the time of the transfer under subsection (1)."

Again, out of concern about downloading of the costs and responsibilities to the municipalities: provision of information to them to allow them to make the best decisions they can under the circumstances.

The Chair: Any other comment?

Mr. McNeely: We will not be supporting this motion. Municipalities are not partners on the GTTA board and have no vested interest or liability which this information might address.

1120

The Chair: Comment? Hearing none, all in favour? Opposed? The motion is lost.

Shall section 44 carry? All in favour? Opposed? Carried.

Section 45: government motion, page 54.

Mr. McNeely: I move that the bill be amended by adding the following section:

"Review of act

"45.1"—is that not the one we're at now? This is what's in my list.

The Chair: No, page 54. We're doing section 45.

Mr. Levac: On a point of order, Mr. Chair: We've got an additional sheet that says 45.1. I thought you might want to do that in front of 45.2, or does it go backwards?

The Chair: It comes after.

Mr. Levac: Thanks for the clarification.

Mr. O'Toole: I had made the same mistake just previously to your arrival. It's 45.1.

Mr. McNeely: Yes.

The Chair: It's page 54 of your package.

Mr. O'Toole: Page 54. Let's just skip it.

Mr. McNeely: Thank you, Chair, for giving me that time.

I move that subsection 45(2) of the bill be struck out and the following substituted:

"Same

“(2) For all purposes, including the purposes of an employment contract, a collective agreement and the Employment Standards Act, 2000, the employment of the employees of GO Transit is not terminated and those employees are not constructively dismissed because of the transfer under subsection (1).”

The Chair: Comment?

Mr. McNeely: It clarifies the language—I’m sorry.

Mr. O’Toole: I’m going to be pleased to support this. When you’re creating a new organization, quite often they get a big severance buyout and all they do is get a name change on the uniform. The next day they’re doing the same job, after getting bought out and brought back. I think it’s good for employees’ security and stability of employment and actually is an appropriate and accountable use of taxpayers’ money. We’ll be supporting this motion.

Mr. Ouellette: How does this affect contracted individuals with GO Transit?

Mr. McNeely: How does this affect—

Mr. Ouellette: Contracted individuals who are not direct employees but indirect employees?

Mr. McNeely: I would ask legal to address that.

Ms. Kim Lambert: Kim Lambert. I’m the director of the modal policy and partnerships branch with the Ministry of Transportation. All contract employment that is currently existing in the GO Transit organization will be carried over into the GTTA. There are no changes with this amendment.

Mr. Ouellette: So this does not affect them?

Ms. Lambert: It includes them as part of the contract.

Mr. O’Toole: I just have a question of staff here. It’s nice to know this. I got the annual report from GO. How many employees are we talking about?

Ms. Lambert: It’s approximately 1,200.

The Chair: Any other comment?

Mr. O’Toole: Any chance that Mr. Ducharme will be part of this?

The Chair: All in favour? Carried.

Shall section 45, as amended, carry? All in favour? Opposed? Carried.

Now we move to section 45.1, page 55. Mr. O’Toole.

Mr. O’Toole: This is a new section. I see there’s also a government motion here too, so I’m not sure—

Interjection.

Mr. O’Toole: Okay. We’ll just go with this.

I move that the bill be amended by adding the following section:

“Review of act

“45.1 The minister shall initiate a review of the effectiveness of this act no later than the third anniversary of the day this act receives royal assent.”

As I see in there, earlier on there was a motion where the first appointment as chair would be by the LG or order in council. That was three years’ maximum, and three years would put you after the election. I’ll make sure that John Tory actually does review the act.

Thanks for attending.

The Chair: Any other comment?

Mr. McNeely: We’ll be supporting the intent of this, but we’ll be proposing our own amendment, so we’ll be voting against this.

The Chair: Any other comment? Hearing none, all in favour? Opposed? This motion is lost.

NDP motion.

Mr. Tabuns: You have a government motion, I think.

The Chair: The NDP motion would be first. Mr. Tabuns, page 56.

Mr. Tabuns: I move that the bill be amended by adding the following section:

“Review of act

“45.1(1) The minister shall initiate a review of this act two years after the day section 2 comes into force and thereafter shall review this act every five years after the end of the previous review.

“Same

“(2) The minister shall consult the municipalities listed in clause 9(2)(b) as part of a review conducted under subsection (1).”

I think part of this has got the same intent as the Conservative motion and the government motion. Again, given that the municipalities will be directly affected by the operations of the GTTA and, in this case, they don’t have any veto but they are listed as parties to be consulted, I think they would have valuable information for the minister in reviewing the operation of this authority.

The Chair: Comment?

Mr. O’Toole: This actually is quite important because we did have an amendment. I think we had an opportunity to agree with the Conservatives’ thoughtful amendment or addition, but when I look at the NDP and the government motions, they’re roughly the same except that there’s this sort of fuzzy Liberal amendment. It says “at any time.” I like the NDP motion, which says it shall be reviewed a little bit more consistently, at least every five years after. Is that what it says?

Mr. Tabuns: Yes, every five years after the end—

Mr. O’Toole: Yes, every five years. There’s nothing to prevent the government from doing it before. Anyway, I’ll be supporting the NDP motion on this.

Mr. Levac: Under the circumstances that the member made comment about, I would suggest respectfully that having some flexibility built into the amendment is an appropriate way to approach this, by not being so prescriptive as to not give the availability to make the decision on when the review should happen. So there’s a straight rationale as to why we would want to approach it in the very concrete Liberal way.

The Chair: Any other comment? Hearing none, all in favour? Opposed? The motion is lost.

There is, as a separate part of your package, a government motion. Mr. McNeely.

Mr. McNeely: I move that the bill be amended by adding the following section:

“Review of act

“45.1 The minister shall initiate a review of this act three years after the day section 2 comes into force and thereafter may initiate a review of this act at any time,

but not earlier than five years after the end of a previous review.”

The Chair: Any comment?

Mr. Ouellette: The amendment states “not earlier than five years,” but there is no dictated time afterwards, which effectively says that there is no review required, could not be. What you’re saying here is that we could just keep going on forever without a review unless the minister says 20 years from now that a review take place. I think some sort of addition of a time frame should be included in there; within a possible 10 years would far better reflect the needs of ensuring it’s providing for the communities.

The Chair: Comment? Hearing none, I’ll call the question. All in favour? Opposed? Carried.

Shall the motion, as amended, carry? Carried.

Shall section 46 carry? All in favour? Opposed? Carried.

Shall section 47 carry?

1130

Mr. O’Toole: I have a question, a clarification, on section 47. This is under the City of Hamilton Act; that’s section 47. I’m not sure where to interject. We had formal contact with the city of Barrie, as well as other municipalities. Members have questioned whether or not this would contemplate integration of transit systems—I mean the transit systems, not the transportation systems—beyond what’s conceptualized here, like Hamilton, like Barrie, like Northumberland, like VIA Rail connections with Port Hope and Cobourg, and others that would like to integrate. Are they precluded from being part of this Greater Toronto Transit Authority? Would we need an amendment to allow that to happen? Maybe the legal staff—do you understand what I’m saying?

Right now there are other service multi-modal providers. They need to be integrated into this. One of them is VIA Rail. It’s a very big part of eastern Ontario’s commuter transit patterns. I know people personally who come here to Queen’s Park every day on VIA Rail as opposed to GO Transit. They get their train east of Bowmanville, I guess. When you look at the future, we’re technically talking about potentially a VIA link to Peterborough. I think that should happen, personally. I think there should be some flexibility in this authority to coordinate provincially. It just makes sense. I would ask the staff.

Mr. Flowers: Thank you. If you look at subsection 42(1), the regulation-making authority of the minister, under sub (b): “The minister may make regulations ... prescribing additional areas....” So by regulation they can expand the area in which the GTTA will operate. Therefore, to answer your specific question, there’s certainly nothing here that precludes that. In fact, it contemplates that the very thing you were talking about can be accomplished.

Mr. O’Toole: Very good. I’m happy I asked because I didn’t pick up that nuance. Thank you. I guess I probably supported that section before.

The Chair: Shall section 47 carry? All in favour? Opposed? Carried.

Shall section 48 carry? Carried.

Shall section 49 carry? Carried.

Section 50: government motion, page 57.

Mr. McNeely: I move that the French version of the definition of “GO Transit” in section 1 of the Greater Toronto Transportation Authority Act, 2006, as set out in subsection 50(1) of the bill, be amended by striking out “division Réseau GO” and substituting “Division du Réseau GO.”

The Chair: Any comment? Hearing none, all in favour? Opposed? Carried.

Page 58, government motion.

Mr. McNeely: I move that the French version of paragraph 3 of section 4 of the Greater Toronto Transportation Authority Act, 2006, as set out in subsection 50(2) of the bill, be struck out and the following substituted:

“3. La Division du Réseau GO.”

The Chair: Any comment? Hearing none, all in favour? Opposed? Carried.

Government motion, page 59.

Mr. McNeely: I move that the French version of subsection 8.1(1) of the Greater Toronto Transportation Authority Act, 2006, as set out in subsection 50(4) of the bill, be amended by striking out “sa division Réseau GO” in the portion before clause (a) and substituting “sa Division du Réseau GO.”

The Chair: Comment? Hearing none, all in favour? Opposed? Carried.

PC motion on page 60. Mr. Ouellette.

Mr. Ouellette: I move that section 8.1 of the Greater Toronto Transportation Authority Act, 2006, as set out in subsection 50(4) of the bill, be amended by adding the following subsection:

“Disabled person parking

“(2.1) A bylaw passed under clause (2)(f) shall provide that, for each parking lot established, constructed, managed or operated under that clause, a specified number of parking spaces that are closest to the GO Transit station are reserved for motor vehicles that have been modified to make them accessible to persons with disabilities.”

The Chair: Comment?

Mr. Ouellette: The reason for this is that for those members such as myself who have GO lots and other lots, we’re finding there is a larger number of individuals who are receiving disability parking passes. What’s taking place is that these individuals will park in the closest one, as they’re allowed to do. However, individuals who have vans that are modified to have motorized lifts—the lift comes out, the lift goes down, the wheelchair comes off and then goes back in—are finding that they are moved to certain sections within this, where when a car pulls up beside them, they cannot lift, and they’re sitting there waiting until the car beside them comes to move their vehicle. Allowing the first place to be designated as a motorized vehicle lift only

will allow them the closest spot, or the sidewalks on the sidewalk side, to park so they can allow the extension of their motorized lift to go out and come down. It's occurring in GO lots as well as a number of other lots, and we're trying to address that problem to ensure that these individuals are not blocked in and not able to get out of their spots.

Mr. McNeely: We agree with the intent of this motion, but GO Transit already engages in this activity and is very conversant with the issues and there are provincial statutes that cover this. We will not be supporting this motion.

Mr. O'Toole: I'm primarily here because I'm supposed to be the transportation critic, and I guess I do the best I can. But on this accessibility issue, there's a current group, not just on this—Mr. Ouellette has moved this amendment here. I would ask you to look at it and, certainly, if you're not going to vote for it, to bring it to attention, because it is important. What happens is, you've got a side entry van and you get blocked in because of this lack of designated spots. It wouldn't be a problem at the end of every row to have a designated spot, to increase the designated spots. In Durham, these lots, for the most part, are jammed because there's just not enough service out there. I think the government, by regulation at least, if we could have an amendment here, could mandate them to look at that.

You're right: The Ontario disabilities act is being strengthened. I support that; I think we all do. Another thing is, for most of the government, under the Ontario assistive devices or modified vehicles plan, there's a regulation just passed in which they're being very prescriptive on only having side entry vans. I think a lot of this whole accessibility of vehicles—maybe it doesn't belong here, but I'm just trying to get it on the record. Rear entry is just as good and just as safe. In fact, the integrity of the vehicle is even better when it's a rear entry van. It would solve some of these little problems in the parking lot. But it's not related.

I'll be supporting Mr. Ouellette. I would ask Mr. McNeely to go off the notes a bit here, just close that notebook they gave you to read and use your own—like Mr. Levac does.

Mr. Levac: I will go off notes in my comments, and just bring to our attention that the situation you described doesn't seem to hook up, unless the word "managed" is what you're talking about, because everything else is basically the specification of the number of spaces that you're talking about. The issue that you bring up—I think the "managed" part is what you're talking about. If that's the case, you can be assured that not only will we bring to the attention of the Ontarians with Disabilities Act the intent of the motion, but we would make sure that the Hansard of our discussion is forwarded to the appropriate officials so that the case you're bringing up inside of the discussion will be brought to their attention to ensure that the appropriate authorities are going to take care of that.

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Mr. Ouellette: Thank you, Mr. Levac. I appreciate that the intention, when dealing with legal in developing this amendment, was that through regulation they would be able to prescribe a designation and a proper notification and those aspects, to ensure that those first sites would be designated through regulation. The intent was to bring it forward with an opening clause in the legislation. I appreciate and am thankful for the support to move forward with that through the disabilities act.

Mr. Levac: If I may, just in terms of a dialogue, is that what I'm talking about, in terms of the management part? Because you had to do the legal spot, you're talking about how it's managed, which addresses the specific scenario that you pointed out. Right?

Mr. Ouellette: I believe so.

The Chair: Comment? Hearing none, I'll call the question. All in favour? Opposed? The motion is lost.

Page 61, a government motion.

Mr. McNeely: I move that section 8.1 of the Greater Toronto Transportation Authority Act, 2006, as set out in subsection 50(4) of the bill, be amended by adding the following subsection:

"Use of names, Greater Toronto Transit Authority and GO Transit

"(6) Any usage of the name Greater Toronto Transit Authority or GO Transit on any document or sign is deemed to be a reference to the Greater Toronto Transportation Authority and a document or sign is not invalid or ineffective by reason only that it uses such name."

The Chair: Comment?

Mr. O'Toole: A question: In the interest of protecting the taxpayer, we're not going to spend a couple of million dollars right away changing the names of all these parking lots and everything, right? Letterhead, new paper, new uniforms, new everything, vehicles all painted differently—we're not going to waste all that money, right?

Mr. McNeely: I think this provision is to protect the legal names. I'm sure the Greater Toronto Transportation Authority will be moving forward in a very reasonable manner with all that type of action.

Mr. O'Toole: As long as you can move very quickly on saving money.

The Chair: Thank you. I'll call the question. All in favour? Opposed? Carried.

An NDP motion, page 62.

Mr. Tabuns: I move that clause 16(2)(a) of the Greater Toronto Transportation Authority Act, 2006, as set out in subsection 50(6) of the bill, be struck out and the following substituted:

"(a) to hold, manage, operate, fund and deliver, within the regional transportation area, the GO Transit system, any local transit system or any other transportation service, by agreement with the municipalities to be served by the system or service."

Once again, my concern is about costs and responsibilities being loaded down on to the municipalities, because the funding for this authority has not been provided in the legislation. I'm just making sure that those

municipalities have some options in this matter. I think we've gone through this debate.

Mr. McNeely: We will not be supporting this amendment. This would give municipalities the ability to alter the GO Transit system. Under current wording, the GTTA would not be able to unilaterally take over local transit systems. We will not be supporting the motion.

The Chair: Further comment? Hearing none, I'll call the question. All in favour? Opposed? The motion is lost.

Mr. Tabuns: The last motion, Mr. Chair, I withdraw—

The Chair: No, it's a different section, I do believe.

Shall section 50, as amended, carry? All in favour? Opposed? Carried.

Shall section 51 carry? Carried.

Shall section 52 carry? Carried.

Now we have an NDP motion on page 63. Mr. Tobin—Tabuns.

Mr. Tabuns: Everyone gets to be creative with it at one point or another. What can I say? I'm sure Dave and Khalil have had similar experiences.

In any event, I withdraw. Given that my earlier amendment was defeated, this amendment would not make sense.

The Chair: Any other comment? Hearing none, all in favour? Oh, withdrawn. Sorry. It was withdrawn.

Mr. Ouellette: Mr. Chair, just before we move on to close the proceedings on this bill, I would like to put forward a recommendation—and this is mostly geared towards the government members—that in the future, for any bill that's been placed before committee, particularly a government bill, whereby the number of amendments exceeds anywhere from, say, 30%, even 50% of the pages of the bill, prior to clause-by-clause, a ministerial technical amendment briefing take place, not so much to debate but to explain the implications of all the amendments that have come forward. For example, in this particular bill, it's listed as 26 pages and we've had a significant number of amendments come forward. I'm not sure that everybody is quite clear on all the technical implications of the changes. My recommendation, mostly to the government members, as they're the ones who determine what takes place, is that a technical briefing of the amendments, when it's in excess of 40% or 50% of the number of pages in a bill—just to try and establish a number—come forward so that we can all gain a better understanding of what the actual intent is.

The Chair: Yes, we can take that under advisement.

Mr. Levac: I appreciate the comments. We do take it under advisement, but I would like to make sure that we have it clear as to what the intent is, because if we do it by sheer number, we could also be talking about changing French words, we could be talking about making minor adjustments that absolutely everybody will understand. Can I assume that you mean substantive or changing directives within reason?

Mr. Ouellette: I believe the difficulty is when you get to determine what is substantive and what is not. I tried to pick some sort of a level. It's 26 pages and you have 24 amendments—14 amendments, I think, that may

significantly change. The only intention is to give a clear understanding of what the intention of the amendments is.

Mr. Levac: Accepted as advice.

Mr. O'Toole: If I may, Chair, because we're talking about something and putting in a bit of time before lunch here. Yesterday, I was participating on the other committee on Bill 102—same thing. Time-allocating these things and then submitting these amendments—

Mr. Khalil Ramal (London-Fanshawe): Mr. Speaker, on a point of order—

The Chair: Go ahead.

Mr. O'Toole: Chair, I have the floor, please.

Interjection: He recognized him on a point of order.

Mr. Ramal: I think we're talking about a totally different bill here. I guess Bill 102 has been passed and all the people from different stakeholders are happy with the result. We get a lot of messages—

The Chair: That's not a point of order.

Mr. O'Toole: That's not a point of order. Thanks for that political ramble. What I was saying is that Mr. Ouellette is trying to move a very constructive point for newer members here, the first-term members especially.

The Chair: It's taken under advisement.

Mr. O'Toole: That's why I got frustrated this morning.

The Chair: We'll move to the bill at hand. Shall section 53 carry? Carried.

Shall section 54 carry? Carried.

Shall the title of the bill carry?

Mr. O'Toole: Recorded vote.

The Chair: A recorded vote is requested.

Ayes

Levac, Marsales, McNeely, Mitchell, O'Toole, Ouellette, Ramal, Tabuns.

The Chair: Carried.

Shall Bill 104, as amended, carry?

Mr. Tabuns: Sorry; I should have asked for a recorded vote on this.

The Chair: You want a recorded vote as well? I'll oblige.

Shall Bill 104, as amended, carry? Recorded vote requested.

Ayes

Levac, Marsales, McNeely, Mitchell, Ramal.

Nays

Ouellette, Tabuns.

The Chair: Carried.

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

That concludes the business of this committee. We are adjourned.

The committee adjourned at 1148.

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