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Monday 23 October 2000

Lundi 23 octobre 2000

Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

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LEGISLATIVE ASSEMBLY
OF ONTARIO

Monday 23 October 2000

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Lundi 23 octobre 2000

The House met at 1845.

ORDERS OF THE DAY

TOUGHEST ENVIRONMENTAL
PENALTIES ACT, 2000

LOI DE 2000 SANCTIONNANT PAR
LES PEINES LES PLUS SÉVÈRES
DES INFRACTIONS
DE NATURE ENVIRONNEMENTALE

Resuming the debate adjourned on October 19, 2000, on the motion for second reading of Bill 124, An Act to amend the Environmental Protection Act, the Ontario Water Resources Act and the Pesticides Act in respect of penalties / *Projet de loi 124, Loi modifiant la Loi sur la protection de l'environnement, la Loi sur les ressources en eau de l'Ontario et la Loi sur les pesticides en ce qui concerne des peines ayant trait à l'environnement.*

The Deputy Speaker (Mr Bert Johnson): Further debate? It will be the member from the official opposition, and I recognize the member for Sarnia-Lambton.

Ms Caroline Di Cocco (Sarnia-Lambton): I'll be sharing my time with the members for Eglinton-Lawrence, Kingston and the Islands, York West, and Renfrew-Nipissing-Pembroke.

I'm pleased to be able to speak to this bill, An Act to amend the Environmental Protection Act, the Ontario Water Resources Act and the Pesticides Act in respect of penalties.

I have to say that when the Conservative government introduced this bill, the Toughest Environmental Penalties Act, it significantly increased the fines for breaking our environmental laws, but they forgot one huge aspect: that there are no new resources to actually enforce those penalties. As has been the case with regard to the environmental track record of this government, there's a lot of talk and very little action, a lot of promises made but very few kept—none kept, actually. Any initiative that's going to start turning around the government's dismal legacy is a plus, but I have to say that when it comes to the track record of this government, it really is abysmal.

The 10 top things that are wrong with environmental protection under the Common Sense Revolution are, first of all, the cuts. The ministries and the agencies that protect the environment have too few staff and too few

funds to do their job. There's nobody there to do their job.

We had a fire in Sarnia-Lambton at the toxic landfill, and the fire happened to take place after 5 o'clock. The Ministry of the Environment could not send anyone to that fire because there's only one person on staff after hours from Windsor all the way up to Huron-Bruce. If there is an emergency situation after 5 o'clock, there's one person from the Ministry of the Environment who can go and answer the call.

The government loads environmental responsibilities on to small municipalities. On the one hand, it has downloaded it; then it limits their ability to protect the environment. I understand that in Waterloo, that municipality has actually hired a hydrogeologist so that they can deal with the water issues in that region. The city of London has hired environmental engineers because they know the provincial government is not doing its job. So they're downloading the responsibilities to the municipalities and they are abdicating, they are not home, when it comes to the environment.

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Last year, Minister Clement was throwing out a number of times a six-point plan on toxic hazardous waste. When I was raising with him my concerns about our toxic landfill, the Safety-Kleen landfill in Sarnia-Lambton, he kept throwing back at me this six-part plan that he had in place. One of the sections in this plan says the revisions of the current hazardous waste manifest requirements and regulations are to be comparable to and compatible with US rules. The last time I looked in Sarnia-Lambton, which was just this morning, there are no rules that have changed. They are still dumping toxic waste the same way they did five years ago; that is, they don't have to treat the waste. So we're a magnet for toxic waste, because you cannot compete—or we're better competitors, I guess, when it comes to toxic landfill, because in the United States you have to treat hazardous waste before you landfill it.

In my riding of Sarnia-Lambton we've got a toxic dump, and one of the landfill operators in Detroit said that he would be thrown in jail if he landfilled toxic waste the way we do in Ontario. Yet the minister said to me, "I've got a six-part plan. We're going to fix the toxic waste issue in Sarnia-Lambton. I've got this six-part plan." He forgot one thing: he forgot to implement it. He forgot to do anything about it. So it's business as usual, because the Safety-Kleen landfill in Sarnia-Lambton was one of the first landfills expanded under your new rules

in 1997. You fast-tracked the process; no public hearings. Now we have the largest landfill in Canada, and you have not put in the checks and balances to protect public safety in that whole area.

We have problems on the site. It's not an engineered site. They only have to put up \$2.5 million up front in case there is a problem there. In South Carolina, a smaller landfill, the same company, Safety-Kleen, had to put up US\$70 million. That's real money. In Ontario, Safety-Kleen only has to put up \$2.5 million.

Interjection: Tough on polluters.

Ms Di Cocco: I'm so glad that this government is tough on polluters, absolutely. They certainly like to give Safety-Kleen the opportunity to expand its market share without any red tape at all.

When it comes to the actual fact of what the Harris government has done for the environment, it has caused one crisis after another. To date, except for a lot of rhetoric, except for enacting this, "We're going to have stricter penalties"—but you don't have people in place; you don't have the manpower in place to deal with this. I believe it was in 1998 that there were 3,000 cases of illegal acts environmentally and you guys only went after one person.

As I've said, I've seen over and over again when I've spoken to the minister, and I've seen over and over again when we've tried to deal with issues in my riding about the environment, that the Harris government is not in the business of environmental stewardship of this province. It is only open for business. I wish Minister Newman would understand something about sustainable economic development. Sustainable economic development has everything to do with the stewardship of our environment. It has everything to do with making sure that public safety is protected.

You hear the minister oftentimes talk about how he takes all of the environmental issues very seriously. Well, I wish he would act on what he says. I wish he would take the environment very seriously, because it's an embarrassment in the industrialized world what this government is not doing when it comes to environmental protection.

This government has fired over one third of the Ministry of the Environment staff; it's slashed 45% of its budget. Without a significant increase in the Ministry of the Environment inspection or enforcement and prosecution staff, this bill is going to be absolutely meaningless, but it give you guys a good hit in the media, because it looks as if you're doing something. This government forgets or refuses to get tough with criminals breaking our environmental laws, and people get convicted for begging for money or squeegeeing cars before anyone gets convicted for polluting our water and our air.

Bill 124 amends the Environmental Protection Act to increase the maximum penalties for breaking Ontario's pollution laws. Maximum fines for repeat offenders are increased from \$2 million to \$10 million for corporations and from \$100,000 to \$4 million for individuals, but when you took office you decimated the Ministry of the

Environment and its ability to monitor, inspect and enforce our pollution laws: 900 people were fired and the ministry's budget was cut by \$121 million. You know, \$50 million, or 30%, was cut from the compliance and enforcement branch, and this resulted in 141 staff of this branch being fired. You've got the compliance and enforcement branch, which is supposed to go out there and enforce the laws when it comes to the environment, yet they have been fired.

One of the best aspects of looking to a track record—and I look to my riding because I discovered the lack of checks and balances that exist in our toxic landfill, a landfill that was expanded under the Harris government from 100 acres to 300 acres. It's all self-monitored and self-regulated; whatever Safety-Kleen says, goes. This company had a leak in their liner and because it's self-monitored it took them a month before they even reported that they had a problem. There's nobody there to oversee what they're doing, so they can call all the shots. We don't know what's going into that landfill; we only know that it's toxic and hazardous.

It was this government in 1997, under Minister Sterling, that sent a letter to the federal minister saying, "Don't bother telling us what's coming into the province; we really don't want to know any more." The province has jurisdiction to regulate what is coming into this province. Its jurisdiction deals with how you treat waste. Good waste management policies are in the jurisdiction of the province. This is the richest province in this country, and yet it's got the worst environmental record. In this time of a strong, booming economy, we had an incident such as Walkerton. It's just unconscionable that this happened at a time when we are the richest province in one of the richest countries in the world. Yet we have left and denigrated our environment to the point where now we question our drinking water, when in fact it should be a given that our water is clean.

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One of the areas about water monitoring and water strategies is that there was an aspect of what the Ministry of the Environment approved when it came to our drinking water. Our drinking water in this province is a precious commodity. As of July 3, 1999, the Ministry of the Environment figures show the ministry approved 18 billion litres of water a year to be drained by commercial bottlers, free of charge. These people, in turn, take our water and make a huge amount of money, yet this province is letting them take it free of charge from Ontario's water supply. Listen to this. It's reported that the Ministry of the Environment has issued 48 free permits—you're not even charging for permits—that grant long-term access, and that's 10 years or more, to the provincial water supply.

We talk about responsibility. Responsibility means that the government must show leadership. If there's one role that government has, that is to protect the environment for all of the people of Ontario, because clean air and clean water don't see any difference between people who have a lot of money and people who are poor. It

affects all of us. And the responsibility of good government is not only to ensure that you put in the laws and the regulations to ensure that the environment is protected, but good government—and I say it again, good government; not just government but good government—ensures that it applies its resources not to advertising. Again, I have to agree with one of the articles I read. I think because you've actually spent more money on advertising than on your annual budget for the Ministry of the Environment, we should have a ministry of advertising. You should put in the resources so that the experts in the Ministry of the Environment can look after the environment for all of Ontario. You don't cut the red tape for your business buddies, because the environment is something we have to protect for the future. That's what the future is all about. The future is about the environment, the future is about education, and on these you have a dismal record.

When it comes to our water resources in this province, they're not being managed well at all. Your knee-jerk reaction—as it was stated in this House before, we had to take you kicking and screaming to a judicial inquiry to deal with the Walkerton issue because you don't take blame, you don't take responsibility. You sit back and say, "But it's the feds' fault," or, "It's the municipalities' fault." It's always somebody else's fault, but you as a government take no responsibility when it comes to the environment.

I hear in this House, day after day, the minister consistently say—and he says it every single time he stands up—"I take the environment seriously," but in actual fact he doesn't act in that way. All he does is spin, because I think there is this sense that if you can tell people enough times that everything is fine—and there is, as the Environmental Commissioner stated, a great deal of misleading going on when it comes to the actions that the government has taken with regard to water management, with regard to environmental issues. This government has a terrible track record. Its actions speak for themselves, and it has no interest in actually dealing with environmental issues and coming up with plans that are going to keep our environment for our future.

The Deputy Speaker: Comments and questions.

Interjections.

Ms Frances Lankin (Beaches-East York): Thank you and thank you to my two-person fan club across the way there.

I appreciate the opportunity to respond to the member's comments. There are a number of points she made that I think are quite relevant to this bill, and I'll have a chance to speak at greater length in a while.

Most important is the concept that while no one would think it is necessarily a bad thing to raise maximum penalty levels, if there isn't a hope of seeing any of those enforced through active investigation, through laying of charges, through convictions and then through penalties and fines, how does it encourage us to think that the government is actually being tougher on environmental enforcement?

The member talked about a decrease in ministry budget and a corresponding decrease in ministry staff, and I support her on that point. I want to point out that I've been looking at the numbers of the Ministry of the Environment staffing levels over the last decade, and it's really quite interesting.

In 1991—I happen to remember that year because it was the first full year that I was a member of cabinet and a member of a government in the province of Ontario—the staffing levels in the ministry were 2,778. In 1992 they climbed to 2,917. They continued to climb—and this is important—in 1995, the last year that I was a member of a cabinet in the government of Ontario, the staffing numbers were 3,103. In 1996 they dropped to 3,024, in 1997 to 2,456, in 1998 to 2,220, and in 1999 to 2,159. Those staffing numbers are lower today than they were in 1990-91 when I was first part of a government cabinet.

Since the Harris government has come in, there's been a systematic dismantling of the ministry's capability to actually go out, investigate and enforce. That's the point that we have continue to make, because it makes it very hard for us to have trust in legislation that they're saying is tougher enforcement.

Mr Toby Barrett (Haldimand-Norfolk-Brant): I do agree with the member from Hastings-Frontenac-Lennox and Addington that we are the richest province in one of the richest countries in the world, and from this we should have the toughest environmental penalties of virtually anywhere.

I would like to clarify—I think the expression is "misleading information." There has been some confusion and some misleading information during this debate—

The Deputy Speaker: I'm sorry, we don't use that terminology.

Mr Barrett: What? "Misleading information"? I'm just using a quote from the other side of the House.

The Deputy Speaker: Sorry, I didn't hear it, but you can't use it.

Mr Barrett: OK. Thank you, Speaker.

I'll refer to the word "confusion" with respect to administrative penalties. Under Bill 82—this was 1998—administrative penalties were introduced as an additional compliance tool to be issued to a company director or an officer who violates the officers' or directors' liability sections. They were not intended to address serious offences which can cause an adverse effect on the environment.

Charges against directors and officers are considered to be very serious and will be dealt with by using the most severe enforcement tool available to the ministry, namely a prosecution and tough penalties. Hence, the toughest penalties that are being introduced will supersede these administrative penalties. That's why this bill goes beyond the administrative monitoring penalties and will subject directors and officers to the toughest penalties and the toughest jail terms in Canada.

In order to strengthen the ministry's enforcement ability, officers' and directors' liability offences should not be dealt with by administrative penalties, but, rather, should be pursued through prosecution.

Mr Mario Sergio (York West): I'm delighted to add my few comments, especially on the wonderful rendition from the member for Sarnia-Lambton, who has extensive experience and knowledge when it comes to the environment and environmental issues, but especially with respect to the bill that has been introduced by the government, which deals with all kinds of environmental issues, especially with penalties imposed.

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Many times our leader on this side of the House, Dalton McGuinty, has been asking tough questions on this particular issue, and we still have no answer as to how those huge fines are going to be imposed. There are no avenues as to how the government can control, can follow up, and really lay down the laws. What is the purpose of introducing bills in this House when they are not being enforced because of the will of the government?

You may say, "How is that?" Well, first of all, we have seen that the responsibility has been shifted from the real provincial government to the local municipalities. We have seen huge fiascos recently, two of them. One was with respect to the transportation of city garbage up north where the province says, "Well, that's OK. Ten years, let them handle it, and that's fine," and the other one was the water issue. That was and is, and will continue to be, a total abdication of their responsibility, and it has become a frustration for this government because they cannot deal with that particular issue.

There are many other areas. But when you have responsibilities, especially with respect to the environment, and you download them to the local municipality and they haven't got the manpower, the funds, how are you going to do that? That is what the member for Sarnia-Lambton was saying.

The Deputy Speaker: The member's time has expired. Comments and questions?

The member for Sarnia-Lambton has two minutes to respond.

Ms Di Cocco: First of all, I want to say that in 1999, Dalton McGuinty and the Ontario Liberals had a platform of commitments with regard to the new Ontario safe drinking water act.

What they wanted to do, and what we want to do, is to set clear and enforceable standards for water quality, something you have not done yet after being in power for almost six years.

We wanted to restore water testing programs that were cut by the Harris government. We said this in the 1999 election campaign, and we have Walkerton now, unfortunately, which proves that your cuts to water testing programs have had a terrible effect.

We wanted to restore and enhance funding for cleaning up the Great Lakes and target the toxic hot spots.

We wanted to stop the Harris plan to privatize the Ontario Clean Water Agency, to prevent, again, municipalities from selling their water and sewer assets and stop water exports to the United States.

We wanted to develop and will develop a plan, because Dalton McGuinty and the provincial Liberals understand that our future is all about clean water, clean air and a clean environment. That's what the future is about. Sustainability and people development is all about a clean environment. We are committed, all of us as individuals and as a caucus, to a clean environment, and we will act accordingly.

The Deputy Speaker: Further debate? The Chair recognizes the member for Beaches-East York.

Applause.

Ms Lankin: There are those two lonely people again over there. My sincere thanks.

I am delighted to have an opportunity to speak to this bill, because a week ago today I raised a question in question period. It was, unfortunately, a day when neither the Premier nor the Minister of the Environment was available to answer questions, so I put the question to the Deputy Premier. I asked him specifically why, given all of the hoopla with the introduction of this bill, all of the great noise that the minister made in the press release and the announcements and the statements—and the language is quite stunning, isn't it? "The toughest environmental enforcement laws anywhere." I've often said about this government that their use of superlatives is superlatively done; it's quite amazing, actually. But here it was, the toughest enforcement. I asked him why, given all that, the minister did not make any mention of the fact that this bill actually repealed a section of the existing legislation which the former Minister of the Environment, Norm Sterling, said, when he was introducing that two years ago in this Legislature, made his bill one of the toughest pieces of environmental enforcement legislation ever? I find it quite ironic.

I want to tell you about this provision, and I want to respond specifically to the comments the member for Haldimand-Norfolk-Brant made a few minutes ago with respect to this, because now the government is scrambling, trying to explain away its silence and explain away its actions. In 1998, Norm Sterling, the then Minister of the Environment, introduced a bill which, by the way, he said made it part of the toughest environmental regulations, enforcement and penalties. The language was identical to what we're hearing today. Contained in that bill was the creation of a concept called administrative penalties, as opposed to the criminal penalties that are in place for violation of the legislation where there's an investigation, you go to court, you prosecute, there is a conviction or not and, where there is a conviction, there are penalties associated with that.

To be accurate, in addition to that, they created another category of offence called an administrative offence. This section of the legislation allowed for the director, named in the legislation, to levy a penalty or administrative fine where there was a finding of a

violation of the act, an act of pollution. The minister's words at the time were that this was important for a number of reasons: first, to bring us in line or ahead of a number of other jurisdictions that had these kinds of provisions, but secondly—and I found this really interesting when I went back and looked at the Hansard—he said we have to realize that the actual time investigating, going to court and prosecuting a number of these cases takes up a lot of resources, and perhaps there should be a more effective, efficient and, therefore, tougher way to proceed on a whole range of violations that are perhaps, as the member for Haldimand-Norfolk-Brant indicated, not the most heinous or serious.

First of all, I find that categorization problematic. I think any violation of environmental protection legislation is pretty heinous, when you think of what the consequences can be. But I don't disagree with the minister in that a category of offences could be dealt with, perhaps in an efficient manner, by administrative penalty. I find it disturbing that in his language, in his own justification, he linked that with not utilizing resources to pursue the investigation and the court time, the prosecution, to get a conviction. I believe that's where we should be most of the time, and I'm going to point to some evidence later that says we've all but abandoned that in Ontario. But this administrative provision was put in.

That legislation was passed by this Legislature. It was brought into statute form by a vote in this House. But the interesting thing is that that provision for an administrative penalty—the very penalty the member for Haldimand-Norfolk-Brant stood here and talked about and its purpose and reason and why it is being used—has never even been proclaimed. The very clause that in 1998 the Minister of the Environment, Norm Sterling, said was going to make this one of the toughest pieces of environmental legislation has never even been proclaimed. Without having been proclaimed, and therefore without having ever been used, we now find in this bill before the House a quiet little section that says part of the language under the administrative penalty is going to be repealed.

The clause that is being repealed is the clause that holds directors and executives of corporations liable for actions if they haven't taken due diligence to prevent that kind of pollution. Without that, it means is that employees of the company and the company can be held liable, but directors and corporate executives will no longer be able to held liable under the administrative penalty provision. Why? I wish someone over there would explain why.

The member for Haldimand-Norfolk-Brant said, "We think that on big, serious crimes, we can go after and prosecute everyone—the employees, the company and the directors—and that's where we'll treat directors." But why would directors be let off the hook with respect to administrative fines?

It becomes more curious, if you take a look at the cabinet submission—a copy of which was leaked to our party and that we presented to this Legislature—which

backs up this piece of legislation. In that you will find it was recommended that with respect to these administrative fines or penalties, the threshold, the test that should be utilized in legal terms to assess whether or not there has been a violation—this isn't dealing with the directors and the corporate executives; you're now repealing that section—the cabinet submission recommends, with a supporting legal analysis, I may say, an amendment to establish that "absolute" liability should be the standard for administrative penalties, eliminating a defence of "due diligence" when this legislation came in. And do you know what? That amendment to the administrative penalty section is not in the current bill.

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So here we have the cabinet submission clearly recommending toughening up this provision and having a higher legal standard so that the defence of due diligence is not available to corporate executives and directors. Instead of doing that, what do they do? They repeal the whole section dealing with directors and corporate executives. What I find so offensive is that they never said a word about it. It wasn't in the minister's statement, it wasn't in the press release, it wasn't in the backgrounder and, most offensive of all, it wasn't in the explanatory notes to the bill.

The explanatory notes to the bill are a technical document that is supposed to go through and thoroughly give you a background in terms of the nature of the changes. It wasn't in the explanatory notes. My bet is that not one of you on that side of the House, outside of cabinet, knew about it until I raised it in question period and put the question to the Deputy Premier. How many of you have gone back and demanded an explanation instead of standing up and reading the briefing note from the ministry, which is frankly hard to take, given the history in this place of two years ago having had the minister stand up here and proclaim to the world how important this provision was—the administrative penalties and the ability to hold individuals absolutely accountable—and now you're repealing the section that holds corporate directors and corporate executives accountable? I think the question why needs to be asked again. It's never been answered in here. We're now getting the smoke-and-mirrors answers to try to defend against this when you hoped it would be sneaked through quietly.

I guess the thing that makes it all the more problematic for me is when the member from Haldimand-Norfolk said, "We're going to go after those corporate directors and executives on the big things. We'll prosecute the big violations." I pointed out to the minister that back in 1995 the fines from prosecutions of corporations were running at around \$2 million in this province and that they dropped under your government. In 1998 it was to about \$650,000 or \$660,000. From \$2 million in fines down to \$660,000: the track record is pretty pitiful. But maybe people didn't believe me. Now we have an independent report that actually confirms this, just released from the Canadian Institute for Environmental Law and Policy, a document called Ontario's Environment and the

Common Sense Revolution: A Fifth Year Report. This is their five-year review of the Harris government's Common Sense Revolution as it has affected the environment in Ontario. They point out, with respect to enforcement activities, that total fines against corporations in 1995 were roughly just under \$2 million, as I said. I want to tell you also that total fines obtained against individuals in 1995 were \$1.2 million. So you're talking just over \$3 million in fines and penalties assessed against corporations and individuals for violating Ontario's environmental protection laws in the last year of the Rae government. What has happened since then? That number has declined steadily.

In 1998 the total fines against corporate defendants were \$622,000, and the total fines against individuals were \$241,000. That's roughly \$860,000 in fines in 1998, compared to over \$3 million in fines. How do you expect any of us to take you seriously when you say, with such great fanfare, "We're the toughest, because we're increasing what the maximum fine can be," when you're not taking people forward and prosecuting them and getting fines? Please tell me, how can you expect anyone in the province to take you seriously?

Let me give you another example with respect to water violations and prosecutions, because I found this one really interesting, too. Since you have taken over as government, we have seen a total dismantling of the ministry's capacity to investigate and to prosecute, and your willingness, quite frankly. It is interesting that during that period of time, while the minister often will respond and say that you've toughened regulations with respect to water, in fact, between 1996 and 1998 there was a lessening of regulatory requirements under the municipal-industrial strategy for abatement—it's easier to refer to it as MISA. You lessened the requirements there, and you lessened the number of staff who are out there enforcing.

It's interesting what the response of some corporations has been. In that period of time, there has been a tripling of violations in terms of meeting water pollution standards, and during that period of time when there's been a tripling of the violations, two thirds of those companies cited are repeat offenders. It means we are not investigating, we are not going after them, we are not penalizing them, and they are offending over and over again, because they're getting away with it.

You guys over there seem to think you know it all with respect to law and order and criminals, whom you say you've got to get tough with, that you can't let them reoffend, and yet in terms of the environment you're letting them reoffend and reoffend—a total of 167. Let me give you the numbers: the violations of water pollution standards went up threefold, from 1,000 violations in 1996 to 3,363 violations by 1998, so it tripled.

But here is the real kicker. Here is the point that we have to make to underscore our cynicism with respect to the government and this piece of legislation. During that same period, while those numbers tripled, there has only been one prosecution. One prosecution: pollution dis-

charges to Ontario waters, the increasing violations that I've cited, 3,000-plus violations, and only one prosecution.

How can you expect any of us to take this bill and your government's statements seriously? You quietly repeal sections that your former minister proclaimed would make it the toughest legislation. You now make up excuses about why you're doing that. You didn't even proclaim sections that he referred to as being progressive and putting you in advance of the rest of the North American jurisdictions out there.

Now you say you're going to be the toughest because you're increasing the maximum penalties, and yet we can show that under your government, year after year, even while the numbers of violations out there are increasing, the number of prosecutions have gone down. You are not investigating, you are not laying charges, you are not prosecuting; you are not therefore getting convictions and getting penalties. Therefore, the dollar amount of the penalties in terms of environmental fines has dropped way down. And we're supposed to applaud you because in the legislation you are increasing the maximum that hypothetically, mythically, you might be able to get if you investigated, prosecuted, convicted—and then penalized?

I'm sorry, you get no brownie points from me on this at all. This is quite shocking to think that you can stand up and beat the drums the way you have with respect to this. There were other things in that cabinet submission that interestingly enough don't show up in the legislation either, and yet the government claims that this is the toughest. They ignore the bureaucrat's own recommendations with respect to a number of things. I mentioned already the recommendation with respect to administrative penalties in the whole administrative structure, that you move to absolute liability to avoid the due diligence argument. That's not in the legislation.

You know what else is in the cabinet document? It's interesting. There was a recommendation for a 1-800 snitch line to report environment polluters, those people who are violating our environment laws. You will remember how quickly your government went to introduce a snitch line on people who violate welfare laws. When you want to move on something like that with respect to welfare recipients you move very quickly, but with respect to snitching on corporations that are polluting, that are spoiling our natural resources, that are poisoning our water and our air, violating the laws that are in place that are supposed to stop them from doing that, and the ministry says, "Put in place a snitch line," do you do it? Oh no, that's too tough on corporations. It's OK for welfare recipients; it's not OK for corporations.

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The legislation also called for the establishment of a 500-person increase in investigation, a SWAT-team approach of people who could come in and really beef up the ministry's capacity to investigate. I read the numbers into the record a while ago with respect to staffing levels in the ministry, but it is worth repeating that in 1991

there were 2,778 employees in the Ministry of the Environment. The following year, 1992, that increased to 2,917. The following year it went up to 3,000. In fact, in 1995 it was 3,103 employees. Now, Mr Speaker, I want you to listen. The end of 1995 was when the Harris government came into power. Right after that, in 1996, the numbers dropped to 3,024. In 1997 they dropped again, to 2,456. In 1998 they dropped again, to 2,220. In 1999 they dropped again, to 2,159.

The cabinet submission said, "We can't do the work of enforcing these laws. We can't protect the citizens at this level. We need immediately to bring in an influx of inspectors and scientists and others to back it up. We need 500 new staff." What did the ministry do? They announced a SWAT team of 60 people, and they're not even full-time regular jobs; they're contract, term positions.

I don't know what anyone can expect, in the face of all the evidence, the reports from CELA, reports from the Environmental Commissioner, reports from group after group, when we see what's happened in Walkerton, when we see the government's actions with respect to the Adams mine, when we see their response on a whole range of environmental programs that were in place in this province that they cancelled, and their lack of commitment on the capital side to renewing the infrastructure—lots of words about these things but no action. What we get is a bill that means very little in reality but with all of the words of excess about it making your government the toughest environmental enforcers in the North American jurisdiction, if not the world—I dare say, if not the universe, the way in which the minister built this up.

The bottom line is, this legislation, while I have no objection to moving the maximum penalty number to a higher amount, means nothing if there are not investigations, charges, prosecutions and resulting fines afterwards. Your track record year after year—and I have spelled it out; if you can refute it, please do, but I have given you the year-after-year records—shows the decrease in staff and the resulting decrease in charges, the resulting decrease in prosecutions and convictions and the resulting decrease in fines. Please convince me how this bill is going to make one iota of difference given your dismal track record in terms of environmental enforcement.

The Deputy Speaker: Comments and questions?

Mr R. Gary Stewart (Peterborough): Mr Speaker, thank you very much for allowing me to be just a part of this debate.

I've listened all afternoon and certainly tonight, and there seems to be a major attack on anybody who is in the private sector these days. If I look at what has been said regarding water testing etc, I get very concerned.

I want to say publicly that in my riding of Peterborough we have a company called Lakefield Research. Probably 50% of Lakefield Research's business is water testing. They are the private sector. They are second to none in the world. They do business all over the world.

They're the largest tester, I believe, of any municipal water facility in this province, if not in this country. When I look at the quality and the expertise that this particular company has to be involved in the business that they are in, I am very excited and I am very proud of their track record. I am also very proud of the track record of many other people in the private sector.

It interests me that all the folks who talk against this do business with lawyers, they do business with doctors, they do business with grocery stores, and they do business buying cars. They do 99% of business with the private sector. I can't understand why it's so bad in one little area for people who have that type of expertise. In fact, I would wager that many of the people these private sector companies have hired—I understand they have found they've had to retrain the people who came from the public sector to work there. As I said, the company that I saw and watched is second to none in this province, and I'm proud of it.

Mr John Gerretsen (Kingston and the Islands): Just to the last member, nobody on this side has anything against the private sector, but what we're talking about is government's responsibility to everyone to safeguard the environment.

I would like to congratulate the member for Beaches-East York for an excellent presentation. I wasn't aware of the fact that directors and officers of corporations are no longer liable, that that was very easily taken off the legislation. As a matter of fact, I would suggest—and this is just a matter of general information that I hope we can do something about—that the way some of these bills are reported, it's almost impossible for an individual to realize what is happening. There ought to be clear-cut explanations. That's what the explanatory notes are all about. If a significant change is taking place in the legislation, that should be set out in the explanatory note. For that kind of information, that directors and officers now are no longer responsible, not to be included, I don't know where the problem lies, whether it's with legislative research, whether it's with the ministry, or whoever, but it simply isn't correct to deal with the matter that way. I suggest that we take a look at that and we make some changes in that.

I thought her presentation was excellent. What it basically boils down to is that this government talks a tough line on a number of different issues, it talks a tough line on the environment, but in fact does exactly the opposite. We've seen it with respect to crime and we're now seeing it with respect to the environment.

This bill does not address any of the issues that the Environmental Commissioner talked about in his report of July 27. It just talks about tougher penalties for laws that aren't being enforced anyway.

Mr Garfield Dunlop (Simcoe North): I'm pleased to rise this evening to speak on second reading of Bill 124, the environmental penalties. I'd like to make a few comments to the member for Beaches-East York. I'm amazed at the numbers of the staffing that you mentioned here. I think earlier you mentioned that when you took

office there were 2,278 staff members at the Ministry of the Environment, the first you were a member of cabinet, and today, after you increased it to 3,103 members, in what I would consider to be the worst economic depression that our country ever had, in fact this province—you added 800 or 900 staff in that five-year period. I find that amazing. Right now, according to the numbers you've got, we're back at 2,159 employees. So we're about 100 employees fewer than when you took over from I think the Liberal government, the Peterson government. We're about 100 employees fewer than that. Is that a fact?

Ms Lankin: It is 600 fewer.

Mr Dunlop: I thought you said 2,278 to 3,103.

The fact of the matter is we keep talking about these terrible people in the private sector.

Mr Gerretsen: No, nobody said that.

Mr Dunlop: That's what we're hearing tonight. That's exactly what we heard here tonight.

Interjections.

Mr Dunlop: You've tried to say that all evening. That's all we heard all afternoon as well, that if you're from the private sector you're automatically trying to cheat the system and you deserve a major penalty. I actually am very offended by that, because it's the private sector that has created 740,000 jobs in this province in the last five years. I think that in a lot of cases, there should be some apologies to the private sector for the way they're treated in this House.

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The Deputy Speaker: Comments and questions? The Chair recognizes the member for West York.

Mr Sergio: West York, York West, that's fine, close enough, Mr Speaker.

To respond to the comments by the member for Beaches-East York, I have to say that not only does the member know exactly the salient points contained in the bill, but this is an issue she has been dealing with a lot with respect to the environment, and not solely when it comes to water preservation, water conservation, water protection and stuff like that.

I think the member is quite right when she says the government keeps on telling the House, hoping it will get down to the general public, that they are proposing these new tough laws, but how do you trust this government when they have decimated the environmental ministry since taking office?

It's because of the consequences that they have to introduce this bill. There was no need. If they hadn't gone ahead and done the cuts they did, there would have been no necessity to bring this about on the people of Ontario. Because of the consequences, we have unfortunately seen what happened in Walkerton. Now they say they are going to double and triple the fines.

But how are you going to do that when you are not putting in any amount of money to compensate for the 45% of staff that the government has cut? Enforcement, prosecutors: how are you going to enforce that? It's fine to have it on the books, but I would recommend to the government that if you want to appease the people of

Ontario, put in some money and then you will see the difference.

The Deputy Speaker: I want to apologize to the member about your riding. I was using the French terminology. My apologies.

Mr Sergio: It's quite acceptable, Mr Speaker.

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

Ms Lankin: My thanks to the members who responded. I appreciate the member from Kingston and the member from West York and their comments.

I would, however, like to say to the member from Peterborough, first of all, the—

Interjection.

Ms Lankin: Well, I'm from East York so you've got to be from West York. You're from York West and I'm from York East, then; I don't know.

Member from Peterborough, I have to say to you that your response—I appreciate your comments of confidence in the company in your riding—really had absolutely nothing to do with any comment I made on the bill, and you were responding to me. I know people stray off, but it really did not address any of the comments I made.

Interestingly enough, the member from Simcoe North, when I was challenging him on the numbers he was using, because he heard me wrong and so his math was a little wrong, immediately picked up what you said: "Well, I was really offended by what the member said about the private sector and the attack on the private sector."

I never said anything about the private sector. I attacked your government. I attacked your record of lack of conviction and lack of environmental penalties. I attacked your government for quietly repealing a section which would allow you to hold directors and corporate executives accountable. I never said anything about the private sector, so I don't know where that comes from.

To the member from Simcoe North, let me make the record clear. What I said was that in 1991, there were 2,778 staff. That went up to a high in 1995 of 3,103, and is down to an all-time low in 1999 of 2,159. That's 600 fewer employees than a decade ago, not 100 fewer.

I want to say, yes, during a massive global recession, the NDP did choose to maintain and increase investments in protecting the environment because we recognized the key role government has to play. I only wish the government of today, in such good economic times, would recognize the same.

The Deputy Speaker: Further debate?

The Chair recognizes the member for Malton-Gore-Bramalea and Springdale.

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): Thank you, Mr Speaker. Pretty close—Bramalea-Gore-Malton-Springdale.

I'm very pleased to join the debate this evening on Bill 124, the Toughest Environmental Penalties Act. I congratulate my colleague, the Honourable Dan Newman, Minister of the Environment, for introducing such a

worthwhile piece of legislation. This bill would make important changes to the Environmental Protection Act, the Ontario Water Resources Act and the Pesticides Act.

When I was campaigning in my riding in the last election, I was proud to run on a platform that included a strong commitment to a clean and healthy environment in our province. Just look at page 32 of *Blueprint: Mike Harris's Plan to Keep Ontario on the Right Track*. I'm sorry, it's not page 32, it's page 33. Page 32 talks about 378 new parks we will create, but that is off topic. Usually the opposite side is off topic.

As I was mentioning, page 33 promised to establish the toughest penalties for polluters in Canada. We promised to double the maximum fine for a first offence, to double the maximum fine for the second offence from \$2 million to \$4 million, and to introduce the toughest jail terms in Canada for those who repeatedly break the law. I think the member opposite might have said there are no jail terms. There are jail terms, and they are one of the toughest jail terms in the whole of Canada. The *Blueprint* promised an environmental SWAT team to make sure industries obey the rules. I'm proud to say this government is fulfilling these commitments and more. Ontarians know that when you are dealing with the Mike Harris government, a promise made is a promise kept.

Environmental protection is not just a discovery of this government's second term. In the first mandate, the Mike Harris government started work with several important initiatives. Drive Clean, one of North America's largest mandatory vehicle-testing programs, was launched, covering cars, trucks and buses. It will reduce smog by approximately 22%. The Ontario government is also fighting to reduce pollutants from the US, even going to court when necessary. This is a strong record on which to build.

Drive Clean is part of Ontario's anti-smog plan, part of our commitment to cleaner air for Ontarians. We promised action on this important issue and we're taking action. Another part of our anti-smog plan is Ontario's smog patrol. This group identifies vehicles emitting visible smoke on Ontario roadways. Excessively polluting vehicles are stopped, inspected, and, if necessary, escorted to a mobile test facility. Smog patrol officers also check vehicles to ensure that emission control equipment is in place and has not been altered. The smog patrol is a visible sign of our determination to eliminate grossly polluting vehicles from our roads.

This government is a leader in protecting the environment. In January of this year, the Minister of the Environment unveiled tough new actions to improve air quality in the province. The new measures are targeted directly at smog and acid rain to strengthen an already aggressive campaign to improve air quality in Ontario. The government now requires full public disclosure and mandatory reporting of emissions for all major air pollution sources.

Key measures of this plan included mandatory tracking and reporting of all harmful air emissions by

industrial and commercial emitters and tough new emission limits for smog- and acid-rain-causing pollutants.

New emissions monitoring and reporting regulations have been put in place for all electric power generating companies. They will apply to all companies and organizations in Ontario's commercial, industrial and institutional sectors, starting in January next year. In addition, tough new regulatory emission caps will be required in January 2001 for all Ontario's electricity industries and will expand to other sectors to help meet our long-term commitment under the anti-smog action plan.

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Great credit goes to the excellent work done by the ministers of the government's first term for their hard work and success. I think we should all acknowledge the contributions of Mrs Elliott, member for Guelph-Wellington, and the Honourable Norm Sterling, member for Lanark-Carleton. Since the last election, Ontario's environment has again been well protected by the work of the present minister, the Honourable Dan Newman, and also the Honourable Tony Clement, my fellow member from Brampton.

Some out there might ask, why is this bill necessary? Are the present laws not strong enough to deal with the problems we might encounter? Let me be clear. The vast majority of industries and individuals in Ontario care deeply about protecting the environment and ensuring we have clean water to drink, clean air to breathe and that our soil is not contaminated. Almost everyone out there is obeying the rules, not just because they respect the law but because they know that damaging our environment harms everybody, including their own children and families.

I know that most companies and citizens would never willingly pollute, even if we had no environmental laws. Unfortunately, Ontario, like every other society, contains those unscrupulous few who do not respect the environment. This is not just about profit; it's a lack of respect for their fellow citizens.

Bill 124 would stop anyone threatening our environment in their tracks. It demonstrates our government's commitment to punish criminals with strong fines and jail terms—I repeat: jail terms. Polluters will not be allowed to poison Ontario and get away with it.

Respecting the environment is about respecting our fellow citizens. The water we keep clean today is the water our children will drink in years to come. The air we keep free of pollutants and noxious gases is the air our grandchildren will breathe. The soil we preserve is the soil that will grow the food their children will eat.

Our environment is the green infrastructure our nation is built on. Business will only thrive today and tomorrow if our roads, bridges and railways are strong, and the same is true of our air, water and soil. Who would invest in a society filled with pollution? Who would want to live in that kind of society?

I am sure all reasonable people would agree that the government cannot solve all environmental problems. We need a culture that respects and values a clean

Ontario. Those societies that combine an entrepreneurial economy with a free and democratic government have always been best at preserving the environment.

I am sure we all remember the pictures from eastern Europe after communism collapsed. Chernobyl is only the most extreme example of environmental destruction in those countries. Many parts of eastern Europe are so contaminated that they are not fit for human habitation.

Even in democratic nations, those with the least entrepreneurial societies are often the dirtiest. Britain's state-owned coal mines in the 1970s, under socialist governments, remained open for years after they were economically useless, producing one of the dirtiest fuels imaginable. A society of initiative is where the environment can be best protected. Britain today is both one of Europe's most prosperous and clean countries after two decades of Thatcherism.

A clean Ontario is a competitive advantage for attracting business to our province. Industries today are less and less about big factories and more and more about people and knowledge. New businesses want to come to a province with a clean environment for the citizens who will work for them. This bill will help provide the clean environment for these people and for every other Ontarian.

Bill 124's specific provisions are tough. They fulfill our 1999 Blueprint commitments and add to them. The bill would give our province the toughest environmental fines and the longest jail terms in Canada for environmental criminals. The bill proposes to increase the maximum fine for a first conviction on a major offence for a corporation from \$1 million to \$6 million per day, and for a subsequent conviction from \$2 million to \$10 million per day. It will increase the maximum fine for a first conviction on a major offence for an individual from the current \$100,000 per day to \$4 million per day, and for subsequent convictions from the current amount of \$200,000 to \$6 million per day.

It will increase the maximum jail term for a person convicted of a major offence from two years to five years, and it would increase the cap on administrative penalties from \$5,000 to \$10,000 per day. Officers and directors of offending companies would also be subject to the toughest fines and jail terms in the country for major environmental crimes. I think that may address one of the questions the member opposite had.

As an example of this, I was very happy to see the recent announcement of the environmental SWAT team, designed to crack down on deliberate and repeat polluters. The SWAT team is, in the words of the Ministry of the Environment, "a highly mobile and focused compliance, inspection and enforcement team to crack down on deliberate and repeat polluters and ensure they comply with Ontario's environmental laws." The SWAT team will aggressively pursue companies or individuals that systematically or flagrantly defy the law by engaging in practices that threaten public health and the environment.

The SWAT team will be a new group of environmental enforcement officers who will use the latest tech-

nology to catch environmental criminals. They will have access to the state-of-the-art communications technology that allows them to draw on broader resources and information without having to leave the field. The team will be able to identify new and emerging trends and problems, developing a superior ability to protect the environment.

The SWAT team will be set up as a separate inspection, compliance and enforcement unit within the Ministry of the Environment. It will have its own management structure and services. Members of the team will include inspectors, investigators, environmental engineers, environmental program analysts, scientists and lab technicians. The investigators will focus solely on the investigation and prosecution of environmental infractions identified by the team's compliance inspections.

By bringing polluters into compliance with Ontario's environmental standards, the SWAT team will stop companies and individuals that have no respect for Ontario's environmental protection laws. They will protect the environment, focusing on areas of greatest concern, such as air and water quality and hazardous waste. The result of the SWAT team's compliance, inspection and enforcement activities will be made available to the public.

Recently, the government passed the drinking water protection regulation to ensure the protection of drinking water for all Ontarians. This regulation, for the first time in the province's history, mandates that testing and reporting requirements for Ontario's water will have the force of law.

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The new regulation is part of the Ontario government's Operation Clean Water, a broad action plan to ensure the safety of Ontario's drinking water. The regulation applies to water treatment and distribution systems that require approval under the Ontario Water Resources Act, including municipal waterworks and other large systems.

This regulation requires regular and frequent sampling and testing as well as stringent treatment requirements for all drinking water, testing to be done only by accredited labs, full public access to water quality information and, most importantly, clear requirements for the immediate, person-to-person communication of reports of potentially unsafe water situations to the Ministry of the Environment, the local medical officer of health and the waterworks owner. As a government, we are committed to ensuring that all Ontarians have safe, clean, drinking water.

With the Ontario government so active in protecting our environment, one is led to ask: What action is the federal Liberal government taking to fight pollution of our air, water or land?

On October 16, just a few days ago, Ontario's environment and energy ministers demanded the federal government provide cleaner air for all Canadians by immediately committing to tough national air quality and climate change standards for the whole country.

The federal government is indifferent to the struggle to combat climate change and improve air quality for all Canadians. They just don't seem to understand that fighting smog and pollution is a North American problem. Canada shares a continent with one of the world's biggest producers of greenhouse gases and smog and we need to work with the United States to effect change. The federal Liberal government has failed to secure any new smog-emission reductions from the Americans at the US-Canada Ozone Annex negotiations, despite the fact that over 50% of Canada's smog originates in the States.

Jean Chrétien and the Liberals sold out Canadians during the smog negotiations with the US, where they settled for the status quo instead of seeking any new lower smog commitments. This international failure by the federal government makes smog fighting in Canada even more urgent. The federal government must provide cleaner air to all Canadians by immediately committing to tough national air quality and climate change standards for all provinces and territories.

But what did they do when they had the chance? The federal Liberals refused to act. At a meeting of environment and energy ministers they failed to provide cleaner air for all Canadians by refusing to commit to tough national air quality and climate change standards for all provinces and territories. Jean Chrétien's refusal to act has made action by Ontario even more urgent. The province recently issued an environmental challenge to Canada.

On behalf of a government committed to improving the environment and our quality of life, Minister Newman told the federal Liberals, "I challenge the federal government, and the provinces and territories of Canada, to meet the tough environmental measures Ontario has implemented."

Bill 124 puts this province on the map as an environmental leader. It is our signal to all companies and individuals that the government will fight against polluters.

I am proud to support this important bill, and I call on all members of this house to give it their support.

The Acting Speaker (Mr Michael A. Brown): Questions and comments?

Mr Gerretsen: If someone had fallen off the face of the world for two weeks and not known what was going on with respect to the environmental summit that took place in Quebec about a week and a half or so ago, you probably would think that it was the federal government that refused to sign the clean air document that was presented to all of the provincial ministers of the environment and the federal Minister of the Environment in Quebec last week. But we all know that exactly the opposite happened. Every province signed on to the new clean air document except for the province of Ontario.

I would like the member to explain in the two-minute response that he has and put the record clearly and straight whether or not that is the truth the way he understands it. Alberta signed on, British Columbia signed on, Saskatchewan signed on, Manitoba signed on, all of the Maritime provinces signed on, Quebec signed

on. The only province that wouldn't sign on was Ontario. As a matter of fact, the Ontario Minister of the Environment was held to ridicule and scorn by just about every environmental group in this country. So for him to suggest that the federal government didn't sign on, when after all it was their initiative, totally endorsed by the other provinces, except for Ontario, is totally incorrect. I would ask the member for Gore-Bramalea to set the record straight and acknowledge to us that it was indeed his minister that was held up to ridicule and scorn by every environmental group in this country.

Ms Lankin: I appreciate the opportunity to respond. I sometimes wonder whether any of the discussion or dialogue we have in this place means anything, if anyone ever listens to each other. The member stood up and read his prepared government speech verbatim, after the discussion that took place in here, and he said things like, "These new penalty levels are going to stop polluters in their tracks."

I have to laugh. I had just finished pointing out that over a four-year period, since the Harris government took office, environmental fines dropped in this province from a high of \$3 million in 1995 to about \$860,000 in 1998. Our record continues to worsen.

I pointed out to the member that staff have dropped to an all-time low. In fact, in per capita spending today your ministry spends less than when the ministry was created in 1971 or 1972. I pointed out to the member that there are fewer investigations, fewer charges being laid, fewer prosecutions and convictions and therefore fewer penalties. In fact, we're seeing increased numbers of violations with respect—

Interjection.

Ms Lankin: We're seeing an increased number of water pollutions, I say to the member from the Kitchener area, triple the number of water pollution violations by 1998 and yet there has since then only been one prosecution. It is a joke to suggest that these new numbers, higher fines, are going to stop anybody if you're not prosecuting.

He talks with great pride about the 60-member SWAT team that's going to revolutionize the world. You've cut 1,000 staff. The ministry cabinet submission recommended a 500-member SWAT team and you hired 60 people on a term contract. I mean, please. You're falling so short of the mark, every independent group that has reviewed your government's actions on the environment gives you a failing mark. How can you stand and claim praise?

Mr Wayne Wettlaufer (Kitchener Centre): It's really interesting to listen to the socialist hordes preach that they are the only ones who are concerned about the environment. I never know which socialists hordes are the most socialistic, the Liberals or the NDP. But at least the member back there from Toronto Centre-Rosedale admitted that he was socialistic, because he said, "At least we."

Anyway, I noticed here that there were some criticisms levelled by the Provincial Auditor. "In a

stinging indictment of the environment ministry in his annual report last month the auditor said the ministry places too much trust in the polluters and ministry handled complaints from the public so sloppily that polluters sometimes escaped consequences. Bradley”—that must be Jim Bradley, the Liberal; he was Minister of the Environment—“says he could question some of the auditor’s findings but that would not be productive.” That was 1987 when the Liberals were in power.

The NDP—Bob Rae, he was the Premier. He said that the NDP would pass an Environmental Bill of Rights giving citizens the right to take polluting companies to court.

Our government is passing this legislation. We’re talking about major penalties here in this legislation. We’re talking about an increase in the fine from \$1 million in a corporation’s first offence to \$6 million; subsequent offence, presently \$2 million, to \$10 million.

Compare this to other provinces. Saskatchewan—

The Acting Speaker: Thank you. Questions and comments?

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Mr George Smitherman (Toronto Centre-Rosedale): I’m honoured to have two minutes to comment on the nutrient-enriched sloganeering of the member for Bramalea-Gore-Malton-Springdale. If only one of these members just once would stand up before this House and fill the time they’ve been allotted without reading some 10-minute sloganeering prepared by some ministerial assistant somewhere, then maybe we’d learn how it is that a government that brings in a bill with all of these presumed penalties expects to have the money collected for them. Are they voluntary penalties? Will this be like a hockey game where you play without a referee and linesman? The penalties might indeed be on the books but, if they can’t be enforced, they’re worthless.

It’s interesting that the only thing that caught the member from Kitchener Centre’s attention was the amount of the fines. It seems the only time he knows that a number is really big and significant is when it’s more than a table at a Tory or Alliance fundraising dinner.

I want to say just one last thing while the member from Bramalea-Gore-Malton-Springdale still graces us with his presence, and it is this: if he really cared about the things he said, if he really wanted to go back and read those into the record and think about the impact on the constituents he represents in Brampton and Mississauga, he’d really begin to wonder why he’s part of a government that refuses to make the necessary investments in the elimination of smog and improvements to quality of life through public transit.

The member for Durham is here as well and he knows this is a huge issue for his constituents, who every single day spend hours and hours of their time looking at the bumper of the car ahead of them while their engines idle, causing smog. But this government makes no commitment to that because it’s tough stuff and it actually costs money.

When Dalton McGuinty soon becomes Premier of this province, the citizens of the greater Toronto area will be infused with a vision from a party and a government that know what it’s like to create a better quality of life.

The Acting Speaker: Response?

Mr Gill: It is indeed a pleasure to respond to the speakers from Kingston and the Islands, Beaches-East York, Kitchener Centre—my colleague—and Toronto Centre-Rosedale.

The member from Toronto Centre-Rosedale just talked about smog reduction. I’m going to take you back—and I’m sure you’ll remember—to 1969-70, when you would hear pollution indexes on the radio every morning. Every morning they’d say, “The pollution index is so-and-so. Please, if you have any health problems, don’t go into the city.” Ever since then things have changed: you don’t hear those pollution indexes; you don’t hear those warnings every day, “People with heart problems, don’t go to the city.”

The member from Beaches-East York said their government was very big, that their government was spending more money. That is no measure of how good a government is. We believe in lesser government. We took down the number of members from 123 to 103. We are spending the money where the money is needed. They were going to spend the money to come out of the recession; they were going to spend \$11 billion to work their way out of the recession, and look where they took us. I can assure you that people at home don’t want to go back to the doom and gloom, of 10 years ago, Liberal and NDP governments. That’ll be the day when, as the member from Toronto Centre-Rosedale said, McGuinty will be the Premier. No way. He’s not up to the job. We’ve said that before, and I’ll be happy to repeat that, just like the members on the other side.

Mr Gerretsen: Let me just say that we’ll let the people decide, three years from now, who is up to the job and who isn’t up to the job.

If there is one thing the people know quite clearly, it’s that you are not protecting the environment. You can call this bill anything you want. You’ve called it the Toughest Environmental Penalties Act. But that’s all they are. All you’ve done is increase the penalties, and you’ve done absolutely nothing else. As a matter of fact, as has already been stated by many other members, all you have done is cut about 900 people out of the Ministry of the Environment, including 140 enforcement officers. These are the people who, on a day-to-day basis, enforce the environmental legislation that’s on the books and that we’re talking about here. There are 140 fewer of them than there were five years ago. You have cut the budget by 40%, by something like \$141 million. That’s what you’ve done.

Tonight I would like to refer to another document that was released during the middle of the summer by the Environmental Commissioner of Ontario. You may recall that this was the individual about whom there was an awful lot of debate just before Christmas. He was a friend of the Premier. He was the president of his local riding

association. He was not appointed by consensus, which is traditionally the norm for an officer of this assembly, where all three parties agree that the individual should serve as one of the officers of the assembly. It was not done that way. The government imposed its will on the assembly and said, "We're going to appoint this individual whether you like it or not." We on this side of the House were very skeptical about Mr Gordon Miller's appointment, both the NDP and the Liberal Party. You may recall that the House sat for an extra week last December because we felt that was not the right way to appoint an Environmental Commissioner.

He came out with a report on July 27, during the middle of the summer. This may be old news but there may still be people out there who missed it during the summer months. What does he say? The first thing is, "Urgent need to protect Ontario groundwater, says Environmental Commissioner." Let me read to you some of his own words. Not my propaganda like we always hear propaganda from the members opposite, but let's quote the words directly out of the Environmental Commissioner's report. Let's hear from him, the Tory-appointed Environmental Commissioner of this province, as to how he feels about what this government—his friends, or at least so we thought back last Christmas—what he thinks his government is doing about the groundwater.

He starts off by saying, "The Ministry of the Environment, which clearly has the legislative mandate to protect our groundwater, under the Ontario Water Resources Act, seems unwilling or unable to act decisively"—not my words, but the words of our Environmental Commissioner. He continues, "The ministry continues to approve permits for potentially massive takings of groundwater without adequate technical analysis. At best, this may result in an inappropriate private allocation of a public resource. At worst, it may threaten the sustainability of the water supply of hundreds of people drawing on the same aquifer."

Certainly the member from Hastings has brought this up on a number of different occasions. Again, the words of our Environmental Commissioner: this is what he thinks about your environmental policy. He says, "In addition, on at least two occasions, the Ministry of the Environment has appeared to deliberately"—Speaker, these are his words from this written document that I'm willing to table, so I don't want to be accused of using unparliamentary language—"mislead the public by announcing management measures that were not carried out. Such actions are entirely contrary to the ministry's statement of environmental values and to the purposes of the Environmental Bill of Rights."

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Hon Rob Sampson (Minister of Correctional Services): I thought you didn't like this guy.

Mr Gerretsen: That's right. We had our concerns about him. But I can tell you, this report clearly shows to me that our Environmental Commissioner, the man you imposed on this Legislative Assembly, thinks absolutely

nothing about your environmental record. As a matter of fact, he is saying that the ministry "has appeared to deliberately mislead the public by announcing management measures that were not carried out."

It goes on: "There have been many complaints, prosecutions, and incidents of contamination across Ontario, and all across North America and Europe. In many other jurisdictions, including Quebec and the US, there are laws and regulations governing the management of manure," as he was talking about in this case. "But in Ontario there is virtually no control." Why doesn't this act deal with that issue? Let me repeat it for the member from Bramalea-Gore-Malton-Springdale: "In Ontario there is virtually no control" of the management of manure.

He goes on to say, "Under the Environmental Bill of Rights, the minister must consider the statement of environmental values when he makes decisions about regulations such as this. But what the ministry has done is to remove its obligation to be environmentally responsible." Let me repeat that: our Environmental Commissioner is saying that what the Ministry of the Environment has done "is to remove its obligations to be environmentally responsible."

Then he asks a question. Listen to the question, member from London-Fanshawe: "How can we trust a ministry to protect the environment when they have made it clear to the public that they have no such intentions?" Our environmental officer says, about the actions of this government, "How can we trust a ministry to protect the environment when they have made it clear to the public that they have no such intentions?" And then they have the nerve to come into this House, first of all, as was indicated earlier by the member for Beaches-East York, not to deal with one specific section that from now on will severely limit the liability of officers and directors. And there is absolutely nothing about this in the bill's explanatory notes, where you would expect to see that kind of information, which I think is totally unconscionable.

But let's go on, because I think the Environmental Commissioner has a lot to say about the record of this government and the record of this ministry. "Where is the Ministry of the Environment in all this? Isn't it that ministry's job to protect the environment? The major concerns at issue here—such as groundwater protection, surface water protection, protection of aquatic life, and security of drinking water—all fall under the mandate of MOE. Is the ministry unwilling, incapable, or incompetent to perform the task?" he asks. "Or has the ministry management abdicated its responsibility?"

Hon John R. Baird (Minister of Community and Social Services, minister responsible for francophone affairs): Who wrote this?

Mr Gerretsen: I see the Ministry of Community and Social Services yelling across the floor, "Who is writing this stuff?" It is your Environmental Commissioner who is writing this stuff about your government and about your Ministry of the Environment.

This bill is all smoke and mirrors. It talks a good line about increasing the penalties. Why not make it \$100 million? Why not make it \$50 million? If you don't prosecute anybody, if you haven't got the environmental officers out there to do the checking on a day-to-day basis as to whether or not industry, individuals or whoever is polluting out there, then the amount of the fines you have in your legislation becomes totally and absolutely meaningless.

This afternoon we had an opposition day motion that dealt basically with the same topic we're dealing with tonight. How shall I put it? It was not a partisan resolution in the sense that quite often these resolutions have words in them that obviously make it impossible for one party or the other to accept.

Let me read you that resolution. It basically says:

"That this House demands that the government take action on this serious problem by:

"Finally keeping their long-standing promise to deliver a comprehensive groundwater protection strategy"—exactly the same thing the Environmental Commissioner is talking about—

"Beginning to restore the 45% cut to the budget of the Ministry of the Environment"—that's not political rhetoric, that's a fact; you've cut the budget by \$141 million—

Interjection.

Mr Gerretsen: Well, maybe this is incorrect. Maybe there is an error in this. Maybe you haven't cut it by 45%. Maybe you've only cut it by 41%, and maybe that's the reason you voted against it, although I don't think so. It is a factual statement that it was cut by 45%.

"Beginning to rehire the one third of the Ministry of the Environment staff that the government has laid off"—even the member from Simcoe North admitted that there are 900 fewer people now than during the NDP years, when something over 3,000 people worked in the Ministry of the Environment, and now it's 2,100. So it's a factual statement. You even agree with the statement now. Why didn't you this afternoon?

The final clause was, "Immediately passing a comprehensive Clean Drinking Water Act." Why are you against it? With everything that's happened in Walkerton and with the inquiry that's going on, with people all over this province—in towns large and small, in rural areas, in big cities—questioning the quality of their drinking water, wanting to be assured their drinking water is safe to drink, what could you possibly have against passing a comprehensive Clean Drinking Water Act?

In other words, the four parts of the resolution this afternoon are frankly something everybody in the province wants. It dealt with nothing but factual information. Yet you as a government voted against it. I would like you to explain—none of your rhetoric—why you were against the four items contained in the resolution that was before us this afternoon. You will not have any adequate response to that.

I want to go on to talk about the groundwater strategy the Environmental Commissioner feels is necessary to

ensure the people of Ontario can be assured of the best quality of their water supply. I'll read you the seven items he has included herein, and I'm sure there isn't anyone who could possibly disagree with this.

Before doing that, let me say one other thing. I've come more and more to the conclusion that when somebody pollutes the environment, it is not only the fact that they're doing something in a more cost-efficient way as far as they're concerned, right there and then, but what's even more important is that sooner or later somebody is going to have to clean up whatever happens to our environment. It may be next year, it may be five years from now, it may be 50 years from now or it may be 100 years from now. The conclusion I've come to is that when somebody pollutes, there is almost like a hidden cost. It's like giving that industry or that individual a hidden subsidy, because sooner or later government or someone will have to clean up that pollution. Surely no one has the right to pollute our environment.

Let's talk a bit about the groundwater strategy the Environmental Commissioner referred to in his report. He starts by saying that a groundwater strategy should contain many interrelated items: (1) an inventory of groundwater resources and a data management system, (2) long-term monitoring network of water levels for major aquifer systems, (3) identification and protection of sensitive aquifers and groundwater recharge areas, (4) an inventory of current and past uses of groundwater and sources of groundwater contamination and an evaluation of their potential effect on health and ecosystems, including cumulative impacts, (5) a strong regulatory program aimed at preventing contamination, (6) an economic assessment of groundwater value, including current and replacement value and (7) a means of coordinating decision-making between all ministries and agencies that have jurisdiction over groundwater. Those are the seven principles he feels the government should adopt in a groundwater strategy. Who could possibly disagree with that?

Yet the government this afternoon, by its actions, by voting against basically a non-partisan resolution, did exactly that. It once again indicates what has become quite evident about this government's position when it comes to the environment, and that is simply this: we talk a tough line, we put in huge penalties, but we don't do anything about the enforcement aspect.

2030

This afternoon, I took a look at the Common Sense Revolution. You may recall that document, which the members used to show us at every opportunity during the session that took place here from 1995 to 1999. I took a look at this 24-page document for one purpose and one purpose only, and that was to find out how often and in what context the environment was mentioned in the Nonsense—I mean the Common Sense—Revolution. Do you know how often it was mentioned, Speaker? You don't know how often it was mentioned. Do any of the government members know how often the environment

was even mentioned in this Nonsense Revolution? Not once. The word “environment” was not used once on any of these 24 pages in any way, shape or form.

What you're doing today is completely in line with the position you've taken ever since 1995. As one member said, “We believe in less government, and therefore we will have less enforcement of the environment.” That's exactly what you've done. That's what you've done. At least have the intellectual honesty to stand in your place and say, “Yes, we thought it was a good thing to cut the environment by \$141 million; yes, we think it's a good thing that we have cut the Ministry of the Environment staff by 900 people; yes, we think it's a good thing that we've cut the enforcement branch and staff by 141 people.” At least have the intellectual honesty to get up and say that. Instead, you've got the Minister of the Environment going to Quebec City and making it sound as if we in Ontario have the toughest environmental legislation possible, and he has the nerve to stand there with his nine provincial colleagues, his two territorial colleagues and the federal Minister of the Environment and say, “We're not going to sign on to this clean air agreement because we don't think it's tough enough.” Even the member from Bramalea-Gore didn't say that. He made it sound as if the federal government didn't want to sign the agreement but all the provinces, including Ontario, wanted to sign it.

The point is simply that you have done nothing at all for the environment. What you believe in is self-regulation. You really believe that a company will just self-regulate when it comes to the environment, when we all know that ain't necessarily so. Basically a company is there to maximize profits for its shareholders, and environmental rules and regulations, if you were to fully implement them, may actually limit some of those profits etc. In the long run, of course, we all have to pay, because whatever you do to the environment, somebody's going to have to clean up, and it's usually government somewhere down the line, whether it's five years, 10 years or 100 years from now. That's why I say again—and I saw a lot of puzzled looks—that when you're not strict on the environment, you are giving a subsidy to corporate Ontario out there. If you allow them to pollute our environment, it's like giving them a subsidy, because we will eventually have to go in there and clean up the mess. When I say “we” I'm talking about whoever happens to be the government of Ontario at any given time in the future when it has to be cleaned up.

I see that my time is rapidly coming to an end, but let the people of Ontario know that Gordon Miller, the Environmental Commissioner we opposed, has given a beating to this government in so many different ways, as I've indicated to you today. He thinks this government is a total and absolute failure when it comes to the environment. I, as an individual member, and our entire caucus totally agree with him.

Interjection: Guilty as charged.

Mr Gerretsen: He is guilty as charged.

The Acting Speaker: Comments and questions?

Ms Lankin: I'm pleased to respond to the member from Kingston. I thought his final comments were interesting about the lack of environmental prosecutions, or about environmental enforcement essentially being subsidization by the taxpayer of those corporations that pollute.

I wonder if the member is aware of a November 1999 Supreme Court ruling that deals with Veekens chicken farm. I say to the member, it's actually quite shocking because in this ruling what the Supreme Court said was that if a company can make the case that they violated the environmental laws—they didn't bring in the right abatement equipment or whatever—because to do so would have deprived them of the legitimate goal of making a profit, then that is a defence that would allow them to write off the cost of the environmental mitigation and the environmental fine against their corporate taxes. The Supreme Court has said this.

What has Ontario done, those people who are going to have the toughest enforcement on violators of environmental laws? Have they appealed that ruling? No. Have they brought in a law to make it clear that corporate polluters, violators, cannot write off the fines that are levied against them against their corporate taxes? No. Have they done anything or responded in any way? No.

Not only is this law somewhat of a hoax because they are not out there prosecuting, convicting and levying penalties, but if they did levy penalties, all a corporation has to do is prove they violated those laws because otherwise they couldn't have made a profit and then they can write off the fine—the new, high fine that you're saying you're going to impose against their corporate taxes, therefore being subsidized by the taxpayers in Ontario. Surely if you're going to claim to be tough enforcers, you should take some action against the Supreme Court ruling: appeal it or pass a law to clarify what you have.

Hon Mr Sampson: How short some memories are in this House, I should say to the member from Kingston and the Islands. It was back in 1999, around December, when members from your side of the House staged an entire filibuster. For the people watching, in the language of the House, that means they shut down the business of the House because they didn't want the commissioner for the environment appointed. I remember those days.

Mr Brad Clark (Stoney Creek): Tell us what he said.

Hon Mr Sampson: I will tell the House what the member said, but I want to say to the member that he should take a look at what his leader said.

Interjection: It's 118.

Hon Mr Sampson: Yes, I realize, 118; thank you very much.

He said, “How could this person possibly be considered independent and non-partisan?” yet he stands in the House today and reads at length from a document that he says is non-partisan and indeed independent. In the dictionary, under “flip-flop,” it says, “See Liberal.” You

guys change your positions in this House more times than some of us change our suits. You've had more opinions on this Environmental Commissioner than I've had hot dinners.

Just in December 1999, you yourself, the member from Kingston and the Islands, stood up in this House and said this individual could never be considered to render an independent opinion on the environment. That's page 1729 of the Hansard, the official record of this House. And now you stand here and say, "We have an independent opinion." Which is it? Can you guys take a position and hold it for longer than 10 minutes or what?

2040

Mr Ernie Parsons (Prince Edward-Hastings): I find the rhetoric from the other side of the House, the government side, can be very discouraging at times but it clearly demonstrates that although we call it "democracy," the reality is the group with the largest numbers can do anything they want, whether it's good or bad for the people of Ontario.

The agreement this government refused to sign is probably a perfect example of that. We believed that once Premier Bouchard signed, our Premier would, because he said he would follow him and would do what he said, but to our shock, the attitude is, "It doesn't go far enough so we don't want to do anything. We're not going to do anything to reduce it."

If we brought forth an example that said, "There are too many drunk drivers on the road; let's lay off some police officers," it would be considered insane. Yet we now have the example of, "Pollution is a problem so we're going to lay off the inspectors." It doesn't matter how large the fine is, if there are no charges laid, there are no convictions reached.

We know that drunk drivers kill and we support the police officers who are employed to enforce the law and prevent that, but we also know that pollution kills. It may be more insidious but pollution kills as surely as drunk driving kills. Pollution in our water kills. Pollution in our air kills. People die from air pollution. People suffer all sorts of medical problems because of air pollution. The pollution that is taking place in this province is a time bomb.

The government side, bless them, want to talk about the process for the Environmental Commissioner's appointment, and they want to talk about what the member for Kingston and the Islands said last fall, because they don't want to talk about the report. They don't want to deal with what the commissioner said in the report. Bring out anything not to talk about it. What happened last December was history. The items the commissioner referred to are continuing to take place, and this government should react and deal with his recommendations.

Mr John O'Toole (Durham): I can't resist the opportunity. The member from Kingston and the Islands often makes himself an easy target and the reason for that is an old saying that goes, "If you don't stand for something, you'll fall for anything." Clearly they have fallen into most of the traps we've set. What we've done is fix

things, and they say it's bad in legislation but then it turns out to be good: hiring the very best Environmental Commissioner to this point.

The record speaks very clearly, as the member was saying earlier. Mr Miller has lived up to his professional reputation, and this government has done the right thing. The evidence is clear. Now, using him as the faithful navigator, we're going to have the toughest penalties, the toughest rules and regulations. I hope they will reflect, think on it very carefully, and just this once do the right thing. This bill we're debating tonight is the right thing at the right time to make sure that the people of Ontario have clean air, clean water and clean soil.

It would appear that someone on the other side is going to speak. I think the point has been made. They should do the right thing and vote for this bill.

The Acting Speaker: Response?

Mr Gerretsen: This government and the members opposite never cease to amaze me. When they haven't got anything else to say, they always start with personal attacks against whoever stands on this side of the House.

If the minister had been in the House right from the beginning, he would have heard what I said, because I told him that we on this side of the House filibustered against that individual, but even that individual has absolutely nothing good to say about the environment. It's interesting that in none of the responses from the other side did they question anything I quoted from the Environmental Commissioner's report. I can only assume they agree with everything the Environmental Commissioner said in his report, because they certainly didn't dissociate themselves from any of the things I quoted from the report.

I also found it kind of interesting that even though the minister had all the Hansards there, he didn't quote out of one Hansard. I know that what he was saying here he will not find in Hansard.

This isn't about the government members and it isn't about me or the members on this side of the House; this is about the environment and the kind of environment we leave to our children and their children. This is about allowing polluters the ability to pollute, and governments in the future having to pick up the cost of cleaning that up.

Interjections.

Mr Gerretsen: They say no. Look, I'll give you an example in my own hometown, where 100 years ago we had a tannery that was allowed to put lead and all sorts of discharge material in the Cataraqui basin, at the head of the St Lawrence River. It's going to cost millions to clean it up right now because somebody back then didn't do the right thing. So you do the right thing. Never mind your heavy penalties, get those people back—

The Acting Speaker: Thank you. Further debate?

Mr O'Toole: It's my pleasure to rise this evening and clarify some of the important technical aspects of Bill 124. I think it's important to put into the record that it's An Act to amend the Environmental Protection Act, the Ontario Water Resources Act and the Pesticides Act in

respect of penalties, so it primarily deals with amending three different statutes in the penalty provisions.

If you were to read through this bill, you'd find:

"1. An offence of contravening the act or the regulations, if the offence results in an adverse effect.

"2. An offence in respect of hauled liquid industrial waste or hazardous waste, if the offence may result in an adverse effect.

"3. An offence of failing to comply with a stop order."

Really what it does, and I think it's been mentioned here several times, is significantly increase the fines and penalties. We've found that those fines and penalties are deterrents; the most important mechanism, then, is the enforcements branch. The argument has been made here, and I think it has not been successfully demonstrated, that the number of inspectors remains exactly the same today as it was in 1995. So there has been no change, despite the many significant challenges that the Ministry of the Environment has.

But I think it's important to look at some of the other changes since 1995. If you looked at the Ministry of Energy, Science and Technology today, a good part of that ministry was at one time lumped under the Ministry of Environment and Energy. When the Ministry of the Environment's payroll and budget went down, those people were transferred to the new Ministry of Energy, Science and Technology under Minister Wilson. At the same time, they've also moved a good portion of the Ontario Clean Water Agency, OCWA, out of the Ministry of the Environment in a funding mechanism, as is reported by the ministry.

Now, most would say we need a strong clean water agency, and certainly I would agree with that. That has to some extent been on the record for a while; I think the NDP were the first to create it. But I want to put something on the record. Here's a view that I think is important to record, those at home who have a pen. You can get your pen; I'll wait for a minute. Listen to this: "The Ontario Clean Water Agency, OCWA, has been slow to consider interregional and private sector projects. A Liberal government will redefine the role of OCWA, including developing partnerships with the private sector to deliver cost-effective water and sewage services." This is from the Liberal red book policy. It's important to know that the Liberals thought about it, but they certainly would not have had the courage to do it. The record's clear: the difference between the Liberals and our government is that we actually deliver on our promises.

Mr Rick Bartolucci (Sudbury): You kill people.

Mr O'Toole: The member on the other side, the member from Sudbury, a former teacher, is in my view belittling the debate. Mr Bartolucci tonight is insulting the integrity of the members here listening to an important debate. His comments are inflaming the issue of the debate this evening, just because we're putting on the record their position of waffling.

I want to put on the record again that it's a well-known thesis that the Liberal solution to every policy is tax and spend. Jane Stewart did it the best of all of them,

only she got caught. So I don't want to hear any more barracking from the other side, to use Mr Phillips's point.

This government is committed to having the strongest legislation when it comes to protecting the clean air and clean water in this environment.

2050

In the remaining time tonight I also want to look at a couple of points we've made over the past while. A few items have not been mentioned that have come up in my riding. I think a very important debate over the last while has been how we deal with our waste. Waste policy is an important area in which I believe this government will act. We've seen that Toronto city council has not had the courage to deal with it. They're hiding behind an election or whatever else. In many cases, if you look at the voting record there, you'll see that their affiliations are such that they'll never form a government; therefore they can't ever make the difficult decisions.

Ontario has 15 regulations related to waste management, topics which include disposable containers, landfill sites, recycling and composting of municipal waste, waste audits and waste reduction plans. We have established a partnership of industry groups, municipalities and the province through the new Waste Diversion Organization, WDO, with a first-year commitment of \$14.5 million to help fund the municipal blue box and other waste diversion programs. That program sets up as an example—and I would say the previous government, the NDP government, did a fine job in erasing—

Interjections.

Mr O'Toole: You can stop the clock. I need as much time as I—

The Acting Speaker: I'm trying very hard to listen to the member for Durham, and the other conversations aren't helping.

Mr O'Toole: So the waste diversion program is just one initiative to deal with waste.

Through our regulatory reform initiatives, we have taken action to make Ontario's environmental registry the toughest in the nation. This is the first time in over 25 years a government has had the courage to make Ontario regulations stronger, better and cleaner. It's a move that has been applauded by environmentalists.

I'm going to put on the record that there are some environmentalists who have the courage. I would be very clear to put on the record some of my constituents who are clear in support of the environment, people like Debbie Vice—they're probably watching tonight; at least I phoned them before I was going to speak—Walter Vice, Kevin Campbell, Wende Campbell, Tony Pratt, Maureen Reilly—Maureen Reilly is a friend of some persons in the House; she's probably worked for some of the caucuses—Irene Kock and Suzanne Elston.

Suzanne Elston is running as a regional councillor in my riding. I have a lot of respect for the time and attention she has given to the environment. I would certainly encourage people to look at people who put the environment high on the agenda. Outside of all the politics, each of us knows—elected people, if you're

listening—the environment issues, the air and the water and the soil that we’re talking about, not just in Bill 124—this government recognizes that this has become an ever more important issue to the electorate in Ontario. We’re actually doing something about it. Previous governments had their opportunity. I can just think of the waste issue; when I was sitting on regional council, at that time the previous government—with all respect to Ms Lankin here this evening—developed the Interim Waste Authority. I think Walter Pitman was chair. They spent about \$20 million for a siting of waste management; they never found one dump site. Do you know why? Because it is difficult. You’re always trying to strike the balance of stakeholders. You’ve got to deal with difficult decisions, and that’s the role of government. That’s why we’re elected: to serve the public, and in some cases it’s a very difficult role. It’s not in any form easy, whether it’s federal or provincial or local.

Waste is one of the issues that has been on the stage, with respect to the Adams mine site and the previous government trying to deal with it. That is an impending issue now, the whole issue of recycling. All of the waste that you and I and the viewers at home tonight—all the consumable goods and things we use and abuse and destroy actually end up affecting the water and the soil and the air we breathe.

If we look to the future and to a government that first sets up a framework of very tough, stringent penalties to dissuade offenders—and certainly enforcement is a very important part of that mechanism. I believe we’re on the right track. I believe that the new standards for water and the commitment to do groundwater studies—no one here can dispute that that is the right direction to take, the right thing to do.

At the end of the day, and if you listen to Justice O’Connor’s report, you will find that the first infractions at Walkerton started to occur in 1978, and no one has had the courage to step up to it. If you read the summary in the *Toronto Star*, there were six infractions prior to May at Walkerton that had to be dealt with. This government has set up the process to finally develop the process and be accountable.

I can tell any of you here who want to know that I’ve never paid a water bill to the province of Ontario. Water is a regional or upper-tier responsibility. So give it some thought, think of this bill and support it.

The Acting Speaker: Questions and comments?

Applause.

Mr Smitherman: They’re applauding for me, Mr Speaker. Let the record show it.

I just want to say to the member for Durham, that was an exercise in incredible courage that I have rarely seen on that side. The member, the backbench member of the seal brigade, ventured from his notes. That is a departure we see too rarely in this House, particularly from distinguished members well in the back.

These voluntary penalties are a very exciting phenomenon. The Harris government has this reputation. They use the word “tough” a lot, but the problem is that they

just talk loudly on crime, just as they’re talking loudly on these issues tonight. But the mechanism, the missing piece, is the important part. That’s what we continue to see with this government.

The member from Durham well knows that his government is contributing to extraordinarily big environmental problems. Think, just for an example, of the extraordinary policies of sprawl which that government supports and the prime agricultural land that every single day, particularly in the northern part of that member’s riding, gets eaten up by government policies which are visionless with respect to making the greater Toronto area a place where people can continue to enjoy a good quality of life. That’s the legacy of this government and that’s the legacy of this member.

The people in Durham region and Durham riding are calling out for leadership which would show a commitment to reduction in smog levels because of new investments in the opportunities presented by public transit. Instead, we hear from this member more rhetoric and more talk but no action to deal with this significant problem. It isn’t just an environmental problem; it’s an extraordinary problem of increased commuting times and the corresponding decline in quality of life for the people who live in that member’s riding. In an environmental context, he talks about road-building and the capacity to increase people’s commuting times instead of dealing with environmental concerns and quality of life for his residents by decreasing commuting times.

Mr Clark: Talking about environmental protection and talking about penalties, this is what this bill is really about: the penalties. They become a deterrent.

I sit in awe, listening to all members of the House, especially the opposition, talking about how to improve environmental protection, and their answer is simply, “Hire more people.” That’s the simple solution. But I challenge you to go back and check a few things out, because I don’t personally believe hiring is the solution. As a matter of fact, I could state right now that we could probably hire 1,000 inspectors and we would still have some problems.

I’d ask you to check out some court decisions; I would ask you to check out a few fights that are happening right now in the courts, whose terminology is “officially induced error.” That’s where the Ministry of the Environment finds itself in a little bit of a conflict between their abatement office and the enforcement office. The Deloro mine is one case in point. The abatement office deals with an issue, the enforcement office goes in and charges, and the mines declare “officially induced error.”

I can give you a point in Hamilton, the Rennie Street dump, where 10 years ago PCBs were found going into a stream. The Ministry of Environment knew about it 10 years ago—not this government—and the abatement people started working with the municipality but never solved the problem. No charges were laid. They were simply trying to facilitate a solution with proponents, which all governments have tried to do, but they didn’t

solve the problem. At the end of the day the enforcement branch went in, after a private citizen complained, and they finally laid charges. What did the city argue? Officially induced error. "You knew all about it for 10 years; you didn't do anything about it."

I think we should be looking at how the structure of the Ministry of the Environment operates, which this government is currently trying to figure out, and fix it from there, never mind just hiring more inspectors.

2100

Mr Bartolucci: I think it's very important that the member for Durham speak about some facts. Fact: cuts to the Ministry of the Environment, 900 jobs; fact: 36% of the staff laid off; fact: \$121 million in the budget slashed; fact: 42% of the budget slashed; fact: NAFTA's Commission for Environmental Cooperation's report, Taking Stock, finds that Ontario is the third-worst polluting state or province in North America and the second-worst air polluting jurisdiction, producing more pollution than New York, Michigan or California—fact.

Now let's see what other experts are saying who aren't in this House. Let's talk about Gordon Perks, OntAIRio campaign, who on October 18 said, "The only leadership Ontario has shown on this issue is to one after another cut or dismantle initiatives that protect our air."

What about John Bennett from the Sierra Club, who last week said, "Your plan is weak. You're not a leader. You are standing up here and you are lying to these people ... you've cut back on every program that existed when you came into office"? That's a fact. John Bennett said it.

What about Gerry Scott from the David Suzuki Foundation, who last week said, "It's ludicrous. Ontario is lagging behind damn near every jurisdiction in North America when it comes to greenhouse gases. They simply don't know what they're talking about?"

Steven Guilbeault said, "Where's the action? Where's the plan? All Ontario has done is list a series of things they have done in the past."

John Wellner from Pollution Probe says, "It is disappointing that Ontario has so thoroughly misinterpreted its smog reduction accomplishments."

Listen, the important thing that the people of Ontario want to know is the truth. Give them the truth.

Ms Lankin: Originally I wasn't going to respond to the member for Durham, but after hearing the member for Stoney Creek's response, I have a few words I want to put on the record.

I want to say to you that it's interesting that you say all you have heard is talk about staff, and that more staff won't necessarily solve the problem. I want to point out to you that I have put on the record at least three or four times tonight that the level of prosecutions and fines has dropped dramatically under your government. In fact, in 1995 we were at a point where environmental fines to corporations and individuals were at around \$3 million. You're the government that's claiming to be the toughest enforcer and you're claiming that increasing the amounts of the fines is going to be a deterrent. But if you're not

charging, prosecuting and getting convictions, it won't be a deterrent. In 1998 the total amount in fines that were levied under your government as a result of any kinds of prosecutions and convictions was \$860,000, down from \$3 million. I pointed out that between 1996 and 1998 there was a tripling in the number of violations of water pollution regulations. In fact, two thirds of them were by repeat companies. Since 1998 there has only been one prosecution. So you're not actively enforcing the legislation.

We can tie that to the numbers of inspectors. There could be other reasons. I would say that if there are other reasons, they're more sinister in terms of a lack of commitment in the ministry to do that, but I think it's a lack of capacity. So I think the issues are linked. But look at the facts in terms of those numbers.

You talk about officially induced error. There is a program within government where they give program approvals to work with companies to reach points of compliance at some point in the future. Between 1994 and 1997 there were two approvals given. In 1998, under your government, there were eight programs approved of that sort. So please don't suggest that there is something more vigorous in the enforcement you're doing. All the evidence points to the contrary.

The Acting Speaker: Response?

Mr O'Toole: I appreciate the members taking the time to listen and respond. I'll just go through it.

The member for Toronto Centre-Rosedale talked to some extent about public transit and the important role of reducing emissions from automobiles. We have the Drive Clean program and we have also, through the Greater Toronto Services Board, an initiative that I believe you will see in the next mandate, after the municipal election, that will have a significant role to coordinate transit across the many municipalities.

The member for Stoney Creek took a very strong and well-informed position, not essentially in defence of anything I had said but certainly to talk to the issues and specifically bring it down to what this government is doing.

To the member for Sudbury, with all respect, I think we could argue and play tennis back and forth. I could quote experts, and I'm going to, that support the other point of view. It really may not be fruitful, but there is a record here.

Ken Ogilvie of the environmental watchdog group Pollution Probe, who have a different job than ours, called the new law, "a good piece of work" because it transforms what were guidelines into legally binding standards." That's in the Canadian Press, August 9, 2000.

Let me read another position from the Toronto Star, November 25, 1982. It says, "Premier David Peterson's self-proclaimed 'toughest environmental laws in North America' face tough criticism from auditor Douglas Archer's report for being weak and ineffective," and in some cases there's not much more here than words. "There needs to be less trust and more enforcement."

In conclusion, I think the member from Beaches-East York talks about the important part of enforcement. I believe that challenge will be before us, and I think that's exactly where the tire hits the road. This government set tough standards—

The Acting Speaker: Thank you. Further debate?

Mr Sergio: I'm delighted to join the debate on this important bill for the next few minutes this evening.

Let me make my comments on the latest proposed bill by the government, called Bill 124. The government thinks it's going to introduce the toughest penalties on polluters in Ontario. As a matter of fact, the intent of the bill is to make amendments to the Environmental Protection Act by increasing the fines from their present limits to amounts, for a corporation, from \$2 million to \$10 million, and for individuals, from \$100,000 to some \$4 million.

Why is this necessary? How did we get to this situation? What has prompted the government to resort to this type of farce, if I may say? They keep on bringing this type of legislation with no teeth, with no enforcement.

Lately we have seen the government championing the cause of being the toughest. But when it comes to doing something, they don't have the tools in place to carry out the responsibilities they themselves say they should be doing, and we have seen that. I hope that in the next few minutes I'll be able to partially get to some of the events that have taken the government to the stage where they have introduced this type of law.

First of all, why are we here? It's because of the consequences, because of their own doing, because of the cuts they have made to the various departments. I don't have time to go into all of those. I will try to limit my comments to the bill itself, as it has been introduced, without circumventing to others.

It is because of their cuts to the Ministry of the Environment. They cut one third of the staff, which was about 900 employees. That included not simply telephone answering, the clerk types and the secretarial types. It included people who were, day in and day out, doing the heaviest, most important jobs out there, such as inspectors, enforcement officers and prosecutors. On top of that, they downloaded a lot of the responsibilities to the local municipalities which, again, were strapped by the provincial government with the downloading of various other responsibilities.

The government decided to cut 42% of the budget of the Ministry of the Environment, and that amounted to some \$121 million. When you cut one third of the staff—900 employees—and \$121 million, it is bound to carry some effect down the road to the people of Ontario. It doesn't matter how it gets there. If it gets to the local municipalities or to the local provincial government, the people of Ontario know they have suffered some consequences. In the last few months we have seen some of the most disastrous consequences in the history of Canada when it comes to death because of pollutants—I speak of the case of Walkerton.

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Since they took power in 1995, fines have gone down by some 66%, and we wonder why we are in this predicament. Since 1995, fines have gone down 66%. In 1998 alone, some 3,300 cases were documented for pollution violations, breaking the laws of our province with respect to water pollution. Only one case was charged, prosecuted and convicted—one case out of 3,300. In February 1999, Ministry of the Environment inspectors were told to provide no further response to public concerns, public complaints of incidents reported to them by Ontario citizens complaining about the breaking of environmental laws with respect to illegal dumping of sewage, pesticide infractions and water pollution.

As Liberals we believe, and our leader, Dalton McGuinty, has been saying this in the House time and time again—our record is clear, our record is solid and our commitment is very firm: to protect the environment.

Today we have seen one of our members, the member for St Catharines, together with our leader, Dalton McGuinty, introduce a resolution with respect to a Clean Drinking Water Act. I think that's fair. If we were to ask the people of Ontario, "Would you like to see an act which would give you clean drinking water?" in their common sense they would say, "Are you crazy? Of course." But lo and behold, members of the government all rallied to defeat the resolution of Dalton McGuinty and the member for St Catharines, to say, "No, we are opposed to passing this resolution."

Do you need any more proof that the Harris Conservative government is not serious when it comes to the environment, regardless? And what for? If it's protecting the underground or aboveground water or our forestry or the air we breathe, everything that's got to do with the environment—in the last five years, they have passed legislation that has weakened every piece of legislation we have had on our books which for years has protected the environment in Ontario.

Bill 76 is now tying the hands of the Environmental Assessment Board to review major environment projects. How do you like that? Bill 57 gives the minister sweeping powers to exempt any person or activities from the environmental protection agency. Bill 107, another bill introduced by this government, downloaded on to municipalities responsibility for some 230 water and sewer plants, formerly owned and under the responsibility of the provincial government, owned and operated by the province of Ontario.

Our record is clear. The record of the Mike Harris government is there and speaks for itself. I have to say, when it comes to the environment, it is shameful. With respect to water pollution, we are now second only to one state in all North America, the wonderful state of Texas, as polluters, and third in North America when it comes to general pollution.

My colleague on the government side, the member for Durham, says we have the toughest record in the nation. I have to say to the members of the government and the

Premier that they have the best record in pollution in the whole of North America, let alone our province.

Unfortunately, there is only one minute left, but let me say this: we cannot provide a clean, safe environment with safe drinking water unless this government, unless Mr Harris, decides to take the bull by the horns and starts to replace some of the 900 people who were eliminated, fired, some two, three or four years ago, and unless the government starts to put some money back into the ministry and says we do need those inspectors so that they can go out and inspect some of those water wells that are causing people's deaths. We have seen that. I am sure no member on either side of the House wants a repeat of what we have seen in the last few months, but the only way to accomplish that is to really do something about it and not solely introduce a bill in the House that has no teeth. Unfortunately, the bill, the way it is now, will not accomplish that on behalf of the people of Ontario.

The Acting Speaker: Questions and comments?

Mr Dunlop: I'd like to make a few comments to the member from York West. I'm amazed at how you feel, that increasing the penalties will not have any impact across the whole province, but that's up to you, it's your decision and I realize it's what you may think about it. What I'd like to say, though, is that as we sit in an assembly like this with members from all across the province, I can't imagine anybody who doesn't have very strong feelings about the environment. I never throw garbage out my car window into the ditches. I know thousands of people do—plastic bottles—

Interjection.

Mr Dunlop: Maybe that doesn't mean a lot to you. That may not mean much to you, but I happen to clean up ditches in my area where I—

Interjection.

Mr Dunlop: Yes, because people do throw out a huge amount of garbage. I don't know why they would do that. The fact of the matter is I do that. It's a fact that Mr Wilson looks after streets in Wasaga Beach. He has a street where he and his staff clean up the garbage a couple of times a month. I think that's admirable. I personally sponsored David Suzuki. I was one of a group of partners who helped David Suzuki come to the city of Orillia to speak. David Suzuki talked about the environment. He talked about all levels of government and all different parties, right across our whole country. We all have a lot of improvements to make in the environment. He talked about the BC government and then he talked about the fishing regulations and how the federal government was letting down the fishing industry with netting and that type of thing, and how it was affecting the environment.

We're all proud of environment. You may not agree with some of this legislation. I do agree with it. We are the government and we will pass this legislation, and it will be more restrictive and we will increase the fines for those people who are polluting in this country.

Mr Smitherman: It's a great opportunity to have a chance to comment on the speech by my colleague the member from York West. I think it was an excellent presentation. The one thing I want to comment on is this numbers game. I've been hearing this extraordinary debate across the aisle today with respect to the numbers, and the number of employees. I want to say to those hundreds of thousands of people who are watching at home that I think they would have the common sense to understand—you guys have given common sense a bad name—that if you're going to have tough laws on the books, the ability to enforce those laws is equally important.

The key point we've been making tonight, and it's hitting home, if not with the members opposite then with the people at home, is the understanding that of course in a city, to be safe, it's not the quality or quantity of the laws on the books but rather the role the police may be playing to enforce those laws.

That raises an interesting point, which is that under Mike Harris there are fewer police on the streets of Toronto than there were before he came to office. The key point I want to make, though, is this, and I think the member did an excellent job of it: imagine for a moment that we were sitting in the homes of people in Walkerton and listening to this debate. I think they would pass serious judgment on government members who suggest there is no correlation between the number of people enforcing laws and the quality of those laws and the role they can play in having an effect. I think that's a really important point. In deference to the people of Walkerton, government members would be well advised to think about the way their remarks must be playing in that community.

The last thing I want to say is that I find it shameful the province of Ontario is in a position where we're chasing Texas to the bottom. I'm ashamed that Mike Harris thinks George Bush is an environmental leader.

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Mr Wettlaufer: It was a little surprising to me to see that the members opposite would get up and harp about the environment the way they were, and yet when my colleague here, the member for Simcoe North, got up and spoke about picking up garbage, he was ridiculed by the members opposite. One member was laughing. The member for Toronto Centre-Rosedale laughed. Another member was going like this. They love to ridicule when we talk about it, but they love to get up in front of the camera—

Interjection.

Mr Wettlaufer: There he is. He's still at it.

The Acting Speaker: I am trying to listen to the member for Kitchener Centre. Just the member for Kitchener Centre should be speaking.

Mr Wettlaufer: Thank you very much, Mr Speaker. I appreciate that.

These members are the same ones who were harping not too many days ago on the fact that the city of Toronto was going to ship its garbage up north to the Adams

mine. They thought how distasteful this was, but I haven't heard one word out of them, not one word out of them in the last couple of days, when we find that now the city of Toronto is going to truck thousands of truckloads of garbage down the 401 over the course of the next year. They're trying to arrange this contract to truck thousands of truckloads carrying five and 10 tonnes of garbage through residential areas, large built-up municipalities. In my municipality of Kitchener-Waterloo, we've got 450,000 people and we're going to have garbage trucking through our area. Let me tell you, the people in this area do not like it. Toronto is the biggest polluter on this planet, for crying out loud. You don't recycle any more than 10% of your garbage.

Mr Smitherman: That's a lie.

Mr Wettlaufer: It is not a lie.

The Acting Speaker: Order. The member for Toronto Centre-Rosedale will withdraw.

Mr Smitherman: No, I won't, Mr Speaker. He lied.

The Acting Speaker: Will you withdraw?

Mr Smitherman: No, I won't.

The Acting Speaker: I name the member for Toronto Centre-Rosedale.

Mr Smitherman was escorted from the chamber.

The Acting Speaker: Questions and comments?

Mr Bruce Crozier (Essex): I may not take the two minutes, but the member for Kitchener Centre said that he hasn't heard anything from the members across about the fact that garbage may be trucked down the 401.

Mr Wettlaufer: It's through your riding too.

Mr Crozier: The member from Kitchener says it's through my riding. I know better than you where I live and I know it will be through my riding. I know it will be Steve Peters's riding. I know it will be other Conservative members' ridings. It will be Sandra Pupatello's riding. The point you made was that you haven't heard anything from any of them. Then obviously you don't listen to the news, you don't watch the news, you don't get the clippings. On Friday afternoon, after the announcement, we made some comments about that. But these are public highways. We can't simply stand up and say, "You can't do that." What we're looking for from this government is something we haven't had, and that's leadership. If it isn't going to go up north and be put into a pristine lake, which your Premier supported, then it's going to go somewhere. Now what they're looking for, along with us, is some leadership.

Mr Wettlaufer: That's what we were trying to tell you.

Mr Crozier: No, we don't want it to pollute our environment by 250 more trucks travelling down the 401.

What I'd like to hear from your government, and from all of us here for that matter, is, what are the alternatives? What are you going to do, what's your government going to do to lead this province in reducing waste, in preventing us from burying waste? What are you doing? You're the government of the day. You want to take credit for everything that's good. Then you had better help take credit for some of the things that should be done in this province. Get off your butt and let's all work together to see what we can do with that garbage.

The Acting Speaker: Response?

Mr Sergio: Thanks to all the members who have contributed to the debate. Let me say, especially to the member from, I believe it's Simcoe North, that the new fines, the heavy fines are a deterrent; sure, it may sound like a deterrent but I think we need more than that to convince people not to pollute.

I think it was the member from Durham who said, "When we have a problem, we set up a process." I have to say that's too late. Once people have died, it is hard to set up a process.

This is what we do because we take the environment and all aspects of the environment, and I believe every member of this House takes the environment, seriously, but I believe that we as Liberals, as our leader has said many times, are taking it very seriously. Under Dalton McGuinty, the Liberal side here has made many worthwhile suggestions.

I hear the government say, "Look, what are you going to do? What are you going to suggest?" You come into this House. This is what Dalton McGuinty kept saying in this House time and time again. He has made a very firm commitment. We said to start to restore the 45% cuts you have made. That's number one and Dalton McGuinty promised to do that. Start to rehire the one third of the staff you have cut; we have promised to do that. Start to restore the water testing program they have cut under Mike Harris and the government. One thing that Dalton McGuinty very fiercely believes in and that as of today we have said, is stop privatizing the sale of Ontario water. This is something we feel very strongly about.

These are some of the things that we would do and that we propose the government do as well.

The Acting Speaker: It being 9:30 of the clock, this House stands adjourned until 1:30 of the clock tomorrow afternoon.

The House adjourned at 2128.

LEGISLATIVE ASSEMBLY OF ONTARIO
ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

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Speaker / Président: Hon / L'hon Gary Carr

Clerk / Greffier: Claude L. DesRosiers

Clerk Assistant / Greffière adjointe: Deborah Deller

Clerks at the Table / Greffiers parlementaires: Todd Decker, Lisa Freedman

Sergeant-at-Arms / Sergent d'armes: Dennis Clark

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Beaches-East York	Lankin, Frances (ND)	Hastings-Frontenac- Lennox and Addington	Dombrowsky, Leona (L)
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Brant	Levac, Dave (L)	Kingston and the Islands / Kingston et les îles	Gerretsen, John (L)
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Davenport	Ruprecht, Tony (L)		
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Durham	O'Toole, John R. (PC)	London-Fanshawe	Mazzilli, Frank (PC)
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Etobicoke-Lakeshore	Kells, Morley (PC)		
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Guelph-Wellington	Elliott, Brenda (PC)		
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Halton	Chudleigh, Ted (PC)		

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Nickel Belt	Martel, Shelley (ND)	Scarborough-Rouge River	Curling, Alvin (L)
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Northumberland	Galt, Doug (PC)	Simcoe-Grey	Wilson, Hon / L'hon Jim (PC) Minister of Energy, Science and Technology / ministre de l'Énergie, des Sciences et de la Technologie
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Sarnia-Lambton	Di Cocco, Caroline (L)	Willowdale	Young, David (PC)
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		Windsor-St Clair	Duncan, Dwight (L)
		York Centre / -Centre	Kwinter, Monte (L)
		York North / -Nord	Munro, Julia (PC)
		York South-Weston / York-Sud-Weston	Cordiano, Joseph (L)
		York West / -Ouest	Sergio, Mario (L)

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

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

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Frank Mazzilli, John R. O'Toole, Steve Peters,
R. Gary Stewart, Wayne Wettlaufer
Clerk / Greffière: Anne Stokes

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Finances et affaires économiques**

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Règlements et projets de loi privés**

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Vice-Chair / Vice-Président: Garfield Dunlop
Gilles Bisson, Claudette Boyer, Brian Coburn,
Garfield Dunlop, Raminder Gill, Pat Hoy,
Frances Lankin, Bill Murdoch
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