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Second Session, 38th Parliament

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(Hansard)**

**Journal
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(Hansard)**

Tuesday 17 October 2006

Mardi 17 octobre 2006

Speaker
Honourable Michael A. Brown

Président
L'honorable Michael A. Brown

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LEGISLATIVE ASSEMBLY
OF ONTARIO

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ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

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The House met at 1845.

ORDERS OF THE DAY

HIGHWAY TRAFFIC AMENDMENT ACT
(SEAT BELTS), 2006

LOI DE 2006 MODIFIANT LE CODE DE LA
ROUTE (CEINTURES DE SÉCURITÉ)

Mr. Bradley, on behalf of Mrs. Cansfield, moved second reading of Bill 148, An Act to amend the Highway Traffic Act respecting the use of seat belts / Projet de loi 148, Loi modifiant le Code de la route en ce qui concerne le port de la ceinture de sécurité.

The Acting Speaker (Mr. Ted Arnott): Is there any debate on this bill?

Is it the pleasure of the House that the motion carry? Carried.

Shall the bill be ordered for third reading?

Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader): Mr. Speaker, I would like this bill referred to the standing committee on general government.

The Acting Speaker: So ordered.

CLEAN WATER ACT, 2006

LOI DE 2006 SUR L'EAU SAINTE

Resuming the debate adjourned on October 10, 2006, on the motion for third reading of Bill 43, An Act to protect existing and future sources of drinking water and to make complementary and other amendments to other Acts / Projet de loi 43, Loi visant à protéger les sources existantes et futures d'eau potable et à apporter des modifications complémentaires et autres à d'autres lois.

The Acting Speaker (Mr. Ted Arnott): When we last dealt with this bill, the member for Nepean–Carleton had the floor. I return to the member for Nepean–Carleton to continue the debate.

Ms. Lisa MacLeod (Nepean–Carleton): I've got about five and a half minutes left of my 10 minutes. Just to recap where I was a week ago today, we were talking about the Clean Water Act and some of the consultation, and some of the public reaction to this piece of legislation throughout the summer right across Ontario from farmers and landowners who opposed the bill as it used to be and now oppose the bill as it is today. That's why we're here tonight.

Over 200 resolutions to this bill were put forward at committee stage, and now, today, we're here with a new bill, changed by the McGuinty Liberals, who realized that this was a public relations nightmare for them, especially in some of the seats they hold. The big problem, however, is that the public was never consulted on this bill as it is today, which has largely been rewritten. In fact, most stakeholder concerns were represented by the opposition parties and through their resolutions, which, save two, all failed.

This bill, largely rewritten, with its fundamental flaws and the lack of consultation, should go back to the people of Ontario. In a perfect world, there would have been more consultation. If so, I predict that we would hear many of the concerns I'm about to highlight, such as the funding flaws, expropriation and regulations.

1850

I would like to talk a little bit about funding. The McGuinty Liberals tried to pull a fast one on Ontario by downloading the cost of the CWA onto municipalities. They failed. Seven hundred million dollars does not come anywhere close to meeting the costs that this bill will cost to implement. The argument that no further funding can be committed until the protection plans are drafted is ludicrous. That is the equivalent of putting aside a toonie, a whole toonie, for a new hospital until you see the tenders. There are going to be serious costs associated with this bill, and this time the government needs to take the costs of this bill seriously. I hear this constantly in my own community, where we've got a vibrant farming community, which I fear will be impacted negatively under this bill. Once again, Dalton McGuinty has proven that he will say and do anything just to be elected.

A very important issue in Nepean–Carleton is land rights and the protection of private property. There's no greater concern, which some of the landowners have in my constituency, than the expropriation clauses in this piece of legislation. The possibility of expropriation without compensation is a real concern. Many presenters at the hearings cited this portion of the bill as very troubling. The Ontario PC caucus put forward amendments that would strike any possibility of such a thing occurring. The Liberals on the other side of this Legislature voted them down. Many stakeholders remain very concerned about the implications of sections 88 and 83. Might I read section 83?

"A municipality or source protection authority may, for the purpose of implementing a source protection plan,

acquire by purchase, lease or otherwise, or, subject to the Expropriations Act, without the consent of the owner, enter upon, take and expropriate and hold any land or interest in land.”

We can go on. Section 88: “No costs, compensation or damages are owing—

Interjections.

Ms. MacLeod: They don’t want me to read this, Mr. Speaker, because they don’t want their constituents to know what they’re doing to them:

“No costs, compensation or damages are owing or payable to any person and no remedy, including but not limited to a remedy in contract, restitution, tort or trust, is available to any person in connection with anything referred to in clause (1)(a), (b), (c) or (d).”

Again, many stakeholders across this province, many of the people we are here to represent, remain very concerned about this.

I want to finally touch on, with the few minutes that I have, the regulations that are of very big concern to the farmers who are farming on the Jock River. The Clean Water Act, to them, can only be described as shell legislation, with many of the important aspects to be determined by legislation and regulation. This type of legislation cuts the general public out of the process. The Ontario PC caucus again put forward many amendments that would have better publicized any regulatory changes and would have provided the option for better public hearings around the significant regulation changes. The Liberals voted against these. Why do they seem committed on that side to cover-of-night, cloak-and-dagger legislation?

In conclusion, we have a bill that is fundamentally flawed. It is lacking in public consultation and, if it is passed, will have severe consequences right across Ontario and in my home constituency of Nepean–Carleton. Our Ontario farmers and landowners right across rural Ontario do not want to see this piece of legislation passed. I beg of the members opposite to send this piece back for consultation with the general public. I think that is the right thing to do and that’s the thing you should do, because this piece of legislation is not good for the people we are here to represent.

The Acting Speaker: Questions and comments? Further debate?

Mr. Garfield Dunlop (Simcoe North): I’m very, very pleased to be able to rise this evening and speak on Bill 43 on day four of third reading of the Clean Water Act.

It’s my understanding that we’re all here today because of recommendations made by Justice Dennis O’Connor under the Walkerton inquiry and the tragedy that happened at Walkerton. Literally a couple of hundred recommendations had to be made, which both governments wanted to see implemented across the province of Ontario, to make sure that that would never, ever happen again. I can tell you that I cannot support this bill the way it is today, and I take very seriously the

recommendations made by Justice Dennis O’Connor because I don’t ever want to see another Walkerton.

The reason I’m so disappointed in the bill is the whole issue around water source protection, and I go right back to a key landfill proposal or approval in my riding. It’s called site 41, in the county of Simcoe. It’s a landfill in the township of Tiny. It’s been going on for over 20 years. We’ve seen a number of governments in power in that time—

Hon. Leona Dombrowsky (Minister of Agriculture, Food and Rural Affairs): Yes, yours for eight.

Mr. Dunlop: Here’s the minister who could have done something about it yapping away again. She’s the one who discovered Bill 49, the Adams Mine Lake Act, and yet she yaps away as though she actually knows something about that ministry. I’m going to tell you, that is what disappoints me, that people like this heckle on an evening like tonight when we’re trying to put some points across. She heckles away like she actually knew what she was doing when she was the minister.

I can tell you, site 41—

The Acting Speaker: We’re just getting started tonight. I would ask the House to come to order and allow the member for Simcoe North to make his presentation.

Member for Simcoe North.

Mr. Dunlop: Thank you very much, Mr. Speaker. Of course, as soon as you mention anything that the previous government approved, then you get them riled up fairly quickly.

Site 41 is a landfill where, for years and years, we were told by the Ministry of the Environment that this was the perfect site. It went through a number of approvals during that period. Well, after Walkerton, when I was the elected member of Parliament, I actually visited this site. I’m going to show you something, and I don’t want to put the picture up in front of the cameras here right now, but I went to this particular site at a point in the wintertime when about four acres of land had flooded, melted all the snow, with literally hundreds of gallons of water bubbling out of a well cap that had blown off, a test well directly on the site, exactly where the garbage is going to go. This is a picture of that site. There’s the well, and literally hundreds and hundreds of gallons of water—

Interjection.

The Acting Speaker: Member for Simcoe North, please take your seat. Minister of Agriculture, please come to order.

The member for Simcoe North knows that he can’t hold up a picture, and I would ask him to keep it on his desk. I’ll return to the member for Simcoe North.

Mr. Dunlop: Mr. Speaker, I’m really sorry. I forgot you couldn’t show a picture of literally hundreds of gallons of water bubbling out of the ground on good agricultural land. This is a site that, although the government—and I think the former Minister of the Environment is here tonight. She’s the one who I believe approved Bill 49, the Adams Mine Lake Act. Do you remember that? That was the act that we passed in this

House so that Minister Ramsay wouldn't resign, because he didn't want that particular landfill to take place in Kirkland Lake. But every other landfill in the province didn't matter.

I'm telling you, what the government of Ontario is standing with the Minister of the Environment on—and it's a fact that the government still believes in this archaic way, this archaic design of landfills, in that they believe this upward gradient pressure of water will separate the good groundwater and the garbage. In the county of Simcoe, in the township of Tiny that I represent, we have presented literally thousands and thousands of signatures to this House on site 41. We've presented a private member's bill that parallels exactly the Adams Mine Lake Act almost word for word, because what the minister said was that if you create a hole larger than, I believe, one hectare or two hectares in size, that immediately becomes a lake if it fills up with water.

You know what? If I dug a hole—I won't show you the picture anymore—on that site right today, I would like to see anybody from the Ministry of the Environment say that if it was dug more than five feet in depth, it wouldn't fill with water. The fact of the matter is, it would fill with water, and I believe that the private member's bill that I put forward should have passed and should have been accepted by the province of Ontario. But of course, for partisan reasons, they didn't allow that to happen.

We have had experts from across the country. Dr. William Shotyk from the University of Heidelberg came forward and spoke to residents in our—

The Acting Speaker: I'm going to ask the Sergeant at Arms to take the poster now.

I'll return to the member for Simcoe North.

1900

Mr. Dunlop: Speaker, that'll make a great press release for me tomorrow, that the Sergeant at Arms took away my picture of the water bubbling out of site 41 in the county of Simcoe. That'll be a great press release, so thank you very much to the Sergeant at Arms for removing that picture of water bubbling out of the ground where this government wants to put a landfill. That's exactly what's happening.

We had Dr. William Shotyk involved in this. He is an expert in water quality across the world. He works out of the University of Heidelberg. He tells us there's no better water quality on the planet than what he's found and tested in site 41. I'm telling you that as an example.

In the 2004 Environmental Commissioner's report, Gord Miller wrote four pages on why there should be a review on this application. But what happens? This government absolutely refuses to listen to anything. The Minister of the Environment has refused to listen to anything.

I'm going to tell you there is absolutely—

Mr. Bruce Crozier (Essex): Garfield, who was the warden in the county?

Mr. Dunlop: Isn't it funny that when you talk about something the government is doing wrong they have to yell and scream and carry on?

The fact of the matter is that Walkerton has changed everything. This government should listen to the people in the township of Tiny. They should listen to the thousands of people who have put their signatures on that opposition to that particular landfill. Walkerton changed everything. That's why we have a Clean Water Act. That's why we're implementing all these recommendations made by Justice Dennis O'Connor. They refuse to listen. That's why on the opening day of the Clean Water Act, five busloads of people came to Queen's Park to demonstrate and to hold a rally to say what a mistake we are making here. We are making a terrible mistake. We're putting a landfill on top of a good aquifer.

Mr. Crozier: Who approved that?

Mr. Dunlop: There are over 300 million people in China who do not have access to good drinking water. And what do we have? We have people like Bruce Crozier over here, yapping and pretending he knows something about this issue. That is the issue: You should have turned this thing down. You should not have approved this draft design. You have no idea what you're talking about and it's a—

Interjections.

The Acting Speaker: I'd ask the House to come to order, please. The member for Simcoe North has the floor.

Mr. Dunlop: I feel very, very sincere about this issue. I've tried to raise this for the last five years. It's been a very difficult situation in this House. But I can tell you that although they're heckling here tonight and pretending they actually know what's going on, pretending they actually are concerned about a Clean Water Act, this is a disgrace, allowing site 41 to proceed in the township of Tiny. It is a disgrace. We're putting at risk good drinking water that's within four kilometres of one municipality, the town of Wyevale, and the village of Elmvale. Both of these water sources are at risk because of this government's design approval it has put forward.

I am embarrassed to say I'm a member of this House when something like this is allowed to happen, and here we are addressing something like the Ontario Clean Water Act and site 41 is allowed to proceed. But do they really care? When you look at the people from the Green Lane development, five MPPs are at risk because of that decision. They did it in a sneaky way.

I will not support Bill 43, because of the fact that this government refuses to listen to people who have real concerns about drinking water in Ontario.

The Acting Speaker: Questions and comments?

Mr. Peter Kormos (Niagara Centre): I've been listening carefully to the comments being made by members of the official opposition. I find them enlightening and a useful addition to the debate. I want it to be very clear that the New Democrats have grave concerns about Bill 43 and we will be clearly not supporting this

legislation, should it ever come to a vote here in this Legislature.

The Acting Speaker: The member for Simcoe North has two minutes to reply, if he chooses to do so.

Mr. Dunlop: I really appreciate the opportunity to have two minutes to reply to this. I think what I want to sum up with: A gentleman, Professor William Shoytk from the University of Heidelberg, came forward to the people who oppose site 41 in the county of Simcoe. He spoke and brought some very positive comments forward on the quality of drinking water in that particular area. I want to thank him for that. I want to thank all the people, like Gord Leonard and his family, the Nahuis family, Steve Ogden and his family. These are key people who have put a strong objection up to this particular approval.

Right now, the government has left site 41 in what you would call—they've given draft design approval and it's up to the county council to actually make the very final last decision whether or not they will approve it. I urge all county councillors in the county of Simcoe to admit that over the years this has been a mistake. There is no question in my mind that a mistake has been made here. That's why I'm standing here tonight, on the night we're debating the Ontario Clean Water Act. We should, in fact, turn down what would be the final decision by the county of Simcoe to proceed with this.

I'm very, very disappointed in the Ministry of the Environment. I cannot believe, in the meetings that I've attended, that they actually would put a draft design approval on this, particularly at the same time when they're asking the citizens of Ontario to buy into the Ontario Clean Water Act. They're expecting the farmers on the land adjacent to this landfill to abide by the Ontario Clean Water Act, yet the government of Ontario is about to approve a design that would allow garbage to be put into a hole 13 metres deep and deposit the landfill or garbage in that way in that thing.

I thank all members of this House for listening to me this evening.

The Acting Speaker: Further debate?

Mr. John O'Toole (Durham): I first wanted to stand for a very few minutes in the last and remaining time to state perhaps the obvious, but it's really important, on behalf of my constituents in the riding of Durham, to put on the record that even last night I spoke to a group, the Newcastle/Bond Head Ratepayers' Association. They are a number of very highly qualified, very respectable people from a variety of backgrounds, everything from a university professor to retired senior engineer types to medical doctors etc. The very first question asked after my presentation—they're a non-partisan group, and I try to represent them effectively—was from a retired leader. Francis Jose was his name, actually. He asked a question: What's with this Bill 43 and what it does to agriculture? For years their family has been involved and I would consider them to be exemplary leaders in agriculture in terms of environmental farm plans and best practices. They were concerned primarily about the process here.

That's the most relevant current comment that I could make. But even right from the beginning, our critic, the member for Haliburton–Victoria–Brock, has been exemplary in terms of being respectful of the goals. In fact, John Tory encouraged us in caucus to be supportive; everyone in Ontario wants safe, clean drinking water. That isn't even a question. What's at question here is the process by which they have attempted to achieve that laudable objective.

I sat as a member of that committee with our critic, Laurie Scott, the member for Haliburton–Victoria–Brock, and tried to make, as did Mr. Tabuns and others from the other side, a number of—as I say, you should realize that in the context of this bill—I have it here, and if I look at it here—I'm going to tell the viewers, so they have some context of what I speak. It's about 100 pages. It's in both languages, so it's about 50 pages long, a fairly important bill. But you know something? There were over 250 amendments to the bill. Entire sections were amended. It was like—

1910

Interjection.

Mr. O'Toole: One of the members is saying that it's mistakes. I'd say to you that what we had called for originally—in fact, it was our House leader, Bob Runciman, and John Tory who insisted we have public hearings. So we had public hearings. We heard repeatedly many of the same arguments from the agricultural community and from rural Ontario. I'd say in a broader sense, it wasn't just agriculture, it was rural Ontario, those people who for centuries, if you will, certainly in the last couple of hundred years, have existed in rural Ontario without the privilege of municipal drinking water systems. They've been responsible for the source of that and making sure that they don't contaminate it. Yet we have the strong arm of the government now that has, under certain sections of this bill—and I think I should really put these sections—section 79. At the risk of being repetitive and redundant, there are certain sections that are intimidating for the average citizen of Ontario.

Section 79, "Powers of entry": It's very important. Here's an agricultural family living in their community and someone drives up the driveway in a white car with that little newly design trillium logo on the door. All of a sudden they know they're in trouble. The government's here. "We're here to help you." I guess so. It's important for Hansard to record this. Here's what this section says:

"79(1) An employee or agent of a source protection authority or a person designated by a source protection authority under subsection (2) may enter property,"—here's the salient concern—"without the consent of the owner or occupier and without a warrant, if,

"(a) the entry is for the purpose of collecting information relevant to the preparation of an assessment report ...

"(b) the entry is for the purpose of collecting information relevant to the preparation of a report under..." a certain section,

“(c) the entry is for the purpose of conducting a monitoring program....”

The rights of the individual are somewhat in question here. This is what Francis Jose was alluding to. I would say the broadest concern—even the Ontario Federation of Agriculture, Ron Bonnett, initially were graphically opposed to this bill. Latterly they were bought off, some would suggest. That’s perhaps an inappropriate comment, but they decided to support the bill after \$7 million was put in, and 250 pages of amendments. Ron was appointed to some board and they finally agreed.

But I think the proof here—we were opposed to this because this bill isn’t completely and properly drafted. It’s our intention, I suppose, to vote against it. But we’ve had the hearings. They’re going to do it. The Liberals are going to ram it through. I don’t know how we’ve done it, but somehow they haven’t had to time-allocate it and, as such, it will become law. The proof will be in the execution of the bill.

But it isn’t just section 79. Quite frankly, if I look through it—I’m just going to read one more section that has been troubling to people like my constituents. It’s important to put their concerns on the record as I’m their representative. Section 83 deals with another very contentious, rather volatile issue. It’s called expropriation. I’ll read it so that I’m not inflaming the discussion here. It says as follows:

“83. A municipality or source protection authority may, for the purpose of implementing a source protection plan, acquire by purchase, lease or otherwise, or, subject to the Expropriations Act”—here’s the salient part—“without the consent of the owner, enter upon, take and expropriate and hold any land or interest in land.” There’s no subsection here exempting under certain circumstances. That’s it.

When you look at this and you say—now, let’s go to first principles here. We support the purpose of safe, clean drinking water. Who wouldn’t? John Tory was very disciplined in his instructions to us to understand that we support the goal. What we don’t support is the process. When you see this kind of language here empowering the people driving up your driveway in the white car with the newly designed trillium logo on it, you know you’re in trouble.

In fact, in my very limited time I want to refer to one other section, and that section really clearly says that you have what I call reverse onus here. The reverse onus says that if they come in and they say—here’s the language: in law, it “may cause” a problem to a source of water. What does “may” mean? That you park the tractor on a hill and the diesel could have easily rolled down whatever? Do you understand? This “may” needs to be defined. So the farmer, whom our agriculture ministry is not supporting, now has to do a risk assessment plan to protect the water that they need anyway to water their livestock. And they’re now paying another bill to some kind of agronomist or other soil scientist to prove that they didn’t intentionally, or otherwise go to court to spend another \$25,000 which they don’t have.

In conclusion, my remark is this: We understand you have a majority. Under protest, in my view, this bill will pass—under brute force, if that’s the rudest way to express it. But here’s the key: We agree with the goals, but we disagree with the process. There’s no right of appeal. There’s no support. There’s \$7 million here, and I could get into the debate on how much the implementation plan, the bureaucracy, the cars, the people, the inspectors, the authorities—furthermore, you’re ultimately downloading it to the municipalities. So it’s a good idea poorly executed; I’m not surprised.

The Acting Speaker: Questions and comments? Further debate?

Mr. Robert W. Runciman (Leeds–Grenville): I appreciate the opportunity to have a brief intervention in this debate. I think it’s very interesting, the significant concerns in rural Ontario with respect to this legislation which are being ignored by the government. I think we hear on a fairly regular basis whenever we’re debating issues that have an impact on rural Ontario, when someone might raise the name of the Lanark Landowners’ Association—and I guess they’re now called the Ontario Landowners Association, on a broader scale—the derision emanating from the Liberal benches, suggesting that these people are something to be afraid of; that these are not real Ontarians; that these are not people who have a real right to voice their concerns about what’s happening in rural Ontario, especially in terms of landowners’ rights. That certainly offends members of the Progressive Conservative Party, because—

Mr. John Yakabuski (Renfrew–Nipissing–Pembroke): Everyone has rights.

Mr. Runciman: Everyone has rights, obviously.

I have to say that in my riding I have a very active organization, an arm of the landowners’ association. I know most of the people involved in that organization, and they are good people. They are good people who care about what’s happening in the province, who care about what’s happening to small-town rural Ontario, and to hear them derided on a regular basis by members of the Liberal caucus is disturbing—

Mr. Yakabuski: Shameful.

Mr. Runciman: —and shameful; there’s no question about it. When people speak up on behalf of what they feel is right and what they feel is wrong, to be greeted with derision by the people who govern this province should be disturbing to all of us. It certainly is disturbing to members of this caucus. But I think it’s symptomatic of a problem within the ranks of the Liberal caucus and the Liberal Party, and that is this disdain for rural small-town Ontario. The fact that they are shoving through this legislation with their majority is another indication of that. They have a significant number of members who represent small-town rural Ontario, but they are not speaking up on behalf of the people in their own ridings who share these concerns.

1920

Mr. Yakabuski: They’ve been told.

Mr. Runciman: They've been told. They've been told when to stand up, when to sit down, when to speak—and when they're told to speak, they're given a script to abide by—and told to shut up, and they shut up. I've said this before: I think it's an indication that they've essentially written off, for the most part, small-town rural seats in Ontario. They're focusing on Toronto; they're focusing on the urban areas to maintain government. We've seen that in their budget, we've seen that in so many policies that they brought forward as a government, we see it in the makeup of their cabinet. When about 50% of the provincial cabinet is Toronto-based members of the Legislature, that speaks volumes about this government's priority, and it is not small-town rural Ontario. We saw it with their efforts to put a stop to farmers' markets in this province.

Mr. Yakabuski: Shut down the church suppers.

Mr. Runciman: Shut down church suppers and bake sales. That's the sort of thing that is the history, the heritage of rural small-town Ontario, and this government, until the opposition—and I'll give Jamie Wallace, who is the Queen's Park bureau chief for Osprey news—we raised this issue in this Legislature about farmers' markets, bake sales and church dinners, and the media in the gallery by and large ignored it, except for Jamie Wallace, who looked into the story and, through Osprey, raised the concern, raised the red flag. Then the rest of the media, not just at Queen's Park but across the province, got involved. The government reacted, as we've seen them do with this seat belt legislation, where they've reacted.

This is the sort of thing where, as I said, it's an indication of, they react to the issue of the day, but in terms of long-lasting and deep-rooted concerns with respect to rural Ontario, they've continued to ignore them because they're not getting the press attention, they're not getting the media attention, they're not impacting on their polling in Toronto, the 905 belt and in urban Ontario. They have made, I believe, a calculated decision with respect to so many of their initiatives. They've essentially written these members off, and the members, like lemmings going to the cliff, have accepted their fate, although they don't, I suspect—and we went through this with the NDP. I remember getting up and saying this to the NDP government members of the day: "Don't you guys understand where you're headed? Don't you guys understand, appreciate what's happening to your ability to get re-elected?" And of course they didn't.

I mentioned when Cam Jackson was leaving that we have an average tenure of about four to four and a half years. That's the average tenure in this place, and I don't see it changing much after the next election. We're going to see a significant turnover, and that's because members are reluctant to speak up and speak out on behalf of their constituents.

We have Mr. Murdoch sitting here tonight, and he's a prime example—

Interjection: Bruce-Grey-Owen Sound.

Mr. Runciman: —Bruce-Grey-Owen Sound—who has consistently spoken up on behalf of the people he represents, whether it goes against the party line or not—

Mr. Crozier: He's the only one.

Mr. Runciman: He is not. Mr. Kormos is sitting here, and he's lived through many years of ups and downs. I spoke out against my government—and Mr. Bradley can speak to that issue—when they purchased Suncor.

I think there are histories of a certain limited number of members of this Legislature who have spoken out and spoken up against their governments and have lived to survive another day, have lived to survive times when their parties were not terribly popular in the province of Ontario because they were speaking up on behalf of the people who put them in this place in the first instance. Regrettably, that doesn't happen on a very regular basis, and we're seeing it with respect to this legislation and the concerns in rural Ontario.

I have a terrific constituent by the name of Kim Sytsma. She's very much involved in the cattlemen's association and she has spoken out against this legislation. Kim and her family pasture 700 acres in Leeds county. She's president of Leeds Community Pasture, vice-president of the Ontario Community Pastures Association, very involved in the Eastern Breeder Cattle Co-operative program and on the Ontario Cattlemen's Association board since 2001. Kim described this legislation—she appeared at one of the hearings—"You need to stop downloading on to municipalities and you need to take ownership and responsibility over source water protection, get rid of the concept of a permit official or whatever you're planning to call it. It won't work in rural Ontario."

I don't have a lot of time, but our party tabled a significant number of amendments during the committee process, and they were rejected by this government. It's truly regrettable that they certainly wouldn't listen to our concerns. I don't know if the NDP had any of their amendments considered, let alone accepted. But the fact is, I think we put some very serious, responsible amendments, and I'll just go through a few in the limited time I have: establishing a fund that would cover all of the added costs associated with clean water; ensuring that any expropriation of land would be accompanied by fair and proper financial compensation—I have to say that is perhaps the most significant concern in rural Ontario, where they're taking out great blocks of land from farmers in this province without any kind of compensation whatsoever. That is the most offensive element of this legislation, yet the government, when we put forward an amendment to address that situation, ignored it. They turned it down and voted against it—providing municipalities with influence over this act, which was appropriate considering the majority of costs and responsibilities are being left to them; ensuring that First Nation agreements are not compromised by this act; ensuring that all regulation changes are subject to public hearings. All of those and many others were rejected by the Liberal government.

The Acting Speaker: Questions and comments?

Mr. Kormos: There's been much reference this evening to the new logo, that incredibly expensive logo, that high-priced logo, and my concern with it, amongst other things, is that it's a horrible redesign of the logo. Why we didn't go down to the college of art or Ryerson or George Brown or one of the other community colleges and exploit some of the incredible brilliance and talent among those young people, have them look at the existing design and determine whether or not indeed it could be updated boggles the mind.

Now, my colleague from Leeds–Grenville—relax, Speaker, I've only got a minute; it's not going to last long—omitted reference to the logo, but he permitted us to infer that he was speaking about it.

I just want to ask you to recall Professor Key's book, *Subliminal Seduction*. Remember that back in the 1970s? When you look at that logo, there's a joke there, because really what it is is three men in a hot tub. Now, I don't know what the designer was trying to say or whose leg he or she was trying to pull, but take a look at the logo—three men in a hot tub. It is the most absurd inside joke that's ever been played on a high-paying client like the government of Ontario that we've ever witnessed. It truly is what Professor Key warned us about in his theories that he worked on in his treatise, *Subliminal Seduction*, back in the 1970s. Why for the life of me this government could get sucked into paying so much for three men in a hot tub beats me.

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The Acting Speaker: Questions and comments related to the member for Leeds–Grenville's presentation on Bill 43?

Mr. O'Toole: I would be remiss if I did not get up and pay the respect due to the member from Leeds–Grenville and his exemplary commentary, specifically on rural Ontario. I think that's what has prompted me to make these observations. But he did mention the member from Bruce–Grey–Owen Sound, whom I similarly admire on how he conducts himself here, as infrequent as that might be. But quite frankly, the primary reason here is, the member from Leeds–Grenville failed to mention, and I now want to pay tribute to, a constituent from my riding who participated in the expert panel on well water sustainability in Ontario. Dr. Jane Conboy—and I'd like this name recorded in Hansard, because I intend to send this debate to her tonight—came to my office and wasn't in any way partisan, but an informed and academic expert in the area. She wants to follow through on the government's goal of safe, clean drinking water and resources appropriately located in the province so that agricultural communities, rural communities will have a place to go to learn about the science and technology behind the science of water. To me, Jane Conboy was one of the most, I would say, uninhibited, committed academics who really did believe that there was a solution of first educating people, providing a resource centre, and wanted that model replicated across the province of Ontario.

I think the member from Leeds–Grenville was getting close to that kind of approach, that we agree with safe, clean drinking water—all of us agree. What we disagree with is much of the content of Bill 43, which is going to be an encumbrance on the rural communities of Ontario.

The Acting Speaker: Questions and comments?

The member for Leeds–Grenville has two minutes to reply if he chooses to do so.

Mr. Runciman: I only touched on a few of the amendments put forward by the Progressive Conservative caucus which were rejected by the Liberal members. But we're used to that process in committees around this place, where we were told during the election there was going to be this great democratic reform and that individual members were going to play a greater role around this place. Well, like so many of the McGuinty promises, that has simply not occurred. In fact, we're seeing, I think, more iron control, if you will, of a caucus than we've seen around this place in many a year, especially with rural and small-town representatives who have failed on so many issues to stand up and speak up for the people who put them in this place in the first instance.

The House leader for the NDP talked about the logo, and I think the cost associated with it was a quarter of a million dollars for a Liberal-friendly ad agency. But of course the costs were much more significant. When you look at all the changes across the province that are impacted by this logo change, we're talking about millions of dollars. We know another Liberal ad agency that was hired, paid \$6 million to take the "O" off the Ontario Lottery and Gaming Corp.—I guess take the "C" off. They took the "C" off; \$6 million for removing the "C." You combine those two that have gone to Liberal ad agencies—the logo and removing the "C" from the lottery and gaming commission—and it's probably \$8 million, \$10 million, \$12 million. And what have they given to farmers in this province to assist them with this Clean Water Act and meeting the demands of this Clean Water Act? What is it, \$6 million, \$7 million?

Interjection: It's \$7 million.

Mr. Runciman: That's \$7 million, when they can go out and give their friends in a Liberal ad agency \$6 million to remove the "C" from the name of the gaming corporation. This is totally shameful.

The Acting Speaker: Further debate?

Mr. Norm Miller (Parry Sound–Muskoka): It's my pleasure to add comments to the debate this evening on Bill 43, which is the supposed clean water bill. It's now in third reading. It's a bill that's basically been completely rewritten. There were over 200 amendments that were proposed. It's a bill that's really a lot about making plans, not necessarily about action. This bill creates lots of plans, as I say. It doesn't necessarily make real changes that are going to benefit the water in this province.

Certainly, I have some concerns with the bill. I have concerns about expropriation without compensation, and I have concerns about the cost to farmers and to rural

municipalities. I know the government has put forward some \$7 million, but that's really a drop in the bucket when it comes to the real costs of implementing the bill. So I do have concerns about that.

This past Friday evening, I was up in Powassan at the Ontario Federation of Agriculture annual meeting for the Parry Sound-Nipissing area, and this was one of the bills that was discussed there. I noted the comments from the president of the Ontario Federation of Agriculture when he came before the committee in the summertime. He said:

"The issue of appropriate levels of compensation has been mentioned a number of times. I think, from the farm community side, there are two aspects: (1) What is the direct cost going to be to the individual farmers affected? (2) As a general taxpayer, what is going to be the cost to rural Ontario communities?"—very good points.

He talked about flying into Toronto on a recent flight in a rainstorm and watching the effect of the rain on the rural countryside—where it was going into the soil and then percolating through, being filtered through the ground, and going through the wetlands and being purified—and that the same rainstorm, as he came into Toronto, was coming down on the streets of the city and was going into a storm sewer and directly into the lake. That is the case, in many cases, in our small towns and cities around this province.

I think the basic point is that clean water is something we all want, and the cost of it shouldn't be borne simply by people who live in rural areas or by our farmers. It should be borne by all of us, as it's going benefit all of us.

The province could learn a lot from the district municipality of Muskoka. For the last couple of days, as I usually do, I've been reading from the minutes of the last district municipality of Muskoka meeting, from the agenda of their meeting on October 10. They passed an official plan amendment, and I'll just read that:

"That official plan amendment no. 32 to the Muskoka official plan (lake system health) be adopted; and

"That staff be directed to renew discussions with the province respecting official plan amendment no. 4; and

"That the province be encouraged to initiate a program to implement appropriate phosphorus removal technologies, particularly on the Canadian Shield, and to incorporate greater septic system setback requirements into the Ontario building code."

That was just one of the motions that was moved. They also moved another one to do with a stormwater management plan, so they're taking some real, concrete action. So there's a lot of background information on official plan amendment no. 32 that the district of Muskoka has been doing a lot of work on.

I should also congratulate the Muskoka Watershed Council, which is working with the Muskoka Heritage Foundation and the district of Muskoka, and which is very concerned about water, as I think anyone who lives in Parry Sound-Muskoka is, as it's so important to our lifestyle, our economy and our quality of life. They've

done a lot of work on lake system health, and they're looking at undertaking limits to growth assessments, facilitating remedial action programs, developing a program to address stormwater, continuing the enhanced monitoring program, and continuing to develop and implement educational stewardship programs. And they're reviewing recreational water quality. They're taking a very comprehensive approach.

I think the province can learn a lot from the district of Muskoka and all the work they are doing. In fact, the province was asked to comment on this official plan amendment, and they came back and commented very specifically on lake trout lakes. I would say that they could learn from the district, in that they came back with very, very specific lake trout requirements. But really, I've found them to be negligent in terms of their end of the deal in the last number of years. I'll just quote from some of the documents where the MNR was asked to respond. It's noted that:

"Committee may also recall an earlier proposed Muskoka official plan amendment (being OPA 4—policy II lakes). This amendment has been held in abeyance since a request was forwarded to MNR from Muskoka's planning and economic development committee in March of 1994 for additional information respecting the management of these lakes and details about how a prohibition on lot creation would assist in protecting the resource. To date, this information has not been received by Muskoka." So the ministry has been negligent in not providing this information to Muskoka.

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"Staff recommended that discussions be renewed with Ministry of Municipal Affairs and Housing staff respecting OPA 4 in an effort to develop appropriate policy that is founded in science, respectful of property rights, implementable and defensible before the Ontario Municipal Board. In the meantime, it is recommended that additional wording be inserted to clarify that the recreational water quality model does not include dissolved oxygen and other lake trout considerations."

MNR responded that they weren't happy with this amendment because of very, very specific lake trout considerations to do with dissolved oxygen, a standard that I would say is based on questionable science and is from many years ago. So I would say the Ministry of Natural Resources could do to upgrade their science.

The district municipality of Muskoka has gone through and rated pretty much every lake in the district as to the sensitivity and has based new development on whether the lakes are moderate, low or higher sensitivities. They've done a lot of work and, really, it's concrete work the that province could learn from. I say it's disappointing that the Ontario government is not doing its part to help out as much as possible. Perhaps that's because of all the cutbacks that we've seen in the Ministry of Natural Resources recently, especially as it relates to the management of fish and wildlife. We're hearing that conservation officers aren't able do their jobs, that they're having 50% of their budget cut back

just as hunting season is starting. There are increases in poaching going on.

There are rumours, certainly in our area, that the Ministry of the Environment—we're worried about this, that the Dorset research station may be cut back. That Dorset research station has been very helpful and MOE staff have been very helpful to the district municipality of Muskoka in the water work they've been doing.

I only have a couple minutes, so I do want to talk about a couple of other different related items, and that is to do with water quality in the Muskoka and Parry Sound areas. In the last couple of years, we've had a couple of instances of blue-green algae occurring for the first time ever on Three Mile Lake in the Muskoka area, and also in the Sturgeon Bay area of Georgian Bay. This is a real concern in our area and something that we need the province to assist with in terms of finding where the phosphorus buildup and the blue-green algae is coming from. So we very much need the province to do their part and come up with concrete action, versus just more plans, more bureaucratic response that doesn't necessarily make a difference in terms of real results for the people of Ontario. So that is something we'd like to see.

But in terms of the Ministry of Natural Resources, as I say, we're hearing about big cutbacks, so they aren't able to do their job properly to manage the fish and wildlife in the province. Yet, as the member for Leeds-Grenville pointed out, the government has the money to spend on a new trillium design logo. I think the actual cost of it was \$219,000. The member from Niagara Centre described it as being "three men in a hot tub." That's the first time I've heard that description, but I thought of it as the poison ivy trillium logo. They're spending money on that, and removing the "C" from the Ontario Lottery and Gaming Corp., and spending money on government advertising when they should be putting the \$25 million back into the Ministry of Natural Resources that it needs for full funding of the fish and wildlife program, as was promised in the last election in writing to the Ontario Federation of Anglers and Hunters.

I can see I'm out of time. There were some other water-related issues I'd hoped to talk about, but that's it for tonight.

The Acting Speaker: Questions and comments?

Mr. Bill Murdoch (Bruce-Grey-Owen Sound): In the short two minutes I have here, I'd like to wrap up and congratulate the member from Muskoka on his response here in the House.

The big tragedy of this whole bill is that we've been let down by the members of the Liberal Party in rural Ontario. Obviously, they've all gone and hid. They've been told, "You've got to pass this bill and that's all there is to it." We've been let down by the rural members in the Liberal Party in Ontario, just like the people of London have been let down by their four members. There were four members elected in London and they've let them down. I just want to be quite clear: I have a daughter who lives in London and I feel bad about this. My daughter is not represented here anymore because the

members from London, like the rural members in the Liberal caucus, have just gone to sleep on this whole thing, and that is really unfortunate. That is the crux of this whole problem.

You mentioned the \$7 million they put into it. That's nothing. They paid \$6 million for the three-men-in-a-tub logo. Maybe the Liberals are going to change their name to the three members in a tub party, if that's what they want, but that is a terrible-looking logo. It looks sick. It looks like they're sick, and maybe they are sick. I don't know. It just seems that they're having a tough time negotiating government. They just seem to be having trouble being in government, because every time something comes up, they yell across, "It's your fault." But they've been in government for three years and they can't figure that out. They've been there for three years and they just don't know what do. They silence their members.

One of big promises that Dalton McGuinty made was, "We're going to listen to everybody, even our backbenchers." Well, he's forgotten all about the ones from rural Ontario and the ones from London. They have all disappeared. They don't represent anybody anymore.

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

Mr. Miller: I'm pleased to respond to the comments by the member from Bruce-Grey-Owen Sound. It gives me another two minutes to hit on a couple of other water concerns that I didn't have an opportunity to, number one being that just last weekend in the village of South River, which is in the riding of Parry Sound-Muskoka, they were under another boil-water advisory. That's where this government could be putting money into concrete actions to make a difference in our small communities, versus more plans as outlined in this Bill 43. We have many small communities like South River all across the province that need improvements to their sewage treatment plants, that need new sewage pipes, that need new water pipes. That would be money well spent, that would make a real difference and that's something I would like to see happen.

Hopefully, the plan to create regional water utilities is something that has disappeared. I note that it was an initiative the government was bringing forward. With any amount of luck, they're going to do away with it. They were planning on doing these regional water utilities. I note from the North Bay Nugget, November 2005, "Mayors United In Concern Over Regional Water Utility: City Seeks Meeting With Minister."

"In an unprecedented city council meeting Monday, politicians representing communities from Parry Sound to West Nipissing voiced concerns about a proposal to consolidate their water systems into a larger body headquartered in North Bay." Both Ted Knight and North Bay councillors were saying how they opposed that. I haven't heard anyone say they are in favour of that. That's another issue that, hopefully, the government is going to do away with, because it's not necessarily going to benefit anybody, it's just going to create this larger

regional authority. It's not necessarily going to make things work better or make them cheaper. With any amount of luck, that's something the government has realized was a mistake and they're going to forget about that initiative.

The Acting Speaker: Further debate?

Ms. Broten has moved third reading of Bill 43, An Act to protect existing and future sources of drinking water and to make complementary and other amendments to other Acts. Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

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

I received from the chief government whip a deferral notice. This vote, third reading of Bill 43, An Act to

protect existing and future sources of drinking water and to make complementary and other amendments to other Acts, will be deferred until deferred votes on October 18, 2006, that being tomorrow.

Orders of the day.

Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader): I move adjournment of the House.

The Acting Speaker: Is it the pleasure of the House that the motion carry?

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

All those opposed will please say "nay."

In my opinion, the ayes have it.

This House stands adjourned until tomorrow at 1:30 of the clock.

The House adjourned at 1951.

LEGISLATIVE ASSEMBLY OF ONTARIO
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Stoney Creek	Mossop, Jennifer F. (L)		

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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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