



ISSN 1180-4319

**Legislative Assembly  
of Ontario**

Second Session, 40<sup>th</sup> Parliament

**Assemblée législative  
de l'Ontario**

Deuxième session, 40<sup>e</sup> législature

**Official Report  
of Debates  
(Hansard)**

**Wednesday 26 February 2014**

**Journal  
des débats  
(Hansard)**

**Mercredi 26 février 2014**

**Standing Committee on  
Regulations and Private Bills**

**Great Lakes Protection Act, 2014**

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

**Loi de 2014 sur la protection  
des Grands Lacs**

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Telephone 416-325-7400; fax 416-325-7430  
Published by the Legislative Assembly of Ontario



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Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE  
ON REGULATIONS  
AND PRIVATE BILLS**

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

Wednesday 26 February 2014

Mercredi 26 février 2014

*The committee met at 0901 in committee room 1.*

**GREAT LAKES PROTECTION ACT, 2014  
LOI DE 2014 SUR LA PROTECTION  
DES GRANDS LACS**

Consideration of the following bill:

Bill 6, An Act to protect and restore the Great Lakes-St. Lawrence River Basin / Projet de loi 6, Loi visant la protection et le rétablissement du bassin des Grands Lacs et du fleuve Saint-Laurent.

**The Chair (Mr. Peter Tabuns):** The Standing Committee on Regulations and Private Bills will now come to order. We are here to resume clause-by-clause consideration of Bill 6, An Act to protect and restore the Great Lakes-St. Lawrence River Basin.

We are on section 3 of the bill, government motion number 5 in your package. Does the government have anything to say on this? You're ready? Any other debate?

*Interjection.*

**The Chair (Mr. Peter Tabuns):** Sorry. Are you moving the motion, Ms. Damerla?

**Ms. Dipika Damerla:** I believe it's Phil, right? You're moving the motion?

**Mr. Phil McNeely:** I was just getting ready here. I thought we were starting at motion 6. Sorry.

I move that the definition of "public body" in subsection 3(1) of the bill be amended by adding "or" at the end of clause (b) and by striking out clause (c).

The explanation and rationale for that is that this motion would remove both "source protection authority" and "source protection committee" from the definition of public bodies. This recognizes that only public bodies with a core regulatory mandate can implement programs related to protection of the ecological health of the Great Lakes and ensures that those responsible for implementation will be involved in developing targets and initiatives under this act.

**The Chair (Mr. Peter Tabuns):** Thank you, Mr. McNeely. Any further debate? Mr. Harris.

**Mr. Michael Harris:** Yes. Well, this was an interesting amendment to see from the government. I think it's finally nice to see the government realize the failure of their overly bureaucratic source protection committees. I think that's a signal that that is why they want to remove that.

We obviously believe that protecting our water sources is critical to the long-term health of our communities, but these committees have been overly politicized and far too intrusive from the beginning. We've said from the get-go that municipalities are forced to really expand their resources to bring their bylaws into conformance with source protection plans that don't really reflect their local priorities. That's why I see this as yet another problem with the approach that you as the government have taken with this bill. I don't believe we can set up a system that allows other public bodies to dictate what local governments do.

I think my colleagues will attest that—you know, even after ROMA/Ontario Good Roads this week, I had the opportunity to meet with several officials or delegations from the riding of Huron-Bruce, and this was a concern that was brought forward from that delegation.

I'll go on to say that the Clean Water Act began to take away the voice of elected representatives and really empowered other groups to call the shots. That's what we're nervous about here. So it is good to see that you've removed that, but I think it shows the signal.

I'm not sure if some of my other colleagues have points to add on this, but we will—it's important to bring up the NDP in this one too. They've obviously chastised the OMB as being anti-democratic, but the OMB does serve as a legitimate function of a democratic country like ours, unlike these corporatist governance bodies like you see here. We believe in the right to appeal etc.

It's interesting to see, and I guess I'd like some further—I know you outlined, just high-level, why you've removed this, but I'm not sure if somebody from the government can explain exactly why they felt they needed to remove subsection (c) of this public body and why they removed source protection authority from the bill.

**The Chair (Mr. Peter Tabuns):** If you wish, Mr. McNeely.

**Mr. Phil McNeely:** I'd just like to call the question.

**Mr. Michael Harris:** Well, I've asked a question; I'd like an answer.

**The Chair (Mr. Peter Tabuns):** You've commented. Any further debate? All those in favour—

**Mr. Michael Harris:** Well, no. Chair, I've asked a government official—I'd like legal counsel for the government—

**The Chair (Mr. Peter Tabuns):** Mr. Harris, you asked Mr. McNeely; that was all he had to say.

**Mr. Michael Harris:** He didn't answer me; I called a question. So I'll ask legal counsel for the government to explain why a source protection authority was removed from the bill.

**The Chair (Mr. Peter Tabuns):** Could I have legal counsel come forward, please?

**Mr. Phil McNeely:** Chair, I think the PC member supported this motion. I just want the vote on it if they're supporting—

**The Chair (Mr. Peter Tabuns):** I understand that, Mr. McNeely, but in fact, Mr. Harris asked for a witness to come forward. We've only had one person say one thing on this clause. He has the right.

If you would come forward.

**Mr. Phil McNeely:** So my response, then, if I wish—

**The Chair (Mr. Peter Tabuns):** Well, you had ceded it. Legal counsel has been asked. Legal counsel will get to speak. You can speak after legal counsel, if you so wish.

If you would give your name for Hansard.

**Mr. James Flagal:** Sure. My name is James Flagal, Ministry of the Environment legal services branch. The question was: Why was source protection authority removed?

**Mr. Michael Harris:** Yes.

**Mr. James Flagal:** Actually, when you look into the Clean Water Act, section 4, subsection (2), you discover that conservation authorities are source protection authorities, and they exercise the powers and duties of a source protection authority. The difference is that under the Clean Water Act, a conservation authority has specific participating municipalities that sit around the board; that may be more than what you see under the Conservation Authorities Act. Anyhow, the answer is that the source protection authority, in most cases, is the conservation authority.

**The Chair (Mr. Peter Tabuns):** Mr. Walker. Mr. Flagal, before you go.

**Mr. Bill Walker:** Mr. Flagal, can I ask a further question—

**The Chair (Mr. Peter Tabuns):** Mr. Flagal, if you would please return?

**Mr. Bill Walker:** I appreciate that you've shared who sits around the table, but I think what we're trying to get to is—from day one with this bill, what we've been asking is: Why are we adding more layers of bureaucracy? If you can explain it to us, we can perhaps get our head around it and understand the rationale and support it. But until you really give us details of why you're cutting out one group or why they're not there and there could be potential duplication, we're struggling with it. With all due respect, you basically told us who the conservation gets to sit. But why did you cut it out? We believed from day one that the legislation is already in place to do a lot of what you're doing, and this is merely—again, with respect—a fair bit of window dress-

ing to get a headline. What's the implication at the end of the day?

We're all going to want to protect the Great Lakes. It's our source of water. We're not fighting that; we're not challenging that. But we need to understand why we're appointing new bodies that are unelected and why we're cutting out certain groups that already have the responsibility to do a lot of what we believe you're suggesting. We can't get clarification from you of why you're removing them.

**Mr. James Flagal:** I think a lot in that is policy questions, which I can't answer as legal counsel. I can say this: When legislation is being developed, I assist the folks who are giving me policy direction to develop that particular legislation with the assistance of legislative counsel.

To try and answer your question, the way to understand a particular term like "public body" is to look and see when the term appears in a bill. I think stakeholders pointed out that the reason why they did not think it was appropriate to have source protection authority, as you pointed out—and I said that it's often a conservation authority—or source protection committee is because these bodies are not the kind of regulatory bodies you think of, like a municipality, a ministry or a conservation authority, which regulates. So when you look at the term "public body" throughout the references of the bill, as an example, public bodies are going to have potentially certain responsibilities under a geographically focused initiative.

**0910**

I think it was in response—there were submissions from stakeholders who said that they didn't feel that the authorities and the committees were the appropriate bodies or entities to be public bodies, and the direction was that that we should respond to that particular submission. So that's the best that I can do—

**Mr. Bill Walker:** Thank you. I appreciate that. Can you also share—because you've kind of helped me get my head to a different spot—if there's any concern that you would have that other pieces of legislation, such as the source water protection act, would then encumber this group? So that we're going to get into this thing where one group's saying you can't do this because it's going to overlap or impede or whatever word we want to use, so we move nowhere—that's, again, one of our concerns, that there's a lot of duplicate administration. We're going to get ourselves caught up, but one act supersedes, and we're never going to really get any due diligence done.

**Mr. James Flagal:** No, I don't think that—

**Mr. Bill Walker:** You don't—

**Mr. James Flagal:** I don't think that concern will arise, and I'll tell you why quickly. Again, "public body" comes up with, number one, which is the entity responsible for leading the development of a geographically focused initiative, and that is the document that goes to cabinet. You go to cabinet twice for that. With respect to the source protection committee and source protection authority, its mandate comes from the Clean Water Act.

Nothing in this act conflicts or takes away from that particular mandate.

The source water protection plans definitely have important information. If you go and look at them, for instance, one of the first sections in the source water protection plan assessment report is a watershed characterization, which, in any of these geographically focused initiatives, may be very important foundational information if you wanted to do a particular document looking at a particular area and dealing with a particular concern—let's say nutrient loading in the Grand River or something like this.

So the point is that the legislation builds upon those other initiatives that are around in other pieces of legislation, including, let's say, in the Clean Water Act. No, it doesn't take away from their particular mandates.

**Mr. Bill Walker:** And if you, as you've now explained to me, knew that, why would the government have put that in there in the first place, only to have to retract it at this stage? It's almost like there's a change of thought process that's happening. Can you share with me why and what initiated that thought process to change?

**Mr. James Flagal:** Sure. I think the intention why the clause was originally in there was because it was thought that a source protection authority or a source protection committee could be one of the bodies that's leading the exercise of a geographically focused initiative. Definitely, when you get to later in the bill and you see that a public body may have, for instance, the responsibility for a monitoring program, it doesn't make sense to say that a source protection committee should carry on a monitoring program. They're just a committee; how can they go—and the source protection authority may be able to. It's a conservation authority, and they often do monitor. So I think the thinking was just that.

Is that an initial thought? There was thinking that maybe one of the bodies—because you can have more than one public body leading a geographically focused initiative—collaborating on that initiative could be the source protection committees or authorities, but because of the response that was received by submissions from stakeholders, there was reflection on this, and they felt, “Okay, we're going to basically limit public bodies to these particular bodies,” knowing that, again, the geographically focused initiative, being a very collaborative process, can involve many stakeholders, even though it's being led by a body, including consultation with the source—

**Mr. Bill Walker:** And in your consultation with these stakeholders, did they have any concern of you removing that?

**Mr. James Flagal:** I don't believe so. I believe this was in response. I didn't hear of any opposition myself, but I wasn't at all the stakeholder meetings.

*Interjections.*

**Mr. James Flagal:** No, we did not. We did not.

**Mr. Bill Walker:** Thank you.

**The Chair (Mr. Peter Tabuns):** Okay. Thank you, Mr. Flagal.

Now I have Mr. Schein.

**Mr. Jonah Schein:** Chair, I think we've got some answers here, and I'd like to call the question.

**Mr. Bill Walker:** Chair, I'm not prepared for this, because I need to kind of process that a little bit. So I would ask for a 20-minute recess to be able to consult before we move forward.

**The Chair (Mr. Peter Tabuns):** Well, that question has to be decided by the committee. Are people in favour of a 20-minute recess? All those in favour?

**Ms. Dipika Damerla:** Chair, I don't think we need 20 minutes; maybe 10. Twenty seems a bit much.

**Mr. Bill Walker:** Respecting the member, could I ask for a maximum of 20, and we can be back in—I mean, you're kind of stifling if we don't have ability to move forward.

**Ms. Dipika Damerla:** No.

**Mr. Bill Walker:** You wrote the stuff; you know it. I didn't, so I need some time to be able to consult with some of our experts to understand where we're at.

**The Chair (Mr. Peter Tabuns):** Mr. Walker, just to be clear, you have a right to ask for 20 minutes just before a vote—

**Mr. Bill Walker:** Thank you.

**The Chair (Mr. Peter Tabuns):** —but we're not having a vote just this moment. I haven't called a vote. Thus, if you're calling for a recess, I have to poll the committee. It doesn't look like there's support for a 20-minute recess.

**Mr. Bill Walker:** Okay.

**The Chair (Mr. Peter Tabuns):** Further debate?

**Ms. Dipika Damerla:** Maybe five minutes, if they want, because you will always have that 20 minutes before the vote.

**The Chair (Mr. Peter Tabuns):** Does the committee want a five-minute recess? No. Fine.

**Mr. Michael Harris:** The only other comment I'd make on this one: You know what? Obviously the definitions are an extremely important part of a piece of legislation, and I'm concerned about the oversight perhaps that was made on adding clause (c) in, and I think where we have a problem is the source protection committees. That's an area that we really have a concern with, so I just wanted to make that clear.

**The Chair (Mr. Peter Tabuns):** Okay. I see no other requests for speaking. Are we ready to vote? I call the vote.

Mr. Walker.

**Mr. Bill Walker:** May I now request a recess, Mr. Chair?

**The Chair (Mr. Peter Tabuns):** Yes, you may.

**Mr. Bill Walker:** Thank you.

**The Chair (Mr. Peter Tabuns):** The committee is recessed for 20 minutes.

*The committee recessed from 0916 to 0936.*

**The Chair (Mr. Peter Tabuns):** The committee is back in session. We are at the point of taking a vote on subsection 3(1)—

*Interjection.*

**The Chair (Mr. Peter Tabuns):** No. We're on the vote, Mr. Harris.

All those in favour, please raise your hands. Carried.

We move to the next amendment, and it's a PC amendment.

**Mr. Michael Harris:** Six, right?

**The Chair (Mr. Peter Tabuns):** Yes.

**Mr. Michael Harris:** I was going to say that we did support the previous amendment—

**The Chair (Mr. Peter Tabuns):** Are you moving it?

**Mr. Michael Harris:** I'll get there. I just want to—

**The Chair (Mr. Peter Tabuns):** Actually you should read it first, then you get to talk.

**Mr. Michael Harris:** All right. I move that the definition of "public body" in subsection 3(1) of the bill be struck out and the following substituted:

"'public body' means a municipality or local board; ('organisme public')"

**The Chair (Mr. Peter Tabuns):** Mr. Harris, do you have any comments?

**Mr. Michael Harris:** Yes, so just a brief comment. On the last one, we were going to support that because we want to ensure that source protection committees do not receive any more power. We've tabled this amendment to the bill because we've said before that far too often we've seen the Liberals set up these new public bodies whose policies duplicate or conflict with municipalities.

If a municipality wants to work with a conservation authority or other public bodies, that should be left up to the local decision-makers. I think my colleagues and I have stated that several times. This is why we're bringing forward amendments such as this. If an area of concern encompasses more than one municipality, then those municipalities really should work together to find a common solution. That's why we have the Great Lakes and St. Lawrence Cities Initiative, where we have elected representatives who have taken a leadership role. I know my colleagues will want to speak further to this amendment, but we believe that this will strengthen the bill, by adding this in—striking it out, rather.

**The Chair (Mr. Peter Tabuns):** Okay. Mr. Walker.

**Mr. Bill Walker:** Yes. I want to start off, Chair—I want to just raise this. One of my honourable colleagues across was almost condescending that it took us 20 minutes to figure this out. I want to make it clear here: We didn't write this legislation. My job as a new legislator is to understand what we're putting into force, so that we're not creating poor legislation and creating even more bureaucracy out there. So I take exception and offence, actually, that you're ridiculing us for taking a 20-minute recess to be able to understand legislation that I actually have to go back in front of my constituents and stand in front of them as they say, "Why did you allow this to go through?"

There's a significant amount of stuff in this. I believe the government themselves have 20-plus amendments to their own legislation, which leads me to believe that they either rushed it through or they didn't think it through

strongly enough. Part of my job as opposition is to ensure that we put good legislation on the floor. So I take extreme offence that you're ridiculing us for taking 20 minutes to make this decision to vote on something, because I did have questions and I did need to consult staff to ensure that where I was coming from, I was actually going to put my hand in the air and truly support on behalf of my constituents.

I will not ever not ask for that time to do that, because it is my job to do that. And ultimately, you got what you wanted: You got unanimous support. But we're not going to do that just blindly or not taking our diligence seriously. So we will continue to do that and we will continue to ask questions. I believe clause-by-clause means it's our opportunity to read clause by clause and understand exactly what you're trying to do and what the intent of any wording and verbiage in this act is.

You put a lot of stuff in here, and then all of a sudden you're coming in and stroking it out. If it was that important in the first place, why can we so lightly take it out with the stroke of a pen and not have time to actually understand why you're taking it out?

I still have some concerns and some challenges from the perspective of, we are trying to work from the fundamental principle of the people at the local level who are elected. They are the people who talk to the people day in and day out. They are the people who have their bylaws to enforce. We need to ensure—

**The Chair (Mr. Peter Tabuns):** Could you focus a bit more on the amendment itself?

**Mr. Bill Walker:** I am, Chair. This is very specific, though, to the whole piece: Our fundamental reason for asking a lot of the questions we have is, how many more layers of bureaucracy are we adding in with some of this, maybe inadvertently, maybe purposefully—but to understand that we want a simple bill that is actually easily enforceable, where people are accountable and it's transparent to those people. When we're asking questions, that's why. We want to understand.

We feel that there are sometimes too many groups and organizations allowed to be at the table who can actually impede the process with their own political agenda. The people who are duly elected should have the right and privilege to be able to do their job. So we're questioning some of those. We want to ensure that that is a concern of an amendment, and that's why we're taking the direction we are.

I don't know if my colleague Mr. Nicholls wants to jump in on any of those pieces, but we need to understand and we want to make sure that all three parties, including the NDP, have their opportunity to voice—and then we can understand where they stand as well.

**The Chair (Mr. Peter Tabuns):** I have Ms. Cansfield next.

**Mrs. Donna H. Cansfield:** I appreciate that people need the time to be able to have an opportunity to review a bill. I do. I've been through that process myself. But I think it's been, what, three months now? It's a fairly long time. In fairness, I think there are about twice as many

PC amendments as there are government—67 to 27 or something—when you look at that process.

But I really wanted to be able to speak to the amendment. I think it's important. This comes from the mayors of the Great Lakes and St. Lawrence cities. They welcomed the act and they actually want it passed. But what's even more important—and again, I appreciate that maybe folks don't have this information, so let me share it with you. This says:

“Now therefore be it resolved:

“That council of Huron county request the Ontario Legislature to enact the proposed Great Lakes Protection Act (Bill 6) to protect and restore the health of the Great Lakes-St. Lawrence River basin.

“That a copy of this resolution be forwarded to the Premier of Ontario, the provincial Minister of the Environment, MPP Lisa Thompson and environment critics of the opposition parties.”

In addition to that, the Grand River Conservation Authority has said the same thing: “The members of the Grand River Conservation Authority request the Ontario Legislature to enact the proposed Great Lakes Protection Act (Bill 6) and that a copy of this resolution be forwarded to the Premier of Ontario, the provincial Minister of the Environment, local members of provincial Parliament and the environment critics of the opposition parties.”

I know, having lived through the challenges—and I'm not using this in a pejorative way, but we dealt with Walkerton. It was a very serious situation. Clean water: 80% of our water comes from the Great Lakes. It's absolutely imperative for us to find ways and means to protect it, and it belongs to a number of people who have some skin in the game; that is, the Ontario Clean Water Agency, the conservation authorities, because we have to deal with headwater initiatives. That also means the municipalities have to have some share in this. It's not one particular area; it's a bunch of folks who have this authority. In particular, the farmers have to have it, and that's why there is support from those farmers. I did stewardship programs with them on Great Lakes restoration. Lake Erie, we fixed; now it's sick again. The problem is nutrients—and that's our drinking water. The largest freshwater commercial fishery in the world is Lake Erie, and yet it's now back in jeopardy. So we have a real responsibility to work together to find this.

I appreciate that this is your motion, so I know you had a lot of time to look at this. You don't need to stall; you need to be able to move forward to these. Again, we have a responsibility to put this in place, because time is of the essence. I appreciate that you need time to look at some of the others. I suspect we've had those three months. I know this is your motion, so you should be fully prepared to be able to articulate and determine which way you're going to deal with this, and certainly we have made a commitment that we will be voting against this motion.

**The Chair (Mr. Peter Tabuns):** Okay. I have Mr. Nicholls, just to let you know, then Ms. Damerla, then Mr. Walker and then Mr. McNeely.

**Mr. Rick Nicholls:** Thank you very much, Chair. Again, I appreciate the quote “skin in the game.” I truly do, because, again, that gets people more engaged. And of course, it's all about accountability, and that's what we're all about as well.

I think one of the things that we have to look at is that we just don't want to see the province empowering other bodies to create what we would call a glut of new regulations, because that's going to force local governments to go to a lengthy process of amending all of their bylaws in their official plans.

Furthermore, I think really and truly that the province should, in fact, be empowering municipalities to—what I call, and I live by this—do the right thing. I've heard the government talk a lot about civic engagement with the bill, but they fail to remember that local government is, in fact—they're the closest level of government to the people; they're the boots on the ground. I really think that we don't want to be taking power away from them. They're the ones who get out there and look after the situations that arise as it pertains to water and whatnot. To put additional bodies to govern or to oversee—to me, that just slows the process down if something really does need to happen.

**The Chair (Mr. Peter Tabuns):** I have Ms. Damerla.

**Ms. Dipika Damerla:** I just wanted to address something that MPP Walker said. It's important that you take my comment in the context of what happened in the last session as well as what I perceive as clearly some intent to slow down the process.

My suggestion is that if there is really concern around some of the government's amendments, my understanding is that technical briefings have been offered. Perhaps a quicker way to deal with this is to sit down with our folks and get a technical so that we don't need a 20-minute recess every single—I mean, I know it's your right, but I'm suggesting that the best interest of taxpayer money is perhaps to get the technical briefing. I know it has been offered, and my understanding is that you have not taken it up. So my advice is, if you have really strong concerns, sit down for a couple of hours and hash it all out. Let's discuss it so that when we're here at committee, the homework has been done and we can get on with actually passing the amendments rather than making this the place where we are doing the homework.

It was in that context, but if I inadvertently offended you, I didn't mean to. Thank you.

**The Chair (Mr. Peter Tabuns):** Fine. I have Mr. Walker.

**Mr. Bill Walker:** I would never suggest that you would purposely insult me personally, but I do take offence. I am a new person. I have lots on my table. This isn't the only thing I'm working on. With all due respect, you've had 10 years in government—not yourself, but your party has had 10 years in government; you could have already had this.

To Ms. Cansfield: I agree that you lived through Walkerton, so you would have thought that this would have been a pretty significant piece of legislation. Now, all of a sudden, it seems that today we want to have this passed and just get on with it.

Even to your comment about the municipalities, they endorsed, through that letter, that they want this. Well, who isn't going to, Donna, with respect to protecting our Great Lakes? But did they read through? Now there are some significant things that you're cutting out of your own bill.

**The Chair (Mr. Peter Tabuns):** Mr. Walker—

**Mr. Bill Walker:** Are they still actually going to give you that same endorsement?

**The Chair (Mr. Peter Tabuns):** Mr. Walker, if you'd focus in on the amendment and the substance, that would be great.

**Mr. Bill Walker:** Certainly. In all of these, all we're trying to say is—we're trying to walk through and say, "Is this really the right thing?" as my colleague just said. Is this the right way—and leaving accountability at the people who are duly elected as opposed to giving it to committees and volunteer groups. They do a great job to have volunteers; of course, we all support the volunteer efforts of people. But we just don't want to subvert the power of the people who are truly democratically elected. We have had a couple of occasions in my short tenure in government—the Green Energy Act—where you've usurped municipal rights. We don't want that to happen again, so we're going to make sure—when we're going through these, we will deliberate; we will take time. If I need a 20-minute break to be able to go and consult and make sure I have all the facts so I can put my hand in the air properly, then I will continue to do that.

And, yes, the ministerial briefings are wonderful. It hasn't happened yet. We'll take that into consideration. But at the end of the day, we want to make sure that we're ensuring that there's accountability, transparency, and that it's back to the local level as expeditiously as possible.

**The Chair (Mr. Peter Tabuns):** Thank you. I have Mr. McNeely.

**Mr. Phil McNeely:** Of course, the government does not support this motion. We've heard, through our consultation, the need for partners, including ministries, conservation authorities and others, to have the ability to lead and participate in the development of initiatives and targets to protect the Great Lakes.

I think municipalities in both Mr. Walker's and Mr. Harris's ridings have been supportive of Bill 6. There's a press release here:

"Conservation Authorities Support New Provincial Actions to Protect the Great Lakes.

"Conservation authorities are pleased with today's provincial announcement of a proposed Great Lakes Protection Act, strategy, and support for important local actions."

I think it's extremely important. I think the IJC—I saw it on CBC last night—is coming out with a report saying

how terrible Lake Erie is. I know, from the American side—I was at a presentation in Duluth, and one of the presentations was, I believe, on the work the Americans were doing on their side. We are at a standstill as far as dealing with that, even with all the legislation we have.

I read the Hansard last night on the first four motions we got passed. I think it's just atrocious that we should be stalling this bill. I don't think that the opposition party will be happy until they can walk across Lake Erie on the algae. I don't think they are. They have a responsibility to the kids and the next generation. I just feel very, very sad that they are blocking and stalling. Just read the Hansard from the last session.

**The Chair (Mr. Peter Tabuns):** Mr. McNeely, could you focus on the amendment? I understand your feeling on this, but if you could focus on the amendment.

**Mr. Phil McNeely:** And so, on the amendment, I don't have any further points to make. I think we just should—I want to vote right now, yes.

**The Chair (Mr. Peter Tabuns):** Okay. I have Mr. Harris.

**Mr. Michael Harris:** I think we want to come back to the fact that we're talking about an amendment in terms of who actually initiates this process. We've been very clear that municipalities, the elected bodies, should be that one.

I will say to the member across that, in fact, we have taken ministerial briefings; in fact, I've done two of them. So we'll want to clarify before we make those statements that we've not taken advantage of those ministerial briefings. If you would allow us the time, we could recess right now. Everyone is here. We'll be happy to meet for the rest of the session and get that briefing for my colleagues, to ensure—I'm happy to throw that across, and if you're so inclined to do that, we're happy to do that right now.

I think it's our job, obviously, to get the details, to do the right job and not ensure that there are new layers of red tape and bureaucracy. In fact, that's what we believe this bill is doing.

I just wanted to get that comment on the record.

**The Chair (Mr. Peter Tabuns):** Okay. I see no other hands. We're ready to go to a vote. All those in favour? All those opposed?

**Mr. Michael Harris:** Carried? Carried. That's two over there.

*Interjections.*

**The Chair (Mr. Peter Tabuns):** Just a second. They, in fact—we're having a vote.

**Mrs. Donna H. Cansfield:** I'm sorry.

**Mr. Michael Harris:** We've already voted.

**Mrs. Donna H. Cansfield:** I thought we were voting on the recess.

*Interjections.*

**Mrs. Donna H. Cansfield:** Hang on. Sorry. This is my fault.

**The Chair (Mr. Peter Tabuns):** It passes.

**Mrs. Donna H. Cansfield:** We'll reintroduce the motion.



**The Chair (Mr. Peter Tabuns):** You can reintroduce it at a later point, but we had three—yourself, Ms. Cansfield, and I think Mr. Kwinter—in favour.

*Interjections.*

**Mrs. Donna H. Cansfield:** I thought we were voting for the recess. It's my fault.

**The Chair (Mr. Peter Tabuns):** Okay. On to the next—

**Mr. Michael Harris:** So that passed, Mr. Chair?

**The Chair (Mr. Peter Tabuns):** Yes, it was passed.

PC subsection 3(1), number 7.

**Mr. Michael Harris:** I have a new amendment I'd like to table.

**The Chair (Mr. Peter Tabuns):** Does it relate to subsection 3(1)?

**Mr. Michael Harris:** Yes.

*Interjection.*

**Mrs. Donna H. Cansfield:** Would it not have been a tie?

**The Chair (Mr. Peter Tabuns):** No.

**Mr. Michael Harris:** No.

**Mrs. Donna H. Cansfield:** One, two, three—he voted.

**The Chair (Mr. Peter Tabuns):** But you and Mr. Kwinter voted with the Tories.

**Mr. Michael Harris:** Yes. We've moved on.

**The Chair (Mr. Peter Tabuns):** We're on to the next—

**Mrs. Donna H. Cansfield:** My error, our error, because I thought we were voting on the recess. It's all right. It's not a problem.

**The Chair (Mr. Peter Tabuns):** Members, we have a new amendment. I'm going to have the Clerk circulate it. We'll recess for five minutes while it's copied and circulated.

*The committee recessed from 0954 to 1003.*

**The Chair (Mr. Peter Tabuns):** Members of the committee, you've received copies of PC motion 6A. Could I have the mover? Mr. Harris.

**Mr. Michael Harris:** Yes. I move that the definition of "public body" in subsection 3(1) of the bill be struck out and the following substituted:

"'public body' means a municipality, a local services board within the meaning of the Northern Services Boards Act or a body prescribed by the regulations or an official of such a body;"

This amendment I move is simply just a housekeeping amendment that would provide greater certainty, I believe, in the spirit of co-operation, with my previous amendment. This just tidies—

*Interjection.*

**Mr. Michael Harris:** All right. I'll reread the amendment, I believe.

**The Chair (Mr. Peter Tabuns):** Yes, please.

**Mr. Michael Harris:** I move that the definition of "public body" in subsection 3(1) of the bill be struck out and the following substituted:

"'public body' means a municipality or a local services board within the meaning of the Northern Services Boards Act;"

Again, this is just a housekeeping item that provides greater certainty when it comes to the Northern Services Boards Act. In the spirit of co-operation with the previous amendment, moving this amendment shouldn't be any big deal.

**The Chair (Mr. Peter Tabuns):** Okay. Any further speakers on this? Mr. Schein?

**Mr. Jonah Schein:** Mr. Chair, I just want to take a moment to return to the previous amendment and ask a clarifying question where the government voted with the PCs on the previous amendment. Will they be introducing an amendment to amend the decision that they just made, and is that allowed?

**The Chair (Mr. Peter Tabuns):** You will hear shortly, but we're on this amendment right now, and we have to deal with this one.

Any further discussion on this? All those in favour? All those opposed? It is lost.

We need to recess for another five minutes for copies to be made of another amendment—five minutes.

*The committee recessed from 1005 to 1016.*

**The Chair (Mr. Peter Tabuns):** The committee is back in session. The government has moved an amendment, a motion. May I have that moved by a member of your team there? Mr. McNeely.

**Mr. Phil McNeely:** I move that the definition of "public body" in subsection 3(1) of the bill be struck out and the following substituted:

"'Public body' means:

"(a) a municipality, local board or conservation authority;

"(b) a ministry, board, commission or agency of the government of Ontario, or

"(c) a body that has been prescribed by the regulations or an official of such body; ('organisme public.')

**The Chair (Mr. Peter Tabuns):** Did you want to speak to that?

**Mr. Phil McNeely:** Pardon me?

**The Chair (Mr. Peter Tabuns):** Did you have anything further to say?

**Mr. Phil McNeely:** No.

**The Chair (Mr. Peter Tabuns):** Fine. Mr. Harris.

**Mr. Michael Harris:** Clearly, the government is trying to backtrack on something that I believe the committee has already been clear on, so we definitely need a recess to go over this to ensure that it is, in fact, in order and to our liking.

**The Chair (Mr. Peter Tabuns):** And you're proposing?

**Mr. Michael Harris:** Five or 10 minutes. Ten minutes.

**The Chair (Mr. Peter Tabuns):** Is the committee in favour of recess?

**Mrs. Donna H. Cansfield:** No.

**The Chair (Mr. Peter Tabuns):** No—

**Mr. Michael Harris:** I think the additional time to consult the Clerk here on this—this is absolutely in order. I would ask—

**The Chair (Mr. Peter Tabuns):** Mr. Harris, I have to consult with the whole committee if you ask for a recess. I've consulted; there is not a recess. Mr. Walker.

**Mr. Bill Walker:** I'm just trying, if we could, so I can understand a little bit more—they've taken out the words "or official." They've stricken that out in section (b). That was, I believe, in the original wording within the bill, but in this amendment, they've stricken those words out of the written piece that we have. Could you give me some clarity on why that would be taken out, just so that we could understand that fully?

**The Chair (Mr. Peter Tabuns):** A fair question. Mr. McNeely?

**Mr. Phil McNeely:** I'd like the solicitor for the ministry to come forward and respond to that.

**Mr. Bill Walker:** I have one other one as well, Chair.

**The Chair (Mr. Peter Tabuns):** Mr. Flagal, if you would introduce yourself again for Hansard.

**Mr. James Flagal:** It's James Flagal, Ministry of the Environment's legal services branch.

**The Chair (Mr. Peter Tabuns):** You have heard Mr. Walker's question. If you could address it, please.

**Mr. James Flagal:** Absolutely. The committee has already voted on a motion—I believe it's motion 5. I think all parties were voting in favour of striking out clause (c), source protection authorities and source protection committees. The motion was going to be to reintroduce the definition as you see here, which would be all of the clauses you see in "public body" right now, except for clause (c).

However, the motion would be out of order if the motion just did that. It needs to slightly change the definition because the committee already voted on that motion before. So striking out "or official" is really something that does not affect the definition of "public body," because, just quickly, a public body is meant to be a public body.

Just to let you know, this definition that you see here—the definition of public body comes up in many statutes. Many municipal affairs statutes have this type of definition, and others.

So what you see in clause (b) is often said, and it may make sense in the context of that particular statute to include "or official." But again, it only depends on whether or not, let's say, the geographically focused initiative would name an official. It's contemplated—we were told by the Clerk that we needed to basically slightly adjust this particular definition for it to be in order—that the geographically focused initiatives would always be led by a ministry or that kind of body.

That's why the change is there. It's literally just because the motion needs to be slightly amended in order for it to be in order, but it doesn't detract from anything that is in the actual thing, and it still maintains that no source protection committee or source protection author-

ity is a part of this "public body" definition. That was voted on before.

**The Chair (Mr. Peter Tabuns):** Okay. Mr. Walker?

**Mr. Bill Walker:** Thank you, Chair. If I could just ask the government official, Mr. Flagal, to come back to the table; I have a couple more, because it seems to me that two things are going on.

Now we're talking about a technicality, as opposed to if it's really a benefit and of value to the people of Ontario. It's a technicality to be able to move it backwards, so I have a bit of concern with that, but I'll try to get my head around it.

I hope you'll appreciate and respect that I am a new member, so I don't understand a "public body" in something like municipal affairs legislation, which I may not have dealt with yet. I am really, honestly, sincerely trying to get my head around understanding that.

The other piece of this that I want to bring into (c) "a body that has been prescribed by the regulations or an official of such a body"—can you give me an example of a body that might be added in there? Then I'll have a further question—a point of clarification, I think.

**Mr. Michael Harris:** Chair?

**The Chair (Mr. Peter Tabuns):** I'll put you on the list.

**Mr. James Flagal:** There are many cases where a definition can be expanded by regulation. If you don't have a particular entity that's recognized in the definition itself—(a), (b) and (c)—there may be cause for a government to say, "We want to prescribe another entity." Off the top of my head, I can't think of a particular thing. I'd have to go and consult with my clients, but this is similar to those other definitions, where you can expand or add to the entities by regulation.

**Mr. Bill Walker:** So theoretically, a source protection committee could be added in there, even though it's been struck out of the overarching definition, by using this terminology, "a body that has been prescribed by the regulations." You could theoretically bring that back in, a source protection committee?

**Mr. James Flagal:** I think theoretically, yes, but I think it's clear that the direction has been given here that obviously committees and authorities have been struck out of the definition in the legislation itself.

**Mr. Bill Walker:** Again, in all due fairness, if I think of the Green Energy Act, theoretically you've taken away the ability—and practically you've taken away the reality—of a local elected official to have any say in where a wind turbine is. That's why I have some challenges when I hear those types of things, because theoretically, "This committee said, 'No, we can't really go there.'"

**The Chair (Mr. Peter Tabuns):** Mr. Walker, you have no further questions?

**Mr. Bill Walker:** Well, yes. My colleague will, I'm sure, jump in, but the other thing I'm trying to get here is that I believe there are already a number of agencies between the US and Canada. We have the International Joint Commission, the Great Lakes Water Quality Board,

the Great Lakes Executive Committee and the management committee of the Canada-Ontario Agreement—COA—all of which worked to implement the priorities outlined in the Canada-US Great Lakes Water Quality Agreement.

Our concern, again, is that when we start doing some of these, how many more layers of special interest, how many more layers of people are we going to add in there? That's the fundamental principle of why we tried to keep this simple—a local board or municipality—so we keep it clean, because you have all of these other bodies already working, I trust, in a very similar manner.

**Mr. James Flagal:** The definition of “public body” and the way to understand “public body” is where it comes up again in Bill 6. Where it comes up is that a

public body, along with other public bodies, can lead the exercise of developing a geographically focused initiative, which is two steps. First you have terms of reference, which basically set out what's going to be in the geographically focused initiative, and then you basically develop the initiative itself, and that can be done with one or more public bodies. That's why the list you see here could be a ministry or could be a conservation authority, along with municipalities.

Finally—

**The Chair (Mr. Peter Tabuns):** Mr. Flagal, I apologize for interrupting, but we are at the end of our time for today. This committee stands adjourned until its meeting next week, when we continue clause-by-clause.

*The committee adjourned at 1025.*

## CONTENTS

Wednesday 26 February 2014

Great Lakes Protection Act, 2014, Bill 6, Mr. Bradley / Loi de 2014 sur la protection des Grands Lacs, projet de loi 6, M. Bradley.....	T-113
---	-------

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