



No. 79B

N° 79B

ISSN 1180-2987

Legislative Assembly  
of Ontario  
Second Session, 37<sup>th</sup> Parliament

Assemblée législative  
de l'Ontario  
Deuxième session, 37<sup>e</sup> législature

**Official Report  
of Debates  
(Hansard)**

**Journal  
des débats  
(Hansard)**

**Tuesday 11 December 2001**

**Mardi 11 décembre 2001**

Speaker  
Honourable Gary Carr

Président  
L'honorable Gary Carr

Clerk  
Claude L. DesRosiers

Greffier  
Claude L. DesRosiers

### **Hansard on the Internet**

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

### **Index inquiries**

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-3708.

### **Copies of Hansard**

Information regarding purchase of copies of Hansard may be obtained from Publications Ontario, Management Board Secretariat, 50 Grosvenor Street, Toronto, Ontario, M7A 1N8. Phone 416-326-5310, 326-5311 or toll-free 1-800-668-9938.

### **Le Journal des débats sur Internet**

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

### **Renseignements sur l'index**

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 325-3708.

### **Exemplaires du Journal**

Pour des exemplaires, veuillez prendre contact avec Publications Ontario, Secrétariat du Conseil de gestion, 50 rue Grosvenor, Toronto (Ontario) M7A 1N8. Par téléphone : 416-326-5310, 326-5311, ou sans frais : 1-800-668-9938.



LEGISLATIVE ASSEMBLY  
OF ONTARIO

Tuesday 11 December 2001

ASSEMBLÉE LÉGISLATIVE  
DE L'ONTARIO

Mardi 11 décembre 2001

*The House met at 1845.*

ORDERS OF THE DAY

**The Acting Speaker (Mr Michael A. Brown):** Orders of the day. The Minister of Agriculture, Food and Rural Affairs.

**Hon Brian Coburn (Minister of Agriculture, Food and Rural Affairs):** Order G110.

**Mr Peter Kormos (Niagara Centre):** On a point of order, Mr Speaker: Quorum, please.

**The Acting Speaker:** Is there a quorum?

**Clerk at the Table (Ms Lisa Freedman):** Quorum is present, Speaker.

QUALITY IN THE CLASSROOM  
ACT, 2001

LOI DE 2001 SUR LA QUALITÉ  
DANS LES SALLES DE CLASSE

Mr Dunlop, on behalf of Mrs Ecker, moved third reading of the following bill:

Bill 110, An Act to promote quality in the classroom /  
Projet de loi 110, Loi visant à promouvoir la qualité dans  
les salles de classe.

**Mr Garfield Dunlop (Simcoe North):** Tonight I'll be sharing my time with the members from Oak Ridges and Kitchener Centre.

Since 1995, we have remained committed to giving our students the best possible education. We've put the focus of education in this province where it should be: on higher student achievement. This vision is based on providing Ontario school children with the benefits of receiving the best possible teaching in the classroom.

Teacher excellence is at the root of every success story in student achievements, and Bill 110 is focused on supporting teachers across our province. Ontario is fortunate to have many excellent teachers who are committed to the profession and have fostered a love of learning among the students. It is important that we support those teachers in their efforts to continually upgrade their skills and their professional learning.

The Ontario teacher testing program allows us to do just that. The program includes a number of components. We have already established professional learning requirements that have teachers taking courses from seven core categories and seven elective courses over five-year cycles. We introduced a language proficiency test for

teachers coming to Ontario who received their training in a language other than English or French.

We are currently working to develop a teacher recognition program and we will also develop an internship program for new teachers.

*Interjections.*

**Mr Dunlop:** It's nice to hear the member from the Emmy awards over here again tonight.

The Quality in the Classroom Act, 2001, will put in place two other key components of the teacher testing program. Bill 110 calls for a province-wide teacher performance appraisal system and a qualifying test for new teachers or those moving to Ontario.

Many professions already have a variety of entry requirements, standards for professional development, ongoing assessment and accountability practices. For example, regulatory bodies for dental hygienists, nurses, occupational therapists and lawyers all require candidates to pass exams that test basic knowledge and skills to become fully licensed or registered to practise in Ontario.

One of the key components of Bill 110 is the creation of a performance appraisal system to evaluate teachers on their performance in the classroom. The new provincial standards outlined in this legislation would ensure that principals and school boards regularly and consistently evaluate teachers' knowledge and skills and how they apply them in the classroom. These appraisals will be conducted in the same fashion across the province.

**1850**

In the time I have today, I would like to focus on the details of the performance appraisal system proposed in Bill 110. Bill 110 builds on the provisions of Bill 80, adopted earlier this year, back in June, to implement the professional learning requirements for teachers in Ontario. The new legislation would establish the regulatory authority necessary for the establishment of teachers' learning plans. These plans would be developed by teachers in consultation with the principals and would map out an action plan for professional growth.

Our partners welcome this emphasis on a teacher's professional development. At the recent hearings of the standing committee on general government, the Ontario Teachers' Federation welcomed the opportunity afforded by Bill 110 for teachers to focus on their professional growth with the help of principals and school boards.

There is an essential and necessary link between professional learning and evaluating performance. Mandatory professional learning ensures that a teacher's knowledge and skills are up-to-date. Performance ap-

praisal provides the necessary quality assurance that teachers are the best they can be and that they apply their skills successfully in the classroom.

Equally important is the way Bill 110 brings consistency to teacher appraisals in reference to their frequency, timing, standards and methods. This is a critical need that was drawn to our attention by a number of education partners, especially the Council of Ontario Directors of Education. As we were developing this legislation, we asked CODE to conduct a survey of teacher appraisal practices across the province. What the CODE survey found confirmed the need for taking a province-wide consistent approach to evaluating teachers' classroom performance.

While boards have been developing tighter practices in this area, Bill 110 will put policies and programs in place to help weak teachers meet the standards they need to achieve.

Few boards currently have the evaluation policies that identify exemplary teachers. As I mentioned earlier, we are working on a program to recognize excellent teachers and an induction program for new teachers.

These findings reconfirm the value of Bill 110 and the need to provide consistent province-wide standards for teacher evaluation.

We have continued to listen to our partners. The Organization for Quality Education stated its support for Bill 110 at the hearings of the standing committee on general government. The organization is made up of parents, teachers, principals and other stakeholders. The Organization for Quality Education submitted the position that a standardized performance appraisal would bring worthwhile improvement to our school system. At the same hearings, the Ontario Teachers' Federation also gave its support for Bill 110, saying that the plan to introduce a consistent performance appraisal process for teachers is a positive step.

Our teacher appraisal system is designed to be fair to all members of the profession, no matter where they teach in our province. Under the new legislation, every experienced teacher would be evaluated every three years. There would have to be at least two evaluations of a teacher's performance during that year. All new teachers in Ontario, whether recent graduates or those moving to a new school board, would receive two evaluations during each of the first two years in the classroom.

The Ontario Teachers' Federation gave its support for the way Bill 110 calls for separate evaluation cycles for experienced teachers and new teachers. The OTF believes that performance appraisal systems must recognize the different stages in a teacher's career.

Bill 110 would also allow a principal who has concerns about a teacher's performance to conduct more frequent appraisals in order to provide the necessary support. Principals or vice-principals would conduct the performance appraisals of the teachers.

It is important to note that principals and vice-principals will receive training on the performance appraisal system in order to ensure fairness to teachers. Bill

110 provides for provincial regulations to set standards and methods for performance appraisals. These could spell out the competencies to be evaluated, the rating scale to be used and the standards, methods and timelines to be taken into account in conducting performance appraisals. The Minister of Education would be able to issue guidelines relating to the knowledge and practices that evaluators should look for in conducting these performance appraisals.

The education community doesn't operate in a vacuum. There is a need for greater accountability to parents and other stakeholders. Our government strongly believes in the involvement of all parents in their children's education. That's the reason we created school councils, to ensure that parents have a stronger voice in their children's schools. We are now conducting the first annual parent survey to make sure Ontario's parents give us their views on the future of public education in our province. Bill 110 would, therefore, also provide the regulatory authority for parent and pupil input to be taken into account when teachers are being appraised. Providing a role for parents in this process emphasizes the importance of effective communications between parents, students and teachers.

The Ontario Parent Council welcomes this opportunity for parental input. However, parental and pupil feedback could not be used by itself to dismiss a teacher or result in an unsatisfactory rating. Teacher appraisal is designed to ensure that teachers have the knowledge and skills they need to ensure student achievement and excellence.

The appraisal system has another important purpose and that is to support and facilitate teacher improvement. That's the reason Bill 110 places significant emphasis on what happens when teachers receive an unsatisfactory rating. Bill 110 provides a fair approach to help teachers receiving an unsatisfactory rating to improve.

Let me illustrate how the proposed system would work. An unsatisfactory rating would require the teacher to receive written notice detailing what is lacking in performance and what changes are expected. The principal would also be required to provide the teacher with an improvement plan specifically outlining the steps to be taken in order to improve. Within 60 days of the first unsatisfactory rating, the principal would conduct a second appraisal to see if improvements have been made. If the rating remains unsatisfactory, the same process that applied after the first rating would be followed. In addition, a second unsatisfactory rating would result in the teacher being placed on review. During the on-review period, intensive remediation and support would be available to a teacher based on a plan jointly developed by the teacher, the principal and the superintendent. On-review status would also require the principal to monitor the teacher's performance, consult on necessary improvement steps and provide feedback to the teacher.

A third appraisal would be required within 120 school days of the teacher having been placed on review. A recommendation for dismissal would be required to be submitted by the principal to the school board if the

teacher's performance is still found unsatisfactory after the third appraisal. A dismissal recommendation could also be made if it has been determined that the best interests of the students require removal of the teacher from the classroom. Pending the board's decision on whether to terminate a teacher's employment, the teacher would be removed from the classroom and either suspended with pay or assigned to other duties. It is important to note that boards would continue to be required to ensure that the due process is followed when dismissing a teacher.

I believe members will agree with me that the performance appraisal system I've described is consistent and fair to teachers. It is also essential that the interests of the students be protected as well. For that reason, the legislation we are considering contains a number of protections when teachers are dismissed for unsatisfactory performance. Any board that dismisses a teacher for unsatisfactory performance must advise the Ontario College of Teachers, which would then investigate the matter. If school boards wish to hire a teacher who has taught elsewhere in the province, they would be required to check with the teacher's previous school board on the teacher's performance.

Bill 110 would reduce the possibility of low-performing teachers escaping accountability by moving from board to board across the province. This measure received the support of the Organization for Quality Education at the committee hearings on Bill 110. The OQE suggested that transferring incompetent teachers from school to school or allowing them to move from board to board would become less likely as a result of Bill 110.

At this point, it is essential to note that the vast majority of teachers in Ontario are very competent and dedicated professionals and share our goal of removing unmotivated and incompetent teachers from the classroom.

The second key component of Bill 110 would establish a qualifying test for new teachers. This would be similar to entry exams for other professions, such as law. We want to be sure that all new teachers know the curriculum, the teaching methods and the standards that are expected of them to motivate and help students to achieve.

In closing my remarks, I'd like to summarize some key features of the performance appraisal system that would be established by this legislation. Bill 110 will help bring the promise of teacher excellence to every corner of Ontario. The new performance appraisal standards will focus on key areas of teacher performance: commitment to students and their parents; how he or she communicates with them; professional knowledge and teaching practice; participation in the life of the school and the school community; and participation in ongoing professional learning.

#### 1900

The ministry will continue to work and consult with its education partners on how best to implement the new performance appraisal system. The new performance appraisal standards will be phased in, starting in a num-

ber of school boards to be used next year. School boards will have to provide support and remediation for teachers whose performance appraisal is unsatisfactory. After due process, school boards could dismiss teachers whose performance appraisals continue to be unsatisfactory after being given help and support to improve and failing to do so.

The Ontario College of Teachers would review the certification of teachers dismissed following a performance appraisal process. School boards hiring experienced teachers would have to obtain a copy of the last two performance appraisals conducted by the school board where the teacher was formerly employed if one was rated unsatisfactory.

It is worth repeating that Ontario teachers are dedicated professionals committed to the achievement of their pupils. Bill 110 supports this commitment by bringing clear, consistent and fair province-wide standards for performance appraisals in the establishment of a qualifying test.

I encourage all members to support this important legislation and appreciate the opportunity to speak to you tonight.

**The Acting Speaker (Mr Michael A. Brown):** Further debate?

**Mr James J. Bradley (St Catharines):** The bill is before the House not because of the fact that there isn't an appraisal system that exists now; it's because the government did some polling, probably at the expense of the taxpayers of Ontario—because they spend in fact millions of dollars both on polling and government advertising, all at the expense of the taxpayers of Ontario—and what they would have discovered was that the concept sounds good at first blush. In other words, if you went down a street and knocked on a door and simply asked one question, "Do you believe that teachers should be assessed or tested?" it's likely that your immediate response is going to be yes. This government works on that basis. So instead of endeavouring to improve upon a system which is already in existence in most schools in Ontario, the government decided that it would make this a high-profile issue and a wedge issue between those who are members of the teaching profession and what it perceives to be the majority of public opinion.

The total effect of the legislation, and particularly the manner in which it has been introduced in education, has been to reduce the morale in teaching ranks in Ontario to the lowest that I can recall and likely in the history of the province.

When you're making changes, the best way to make change is to enlist the support of those who are being subjected to the change. Many governments recognized a number of years ago—and here I compliment the Davis administration. Although I found myself from time to time in disagreement with some of the Davis policies, may I say—and we have one member here who was part of the Davis government, the Honourable Robert Runciman, now Minister of Economic Development and Trade.

**Hon John R. Baird (Minister of Community and Social Services, minister responsible for children,**

**minister responsible for francophone affairs):** He was a good Davis man, was he? Was he a good Davis man?

**Mr Bradley:** He was certainly a moderate in the Conservative government of Bill Davis.

What the government did that I thought was effective was it introduced change on an incremental basis. Most people are prepared to accept and indeed work along with those who want to implement change if it is done in an incremental fashion and not in a confrontational fashion. This is not to say that in those days there were never clashes of opinion between the government and people in the education business or the education profession, because from time to time a clash would take place. The Honourable Dr Bette Stephenson, who was minister for some period of time, was not afraid to voice her opinions and was often vociferous both in the House and in public meetings. But I think there was a respect for the fact that the minister or the cabinet as a whole had in mind the best interests of the students in education and of the education system. I can't recall on any occasion that the Robarts administration, although I wasn't here when Premier Robarts was Premier, or the Davis administration set as public enemy number one members of the teaching profession. The reason that the morale is so low today is for that very reason, that the present administration, recognizing that it could score some significant political points by bashing teachers, decided that that's exactly what it would do.

There have been some alternatives which have been presented by members of the teaching profession to allow for upgrading of teachers, continuing education for teachers and continuing evaluation. The government would have been wise to consult with those individuals and modify its own proposals to accommodate the suggestions that had been made. But that wasn't to be in the books. That would not produce the confrontation necessary, that would not delineate the sides and the issue, and therefore the government decided to proceed with Bill 110, what it refers to as the Quality in the Classroom Act.

I look at a picture in education. At one time, the people who were in the education profession showed up for work with a smile on their faces and with a good deal of enthusiasm facing the particular day on which they would be teaching. When they came back from any period of time where there was not teaching taking place, a holiday period of time, it was again with great enthusiasm, with great interest in what they were going to be doing, that is, working with the students. Essentially that was the period of time before they became the targets of this government.

It was interesting during the Bill 160 confrontation. I think the government discovered on that occasion that while they picked on teachers, they centred out teachers as enemy number one, many of those individuals who were in the teaching profession had brothers or sisters, mothers and fathers, spouses, close friends who knew the profession, who knew the kind of work the teachers were doing, who were aware of the dedication of these individuals and were sympathetic to them in their battle with the government over Bill 160.

Bill 160 essentially was a bill which was all about reducing the number of teachers in secondary schools. That's essentially what it came down to. I remember being in the hallway with the Honourable David Johnson, who was then Minister of Education, and they asked him a question, "How many fewer teachers do you think there will likely be in secondary schools as a result of this bill?" He suggested about 7,500. The teaching profession was saying 10,000. The hotline hosts who like to join in the bashing of teachers, because that's very popular, to join in on that bashing, said, "Look, they're hiring all these new teachers." The reason of course was that we had a huge bulge of retirements. I've said in this House before, and I think it's worthy of repetition this evening, that one indicator of the morale of the teaching profession is that teachers are retiring the day they can.

I can recall a number of years ago that many teachers taught to the age of 65. Some may have taught to a period of time before the age of 65, and you had a period of time where people would say, "Look, I'm going to wait a couple of extra years after I'm eligible and I'm going to be part of the teaching profession because I enjoy my job, I enjoy working with the students, I enjoy the atmosphere in the classroom and in the staff room." That changed substantially, so that you had a situation where people were then retiring at the end of the year they were eligible. Then it would be the end of a term or the end of a semester, then the end of a month, then the end of a week, and today there are people dedicated to teaching—I know some people whose whole lives were teaching who the day they are eligible today will walk out of that classroom and into retirement. That's most unfortunate because you lose some good, dedicated, knowledgeable people. You lose some mentors. You lose some experience.

#### 1910

We're happy to see new people enter the teaching profession, fresh faces, as they say, people who will take new chances in education. A good staff, whether it's for a whole board of education or an individual school, consists of both the experienced teachers and those who are coming into the profession, and a number of people in between. That's the best blend you can have.

But we don't see that today. We see almost a state of depression in many people in the education system. I was talking to a teacher the other day. The newest rumour they hear is that the government is going to freeze everybody's wages again. They went through a period of time, first of all, of the social contract, and then of restraint being practised by the government in the greater public sector, which meant there were virtually no pay raises for a number of years. While it wasn't enjoyed, it was endured, with the hope there would be a future where there would be some additional remuneration and benefits that might be available instead of the constant takeaways and freezes and perhaps in some cases even retractions.

So when they see a bill of this kind, what they interpret it as—and I think with some degree of accuracy—is yet another attack on members of the teaching profession,

as though you've got a bunch of people out there who are unqualified, who are not dedicated to the job, who have to be supervised 24 hours a day.

It's interesting to note, for those who are proponents of private school funding, that it's my understanding the cabinet tomorrow will be meeting to discuss the regulations surrounding that. I know, Mr Speaker, that you would have enjoyed the comments of the former Treasurer of this province, the Honourable Ernie Eves, who expressed great concern about the potential regulations that would be brought into effect, and who felt the funding should be available only where the curriculum of the province is taught and where there is appropriate provincial supervision.

You would know, Mr Speaker, as all members of this assembly would know, that this act does not apply to people in private schools, yet this government is taking money from the public stream—some say up to \$500 million; I think that's what the minister suggested when they were fighting against the United Nations case; potentially \$500 million—and giving it to private school vouchers. This legislation, this bill, does not apply to those schools.

**Mr Rosario Marchese (Trinity-Spadina):** How come?

**Mr Bradley:** Well, those teachers are not members of the College of Teachers; therefore, they do not have what we would consider to be the appropriate qualifications in Ontario. So they are exempt.

The member who interjected in horror would remember that there was another piece of legislation we passed in this Legislature not long ago that dealt with sexual misconduct, and that did not apply to the private school system either, even though there is now public money that is going to go into the private schools through what amounts to a voucher system.

My knowledge of the system is that principals, vice-principals, department heads, other teachers, superintendents, even directors in some cases, are there in a supervisory capacity to ensure members of the teaching profession are doing their job appropriately. Particularly within the school setting, the principals do that kind of supervisory work, though heaven knows today they're overburdened with all the paperwork this government is throwing at them.

Just as they saw some of the other suggestions we have had come forward as being anti-teacher, we see some of those in this.

Though we like input, we like consultation, I'm concerned that part of the evaluation process is going to come from students and parents themselves on individual teachers. The reason I say that is that the gang on the other side generally talks about discipline. What they usually mean, the people who extol the virtues of discipline—and I'm one of them, so I'll exempt myself from this—is discipline for everybody else's kids, not for their own. When their own are in trouble, it must be the system or the teacher or the principal or somebody else, but it can't be their own kid.

So we're going to have a situation where people with an axe to grind, be they students or parents, will be involved deeply in the evaluation of teachers. If you don't think that is a cold hand over the heart of teachers of this province, then you're not calculating what the effect is going to be in an accurate way. That's exactly what it is: more butting into a system that has worked relatively well with supervision coming from superintendents, principals and vice-principals. We're now going to have people with an axe to grind having the right to hassle the teachers and having a right to be involved in the evaluation. I ask members of this government to consider what you're doing when you do that.

I was talking to a group of teachers the other day who said, "Just watch what happens with discipline now," because if you're going to be in a popularity contest as opposed to trying to enforce the rules and regulations of a school, there's going to be a different circumstance confronting teachers and the discipline they must administer as part of their roles and responsibilities.

I have yet to encounter any member of the teaching profession who doesn't believe that they should be qualified, that they shouldn't be, on an ongoing basis, upgrading themselves and renewing themselves. They do it voluntarily. I think they see this as an overseeing, an imposition, an additional cost to the teachers themselves and perhaps to the education system. I think it's accepted by many people that when people are coming into the profession, they should have to meet certain qualifications. That's part of this bill. I know there are some people who disagree with that, but it's probably reasonable to believe that when they're coming into the profession, they should meet certain standards. I think you'll find a fairly good consensus on that. The performance appraisal part of the bill basically standardizes what has been happening in the system now, except the government can put another check mark beside something it said it promised and was going to deliver, unlike of course hospitals that they closed in the province.

The bill makes no mention of where overworked, overstressed principals will find the time to carry out their new responsibilities and what resources will be available to them. According to the Ontario Principals' Council, Ontario will lose 50% of its principals over the next five years, and teachers are not interested in becoming principals because of the huge volume and frantic pace of change in the system. This is obviously why the Honourable Chris Stockwell, Minister of Labour, has said, "Look, let's not have any more changes in education for two years." Mind you, he's been part of the cabinet that has helped to impose those constant changes and he voted for all of them, but at least he has seen the light. Just as he now says, "No more tax cuts," he now has seen the light on this. It's a little late, it's a conversion on the road to Damascus, but we're prepared to accept converts from time to time.

The bill makes no mention of what resources will be made available to help struggling teachers. There is some

concern that the four ranking categories may pave the way for merit pay for teachers, and often that turns into who can polish the apple the shiniest, as opposed to who actually performs best within a system. This bill does not pertain to teachers in the private school system, as I have mentioned. Again, that's an example of public funding with no accountability. The bill is further evidence of the Tory anti-teacher agenda.

I would find it hard to accept this bill. I believe that teachers have brought forward an alternative model that is truly supportable, and I believe the government would have been wise to have adopted or incorporated that model, as opposed to getting into yet another confrontation.

1920

**The Acting Speaker (Mr Bruce Crozier):** The member from Timmins-James Bay.

**Mr Gilles Bisson (Timmins-James Bay):** I just wanted to get up on a point of order.

**The Acting Speaker:** Thank you. Further debate?

**Mr Bisson:** Don't you love it when a strategy kicks you right back? Anyway, that was in order to send a little signal to my friend, because I know other people wanted to speak.

I don't want to take a lot of time because I know that our good friend and colleague Mr Rosario Marchese, the critic for education, has a number of things he wants to say about this particular legislation. I don't want to take a lot of time, but I wanted to put a couple of things on the record very quickly.

Premièrement, ce qui est clair dans ce projet de loi, c'est que le gouvernement a décidé encore une fois de s'organiser à taper sur la tête des professeurs. Si on regarde ce que le gouvernement a fait dès le début de son mandat en 1995, ils ont été bien clairs. M. Snobelen a dit qu'il voulait créer une crise en éducation. Il voulait créer une crise pour être capable de faire des changements dans le système d'éducation qui étaient importants pour lui et son idéologie et celle de son parti.

On voit le gouvernement ces dernières années—ça fait six ans qu'ils sont là—à chaque occasion qu'ils ont eu l'opportunité, taper sur la tête des professeurs. On voit aujourd'hui, avec ce projet de loi, qu'ils continuent dans la même idée.

L'affaire qui m'achale grandement avec cette approche, c'est qu'à la place de trouver une manière de valoriser l'ouvrage que font nos professeurs dans nos écoles au secondaire et au primaire, à la place de travailler avec eux, de valoriser leurs efforts dans la classe, on a un gouvernement qui dit à chaque occasion, « Bam. On va les taper sur la tête une autre fois. »

Moi, je dis, « Écoute. Ce n'est pas la manière de gérer nos écoles. Ce n'est pas la manière de gérer notre système scolaire. »

**Mr Bradley:** Easy for you to say.

**M. Bisson :** Oh. Sorry, Jim. I wasn't expecting that.

Ce n'est pas la manière qu'on doit organiser le système d'éducation.

Dernièrement, j'ai eu l'occasion—c'est pour cette raison que je voulais présenter dans ce débat—de rencontrer des profs de l'AEFO, du secondaire, qui sont venus me voir. J'ai eu des profs de mon comté qui sont venus de Hearst, de Kapuskasing. J'ai rencontré des profs à Smooth Rock Falls et à Timmins de l'AEFO, de l'OSSTF et d'autres associations de professeurs et syndicats de professeurs à travers le comté. Ils ont été clairs sur cette question. Ils ont dit, « Nous sommes des professionnels. On a déjà en place un collège d'enseignants pour s'assurer de la qualité d'éducation et, plus important, de la qualité de l'ouvrage que nous faisons dans la salle de classe. C'est pour cette raison qu'on est devenu un métier qui est réglementé par lui-même. » À la place d'avoir, comme on l'avait dans le passé, les profs qui ont fait seulement leur licence selon les ordres du ministère, ils sont devenus ce qu'on appelle en anglais « a self-regulating profession. »

Ils ont dit, « C'est pour ça que ce collège-là est en place. Il est important de réaliser qu'on a le collège-là, comme profs, pour nous assurer de la qualité de l'ouvrage qu'on fait dans la salle de classe, pour nous assurer qu'on fait l'ouvrage nécessaire comme profs pour être capable d'augmenter nos connaissances dans la classe et que, à la fin de la journée, les jeunes pour lesquels nous sommes responsables ont, franchement, les meilleurs profs possibles dans la classe. »

Les profs m'ont dit très clairement que, quand on voit ce projet de loi, c'est clair que le gouvernement n'a pas de respect pour le collège des enseignants et que, plus important, le gouvernement n'a pas de respect pour les profs, et que c'est complètement un manque de respect pour les élèves dans la salle de classe elle-même. Ils ont dit de la part de ces profs de ma région qu'il était important que je viens ici à l'Assemblée non seulement pour parler contre ce projet de loi mais pour voter contre, sachant à la fin de la journée que le gouvernement aura une majorité.

Je veux aussi dire qu'il y a une certaine madame à St Thomas qui regarde présentement cette émission, et on va essayer, à travers les traducteurs qui sont ici aujourd'hui, de rassurer une certaine M<sup>me</sup> Elizabeth Klees, qui on sait être très fière de son garçon qui est ici ce soir : il va parler, Madame Klees. On veut que vous sachiez, madame Klees, que votre garçon va parler sur ce projet de loi. Mais, madame Klees, vous avez besoin de parler à ce pauvre petit garçon à vous parce qu'il veut taper sur la tête des profs. Puis moi, je sais que vous, madame Klees, valorisez l'éducation et les profs. Franchement, je sais que vous vous intéressez au dossier et, quand arrive le temps des fêtes et on s'assied à la table pour le souper de Noël, que vous allez parler à votre fils, M. Klees, pour dire, « Frank, pourquoi ? Pourquoi as-tu fait ça ? »

So to Mrs Klees, as I said, I know that your son is going to be speaking soon. On behalf of our NDP caucus, we want to wish your family a very merry Christmas. We know it's been a difficult year for you. I know Mr Klees lost his father this year, as I did mine.



Sometimes there's a bit of bantering that goes on around here, but I want to take the opportunity to wish you and your mother a merry Christmas and to say to you, Mrs Klees, in case you didn't get it in translation, that this guy wants to cut back on education and hit those teachers on the head. We know, Mrs Klees, that you love teachers, that you love education and that you're going to talk to your son at Christmastime and make sure that he comes back here in January and does things that are positive for education.

**Mr Frank Klees (Oak Ridges):** I thank the member for Timmins-James Bay for referring to my mother, who is probably one of the most loyal watchers of the parliamentary channel. I'm sure you've made her evening.

My mother would tell you that I am a great respecter of teachers, and we will have that discussion, no doubt, over Christmas dinner about what I'm doing to enhance and support and make sure that teachers have the kinds of supports they need in this province to do their job better.

When we were elected as a government in 1995, we were determined to deal with a number of issues in the education field that we felt were of the utmost importance to improve the standard and the quality of education in this province. We were concerned that the system in the province was not keeping up with the world in terms of the standards and challenges we're facing every day. Over that period of time we've stressed the importance of student achievement in a number of areas. We've worked to improve stability and security in our education system as well as increase its accountability to parents.

On many occasions over the last number of years we perhaps have lost the parental perspective in education that's so important. All too often we in this province, probably in this country, have decided we would hand over education to the teachers and wash our hands of it as parents, and that is simply wrong. There are many areas that can only be supported and can only be met with parental involvement. So, through some of the reforms we have introduced over the last number of years, we have attempted to draw parental involvement into the education system.

Excellence in the classroom has been another important theme of our education reforms. Our goal has been to ensure that children get the very best teaching that is available. Bill 110, the Quality in the Classroom Act, is our latest effort in supporting teaching excellence. We've heard tonight from members opposite that somehow this is an affront, this is an attack, on the teaching profession. Let it not be said at all that that is the intention here. I would look to members opposite, as they get concerns expressed to them—as the member for Timmins-James Bay did by a delegation of teachers who expressed that in their view, this bill was an affront to them—to take the opportunity to explain to teachers that that is not the case, and point out how this bill supports the very same objectives that they as teachers have: to be the best they can possibly be.

### 1930

This act establishes a new teacher performance appraisal system and introduces a qualifying test for teach-

ers in Ontario. I heard the member for St Catharines say earlier that he does not disagree with the standardization of some of these levels of qualification. I heard him say that much of this is being done already, and I agree that it is. What we're trying to do here through this bill is to standardize a lot of these things, so that it would be consistent across the province. I've heard from many teachers, and I believe it's so, that probably 85% to 90% of the teachers in this province already do much of what is contained in this bill, do what they can to improve themselves, to continue to advance their education.

But what we're concerned about, and I believe as a Legislature we have a responsibility, is to ensure that the remaining 10% or 15% of teachers who don't take that initiative of their own volition are not only encouraged but required to follow that path of excellence. That's what this is all about: ensuring that 100% of all our students in Ontario have the very best teaching available to them. We believe this bill will go a great distance in ensuring that in fact takes place.

Everyone knows the difference a good teacher makes. I have said in this place on a number of occasions in different debates that it doesn't matter what great structural changes we make to education, that it doesn't matter what we do to the curriculum, that it doesn't matter what we do to standardize the testing, that it doesn't matter what we do even in this bill to standardize the requirements for teacher excellence; if we don't have a willing front line of teachers who are willing to enthusiastically embrace what the government is attempting to do to set the goalposts for excellence in education, then all of this will be for naught because we do require—we need—a willing front-line teaching profession to deliver quality education to the students in Ontario.

We are going to welcome, we invite, we implore every teacher in this province to take a look at this legislation in a very positive light, to accept the best of what it has to offer, and to incorporate it into their daily lives and into the profession.

### *Interjections.*

**Mr Klees:** Through Bill 110, the Quality in the Classroom Act, 2001, the government is now moving forward with essential steps to ensure that Ontario's students are always taught by the best teachers in the country.

I want to take the opportunity while it comes to mind, because the member from St Catharines, through his interjection, reminded me of something he said in his debate. He referred to the former Minister of Finance, Ernie Eves, and he suggested, and I think Hansard will show that the member from St Catharines indicated, that he would support the tax credit for independent schools if those schools taught the Ontario curriculum. That simply is not the case and I'd like to correct the record for him, because I know he didn't mean to mislead the House or anyone watching. What he said very clearly was that he would expect there would be a core curriculum that those independent schools teach, and I agree with that. There should be a core curriculum that any independent school that is teaching in this province teaches.

Beyond that core curriculum, of course, those independent schools are free to teach the emphasis that they have in their particular school system. If we didn't allow that, what would be the purpose for an independent school? I'm sure the member from St Catharines would agree with that as well.

I would like to very briefly address some of the details of the new requirements for a qualifying test. If Bill 110 becomes law—and I trust that members opposite will assist us in ensuring that it does—all new graduates of Ontario faculties of education and all teachers new to Ontario would be required to take the Ontario teacher qualifying test. Passage of that test would be a requirement of becoming a member of the Ontario College of Teachers and receiving a certificate of qualification from the college.

I would think that every member of the Legislature would support that principle. In fact, I heard the member from St Catharines say that in his opinion that certainly is an appropriate measure for this legislation to take. The qualifying test that would be established by the Quality in the Classroom Act, 2001, is effectively an entrance-to-the-profession test. The test would assess the readiness of teachers to start their professional life, to ensure they have a minimum level of knowledge and, in addition to that, the skills to teach. It's one thing to have the knowledge; it's another thing to have the skills to actually deliver that in the classroom. Its purpose and form would be similar to an entrance test that other professions have in this province. Professional groups such as nurses, dental hygienists, occupational therapists and lawyers all have similar requirements.

**Mr Bradley:** What about MPPs?

**Mr Klees:** The member for St Catharines asks, "What about MPPs?" I think there is a significant entrance requirement to being in this place. It's referred to as an election campaign. People across our constituencies have the opportunity to assess very carefully the qualifications and the ability of an individual. They have a choice to either hire that person and send them to the Legislature or not. Unfortunately, parents don't have that choice. They have to accept the teacher who is in the classroom. Through this legislation, the government is effectively saying, "We're going to set some standards."

*Interjection.*

**Mr Klees:** That's right. The member for Essex refers to the fact that the voters in Essex South also have certain tests. He passed the test in Essex, to his credit. There was a time when I didn't. In 1975 and 1977, the people in Essex South said, "No. We're going to choose to send someone else to Queen's Park." In retrospect, they were right. It was appropriate, because at that point in time, as my mother would tell you, I was 23 years old for the first election and 25 in the second election. At that time I felt I could come here and do a good job for the people in Essex South. The reality is that I needed more life experience, and the electorate told me that. They sent me back into the private sector, and to this day I thank them for it. One of these days the electorate may do that again. They

may say, "Thanks, Frank. It has been a good ride. We appreciate everything you've done"—I hope they say that—"and it's time to move on." The electorate has that choice with us. We have a responsibility in this Legislature to ensure that our children in this province have the best in the classrooms teaching them with excellence. We believe this bill will in fact do that.

I want to take this opportunity to commend the Minister of Education for having brought forward this legislation, because she has done so with the best interests of students in mind and the best interests of teachers in mind. What we need to do in this place is support our teachers. Where in the past the implication has been left that somehow this government has it in for teachers—as members opposite often would put it—that is absolutely wrong. Members opposite do no credit to themselves, the education system or the teaching profession by perpetuating that. I look forward to all members of this House supporting this bill. I believe it is in the best interests of education in the province. It clearly is in the best interests of our students. It clearly will be in the best interests of the teaching profession as we go forward to improve the education system.

In closing, Speaker, I want to pay you a compliment. I want to congratulate you on a fine family. I received your Christmas card today. I wish you and your family the very merriest Christmas. God bless you.

**1940**

**The Acting Speaker (Mr Michael A. Brown):** Further debate.

**Mr Marchese:** Thank you very much, Speaker.

**Hon Mr Baird:** Hey, Rosie.

**Interjection:** You've got a fan club over there.

**Mr Marchese:** The Minister of Social Services is my friend. He likes what I have to say and he's listening attentively.

I want to respond to a great extent to the member from Oak Ridges and also the member from Simcoe North, who made some interesting comments as well. The member from Oak Ridges says, "To think that this government has it in for teachers is definitely wrong." I don't know where he has been, and I don't want to speak necessarily for teachers, but everything I hear from teachers and the education system says that they have been whacked, and whacked badly, since 1996, and they haven't stopped. I don't know how it is that the member from Oak Ridges could come here and in that nice, calm way say, "People must be wrong, and please, members of the opposition, help us. We are a very misunderstood government. We were not beating up on teachers. I don't know where they get this notion. Help us." It's a nice, saponaceous kind of style, but it doesn't wash with the public. It certainly doesn't wash with teachers. It doesn't wash with the system.

Since you came into power, what have you done? You have beaten up on everybody. You started with Minister Snobelen saying, "The system is broke. We've got to create a crisis so people can join with us as we fix it, as we repair it." You have broken the system, and you've

broken the back of every teacher and every worker within that system. You've broken them so badly they can't stand up. You beat up on everyone. You beat up on the trustees, primarily—not primarily. I shouldn't say "primarily." But you said, "We can't have trustees in the education system. We can't have politicians in the education system. So what do we do? We make sure they don't earn a decent salary to be there long enough to know what they're doing. In giving them \$5,000 a year, we'll make certain the majority of trustees will never sit on that board again and will never know what the heck is going on. We'll make sure that they'll never fight this government again."

They didn't like trustees because they argued that they were too political. Mike Harris is not political; trustees are. Trustees should not be there to defend the education system, but Mike Harris can and should be there to whack teachers. That's OK. But if trustees dare seem to be defending the system, and actually are, it's not good. It's not good for parents, it's not good for students and it's not good for teachers. But to hear Frank, the member for Oak Ridges, that's not true. Only Mike Harris came in to fix the system that was broken.

The member for Oak Ridges said, "We wanted to make sure that the system keeps up with the standards." I think he said, "The system is not keeping up with standards." Who said that? Mike, the Premier, said that; Snobelen said that; the member for Oak Ridges said that; every member of the government said that. On what basis? What's the rationale? What do they know of education? Who have they consulted? They invent these mythical people whom they consult.

The member for Simcoe North said, "We've consulted the education partners." Who? Who are they?

**Mr Peter Kormos (Niagara Centre):** Concoctions.

**Mr Marchese:** Concocted, indeed. You manufacture some group. You call them parent groups; you call them partners. "Partners" is a big word; it's an all-embracing kind of word. It includes everybody.

To hear the member from Oak Ridges, the system was broke and they needed to fix it. The system was not broken. They've had six years, in their words, "to fix the system," and what have they done to fix the system?

**Ms Shelley Martel (Nickel Belt):** Look at those testing results.

**Mr Marchese:** Look at the testing results, exactly.

**Mr Kormos:** They can't find them.

**Mr Marchese:** Yes, they can't find them. In a question to the minister, I asked, "Where are those 1,400 test results?" and she said—

**Mr Kormos:** "My dog ate them."

**Mr Marchese:** No, I said that her dog ate them, I know, but she said there was a computer glitch—a computer glitch.

**Ms Martel:** They'll have her dog at the FRO.

**Mr Marchese:** She said she doesn't have a dog. She admitted she doesn't have a dog. But M. Leach had a dog, and his name was Tory. Yes, a dog called Tory. I couldn't believe it. Can you imagine naming your dog

Tory? It must have been a very cute dog, for sure. Big Tory.

**Mr Kormos:** It was a big dog until it got cut back.

**Mr David Christopherson (Hamilton West):** It used to be a Shepherd.

**Ms Martel:** Now it's a Chihuahua.

**Mr Marchese:** And so the government—

**Mr Kormos:** Take it over to Ernie's house. Let's do some cutting here.

**Mr Marchese:** I'm getting a lot of help, Speaker. Don't you mind, because I don't mind it.

Just to continue with what the member from Oak Ridges said, he said, "What a difference a teacher makes." He says teachers make a difference, and he continues—and by the way, he repeated this argument; he said it before, and I'm surprised he would say it—"We can't do what we're doing unless teachers buy into what we're doing." It's remarkable that he said that. Because here teachers are saying that they've been vilified to no end, dispirited and disillusioned to the point that they want to leave the system. I've got to tell you, Minister of Finance, there used to be 11,000—

*Interjection.*

**Mr Marchese:** Hold on.

**Hon Jim Flaherty (Deputy Premier, Minister of Finance):** Let my constituents know that I'm here.

**Mr Marchese:** I want to let the constituents from that Durham area know that the Minister of Finance is here, listening to my remarks.

**Mr Christopherson:** Whitby-Ajax.

**Mr Marchese:** The Whitby area, more or less. I've got to thank him, because he's taking an active role. He has an active hand in education. He's got a lot of hands, but his biggest reach is in education.

**Ms Martel:** Remote.

**Mr Marchese:** If not with his hands, it's with the remote control, you're quite right. I want to thank him for being here, because he wants to participate in this discussion. Minister of Finance, I want to tell you, because I know that you are omnipotent and omniscient and that you know there used to be—

**Mr Kormos:** What happens when he pulls the string on his Ecker doll?

**Mr Marchese:** Hold on, Peter.

**Mr Kormos:** Does she say, "We're going to fund private schools"?

**Mr Marchese:** Are you saying one of the ministers is a marionette?

*Interjection:* No, no.

**Mr Christopherson:** More like a victim.

**Mr Kormos:** "Hi. I'm Ms Ecker. We're going to fund private schools."

**Mr Marchese:** Can the camera pick that up, please?

But I want to tell the Minister of Finance, there used to be more or less 11,000 people applying to get into the faculties of education—more or less, give or take. There are now 8,000 of them applying. That is still enough to be able to take on the capacity of teachers we have to hire, which is about 5,500. I think they added a couple of

hundred this year. So we are not short of prospective teachers, but there is a significant drop.

Why do you think that drop happened? There's no magic to it. If you beat up on teachers, if you beat up on the profession, if you demoralize the profession—and publicly people feel that. There are a whole lot of people saying, "It doesn't sound like a good profession to be in. If I've got to get beaten up by Mr Flaherty day in and day out, I just won't like it." Nobody likes to get beaten up. Nobody does—at least, I don't think so. Maybe Leach's dog Tory might feel differently, I don't know, but I think most humans don't like to get beaten up.

So we've had a drop in people applying to the faculty of 3,500 more or less. That's a whole lot of people. People are dispirited. They don't like the profession. There's no respect left of the profession by these people. We rely on these teachers to teach our kids—we rely on them. This government claims they care about teachers. This government claims they understand how teachers and teaching are important. I understand, you understand, that you say you do.

But if you do that, shouldn't you have the teachers and the profession buying in somehow to the changes you're about to make? That's what the member from Oak Ridges was saying: "If the teachers don't buy in to what we're doing, it won't work." It's too funny to laugh at. You don't have the energy to laugh at things that don't make any sense.

**1950**

What we know is that changes, if they're going to be made, happen effectively if those in the profession say, "Yes, we think it's good," and they actively participate. They have created a qualifying test, on their own, centrally. They have not just centralized education and financing and taken it away from the trustees so that they control it, politburo-like, in a way to take money out of the educational system. They have done that so effectively while claiming they haven't. Not only have they centralized education financing in the hands of Ecker—although it's not clear, because these days the Minister of Finance appears to be controlling the whole show—but they have now centralized the qualifying test for teachers.

Cogitate on that for a little bit. Teachers are not participating in the design of what it is that should be a measurement of their skills. The College of Teachers was designed—and I've got to tell those teachers over there, I supported the College of Teachers. I did. I didn't think it was a bad idea at all. Many teachers didn't like it. I supported it because I thought it could be a college that could do good for the profession. But they have set up this qualifying test, and the teacher appraisal is set up and controlled centrally by Queen's Park, by the Minister of Education, I think. But I know that it's controlled centrally by them. It hasn't been assigned to the College of Teachers.

Don't you, if you've cogitated for a few moments, believe that the College of Teachers ought to be the body that sets up a measurement of sorts for teachers? If you're going to do something that is helpful to the pro-

fession, those are the people and that is the body I would go to for assistance and guidance. Isn't that why Mr Flaherty, Minister of Finance, you set up that college in the first place—or at least your government? They set it up with that idea in mind, I would think.

But, Jim, you have taken over responsibility of the qualifying tests and also the teacher appraisals. For those of you who are not familiar with that, I tell you that there's something wrong when governments do that. We have told this government you cannot work top-down; you've got to work bottom-up to make effective changes. You've got to involve those who are affected by it and, in this case, those who are hurt by it. It's not a matter of improving the skills of the teacher; this is political, pure and simple. There is nothing but politics in all of this. Everything is designed, member from Simcoe North, to make sure that the 45% of the public who voted for you continue to vote for you. That's what the parents' survey is all about.

Do you remember that parents' survey? Very complicated. The Minister of Education said she wanted thoughtful input. I asked how you can get thoughtful input on a question that simply asks, "Do you think this is good?" and then at the bottom you tick off "Excellent," "Good" or "Fair." How thoughtful is that? What kind of input are you getting?

By the way, if you cogitated on this matter, they have said that they're not just consulting parents in this survey, which will cost \$700,000 or a million bucks or so, give or take, in addition to all the other millions they've spent so far to politicize this issue. They want input from non-parents in this survey. How could a non-parent comment on something that is going on in the educational system? If you have no children or if you had children 20 years ago, how can you meaningfully comment? Jim Flaherty, how can you comment on that?

**Hon Mr Flaherty:** They're paying for it.

**Mr Marchese:** Who's paying for it?

**Hon Mr Flaherty:** They're paying for it.

**Mr Marchese:** So what? I thought you were getting thoughtful input from parents.

**Hon Mr Flaherty:** They get to say something; not taxation without representation, the Boston Tea Party.

**Mr Marchese:** Minister Flaherty, I know what this survey is all about. This survey is not about getting meaningful input; it's about getting a visceral response from the public, both parents and non-parents alike. Why? To prepare for an election that's coming in short order. They are preparing for an election within a year or so, give or take, and they need—

**Mr Dunlop:** No.

**Mr Marchese:** Oh, I'm sorry, member for Simcoe North. You wanted the survey to get input from parents, meaningful input, thoughtful input, because you really care about what they think.

This is all politics. I have never seen a government politicize education the way you did. While it is true that past members of our caucus could be accused of that, most of us can't be accused of that. But your government

has politicized everything in education. You have your hands on everything connected to education. These are the people you cannot trust to do anything on their own.

You set up the College of Teachers to help you do this job. That's the profession that is designed to be there to give you advice, in the same way that you set up the College of Surgeons. Do you interfere with them as you've done with this college and as you've done with these teachers? Of course you haven't. You are afraid to go after the surgeons, you're afraid to go after the doctors, but you're not afraid to go after the teachers. Why? Because you know, viscerally, in your stomachs, there is 45% of the public that likes what you're doing. Why do they like it? There's a sector of the public that likes it when you beat up on somebody. In the same way that when you went after welfare recipients you knew there was 45% or 50% of the public or more who liked you going after somebody more vulnerable than they, you're doing the same with teachers. There's no difference between welfare recipients and teachers. What is that nuance of difference? It's that there is a big sector of the public that doesn't like them, that resents the work they do for some reason.

I think what they resent most about the teaching profession is the fact that, many will argue, it's a cushy job, I guess. Teaching is not a cushy job. Teaching is a hard job. We rely on them to do the best for our children. We expect the most of them. But you don't get the best results by beating on them. You get the best results by treating them with respect and by treating them as the heroes that they really are, and you expect no less. But the way you beat up on them, you're not going to get the best product out of them. You're not. When you say that those teachers who teach in the private system, the one that Flaherty has funded, those teachers who are not qualified teachers, who don't have a certificate, don't have to be tested in the same way, you disrespect those who are teachers in the public system. You show them you don't really care about them.

You extended taxpayers' dollars to those private schools, and, dare I say, half of those teachers who are not certified will not be subject to this bill that this government wants to pass. They argue, "They're not teachers." If they are not teachers, why are they teaching? If they are not teachers, why are they there in front of those students teaching them? Should they not be subject to the same laws? If they get taxpayers' dollars, I argue they should, but this government seems to have two standards: one for the public system and one for the private. It's OK to take your money, taxpayer, to give it away to those private schools that don't need the money, but it's not OK to test them. It's OK to want higher standards from the public system, but it's not OK from the private system. What gives? Flaherty, what are you doing?

2000

**Hon Mr Flaherty:** Choice.

**Mr Marchese:** Choice? In the public system to be tested; in the private system not to be. It's a wonderful choice—imagine.

**Ms Martel:** The same with sexual predators. Imagine that.

**Mr Marchese:** The bill that deals with student protection, the sexual predators act—you're so big on protecting students, young males and females in our public system, yet in the private system those who are not—

**Hon Mr Flaherty:** You don't believe in choice. You believe in big government, like the Liberals.

**Mr Marchese:** What did you say, Jim?

Those in the private system who are not teachers are not subject to the law. In fact, they are protected by the law. In other words, they can abuse children and that's OK because they're not teachers. And because they're not teachers, they don't have to report to the College of Teachers. Therefore, they're not subject to the law. Do you see how nuts that is, Speaker? Have you cogitated on this matter? I'm sure the public that's watching understands this. They know that. Ernie Eves understands it.

But I'm saying to you, taxpayers, there is no difference between Flaherty and Ernie Eves—none. Taxpayers' money is still going to flow out of our coffers and go to private schools, except one says they will have to meet the same standards and the other guy says they have the choice not to. That's not much of a choice, not much of a difference. Public dollars are still flowing out of our coffers. We don't have any money but it's still flowing out.

Management Board Chair says they may have to take up to five billion bucks from all the ministries in order not to have a deficit next year—five billion bucks. Where did Flaherty send your money? Where did it all go in those six good years? Where did it all go to? Your money, taxpayers, went out of the window because he and the minister for Management Board say, "We've got to take up to \$5 billion next year out of our ministries." Where do you think it's going to come out of? Two ministries, the biggies: health and education. These are the big ministries. What else can Mr Flaherty devastate, decimate, decapitate? What else?

**Mr Christopherson:** Denigrate.

**Mr Marchese:** Denigrate. They've already denigrated everybody. Decapitation is the order of the day. It's a strong word but that's what they've done, figuratively and in reality. Where are they going to find the money except to take more out of education? But Minister Flaherty says, "Choice is good. We may have to go into a deficit, but don't worry, no deficit, because we're going to cut out of education. We're going to squeeze a little out of health and make it appear like we're not taking it out of health."

*Interjection.*

**Mr Christopherson:** He just said there will be no deficit, right from the finance minister.

**Mr Marchese:** There won't be any deficit, of course, because they're going to decapitate the Minister of Natural Resources, the Minister of the Environment.

**Mr Kormos:** More from education and health.

**Mr Marchese:** The biggies, and social services. These are the three biggies. Where else is the money going to come out of?

So I say through you, Speaker, to the illustrious Minister of Finance that we have a problem on our hands. We need to work with the teachers in order to get the best out of them. Teachers have been appraised for as long as I can remember. They have been appraised and will continue to be appraised in terms of teacher performance.

This government has said, "No, we don't like the way you were doing it. We're going to impose it on you, whether you like it or not. Boards of education, we don't know what you were doing, but we don't trust you to do the job of teacher performance." What do you mean, you don't trust the boards not to be able to do an effective job of doing performance appraisals? Why do we have boards? You have the Minister of Education constantly saying, "Oh, we don't want to take the job away from trustees." On the one hand, she says, "Swimming pools are a trustees' problem"; on the other hand, she says, with respect to this act, "We don't trust the boards of education to be able to do performance reviews very well." Why are they there? Why don't we just get rid of boards of education, get rid of the College of Teachers, and you take it over completely? Monsieur Flaherty, why don't you just do that? It would be so much simpler, really. Do it by fiat, do it *ex cathedra*, the power that you have, *ex cathedra* power. Just do it.

I say to you that this bill gives the power to parents to be able to determine—

*Interjection.*

**Mr Marchese:** Hold on, Jim. I've only got 50 seconds. Hold on. Quiet down.

It gives the parents the power to be able to determine the fate of a teacher, and I've got to tell you, there are going to be thousands and thousands of forms submitted by parents that will have to be reviewed by the principals who—there are no principals left in the system. There are fewer and fewer of them. Their job is going to be reviewing those anonymous reviews that come from parents with respect to teacher performance.

Flaherty, you've got to respect the profession. It's the only way we're going to be able to improve the results of our students—the only way. This bill doesn't do it because it's top down. We've got to work from the bottom up in order to be able to bring the students where we want them to be and get the teachers to give us their best. That is why New Democrats oppose this bill.

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** I thought that it was important that I participate in the debate this evening on the Quality in the Classroom Act. Earlier this evening, I heard the member for Oak Ridges talk about the fact that this government has been very proactive in introducing reform in the education system. I would suggest to the member for Oak Ridges, however, that this particular piece of legislation is not at all reform. This is control from Queen's Park, unquestionably. This is a move on the part of the government and the Minister of Education to control, to have some hand in what is already happening in our schools.

I have come to this role of MPP from another representative role, as a school board trustee. I had the

opportunity in that experience to understand at first hand how boards operate and what principals do. That is the role of a school principal: to assess teachers in the classroom. I know from my own experience with the boards that I participated on that this happened very regularly; in fact, I would suggest in some cases even more frequently than the process that has been outlined in this legislation. So for the members of the government to present to the people of Ontario that this is in some way a novel, new, reform measure is totally inaccurate, because these very actions are taking place already in classrooms, in school boards, across the province of Ontario.

I think it's important that the people—certainly the parents—in our province understand that. I'm a mother of four children in our school system and I have very regular opportunity to see the teachers, talk with them—not just in a school setting. I see them at the grocery store. I see them after church on Sunday. I think they are very regularly appraised and appraised of their performance in the classroom.

I want to talk a little bit, though, about the title of the bill, what it says and what I'm hearing from the people in the province of Ontario. The bill is called the Quality in the Classroom Act. I have to tell you, members of the government, that I hear a lot from parents and from members of the public who call my office and who speak to me personally about their concern for the quality of education in the classroom. But you know what? I cannot think of a situation where the issue has been around the quality of the teacher. Classroom quality issues that come to me relate to the fact that students in our classrooms in Ontario don't have textbooks and parents are very upset about the kind of quality education their children can receive when they don't have textbooks. They are concerned because their children don't have school supplies.

*Interjections.*

**2010**

**Mrs Dombrowsky:** The Minister of Finance is accusing the trustees of stealing that money. How dare he? He has not provided them with the resources that they need to provide what the children need in the classroom, so when you want to talk about quality in the classroom—is it 6,000 school boards or teachers that steal from—

**Hon Mr Flaherty:** It's \$6,000 per student.

**Mrs Dombrowsky:** Well, I would suggest that the Minister of Finance is significantly out of touch with the classroom and what is quality in the classroom.

I hear from parents who are concerned, who are upset because they pay taxes and their children don't have textbooks and they don't have supplies and they have more children in their classes than they've ever had before. I hear from parents who tell me about the fact that a year ago their child was able to receive some support from an educational assistant, but because of the process, a very burdensome process that's in place to assign educational assistants within schools, those resources are literally drying up and dwindling away from school communities.

So when the government suggests that it's looking to improve the quality of education in the classroom and

they bring forward a piece of legislation that outlines what's already happening within school communities, is prescribing what principals have been doing for decades within classrooms and within schools in the province, I suggest that this is simply a move for publicity. It's going to be another notch in the belt of the government—"Hey, this is one more thing we've done"—even though they haven't done anything, even though it's totally hollow other than it does give the Minister of Education the power to outline what competencies should be evaluated—the Minister of Education, who doesn't have to be a teacher. The principal of a school does have to be a teacher, does have to have some understanding about the profession. But what this bill will do is give the power to the Minister of Education to determine those competencies. That's what this bill is doing.

**Mrs Marie Bountrogianni (Hamilton Mountain):** It's pretty scary.

**Mrs Dombrowsky:** It's very frightening.

Another component of the bill is there's no trust. My colleague the member from Sudbury has mentioned the fact that there's no trust. I do talk to teachers. The member from Oak Ridges mentioned having heard from teachers and principals, and I do too. These people are my friends. I know them. I respect them. They feel that they are not respected or trusted in their profession.

You people need to hear that. You need to understand that what you are doing is weakening, is eroding the spirit of the professionals in our school system.

**Hon Mr Flaherty:** "You people"?

**Mrs Dombrowsky:** Well, we get called that all the time, Minister of Finance.

It's also important, I think, to note another point in this bill that relates to the component that would provide parents and students with an opportunity to offer some input about a teacher's performance. That's a novel idea. The interesting part of what the legislation set out, though, with regard to that is that they would not have to disclose who they are. So I would suggest that if a teacher were to be accused, or if it were to be intimated that a teacher was not acting professionally, then it's really only fair that they should know the direction from which that perspective is offered. But this legislation is suggesting that would not be the case. I can't support anything like that where people would have their professional abilities called into question but the people who actually do that don't have to disclose who they are. That's a very serious issue that needs to be considered and would be one of the reasons that would prevent me from supporting this bill as well.

I already mentioned the fact that the bill focuses control at Queen's Park. It is a bill that will place in legislation the practices and the procedures that are already followed in school boards. This is the government that would say, "We want to get government out of the face of the people." Interestingly enough, they have brought forward this legislation that has, in my opinion, put government right front and centre in the face of people. It has been very prescriptive about timelines and time frames around evaluation processes.

It also goes to the point that was made earlier by my colleague the member from St Catharines: who's going to do this? We know that in five years the number of principals in the province will be reduced by half, so you're increasing the workload at a time when the number of people to do the work is going to be significantly reduced.

I cannot support this bill. Actually, at this time I would like to move adjournment of the House.

**The Acting Speaker:** Mrs Dombrowsky has moved adjournment of the House. Is it the pleasure of the House that the motion carry?

All those in favour will say "aye."

All those opposed will say "nay."

In my opinion the nays have it.

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

*The division bells rang from 2016 to 2046.*

**The Acting Speaker:** Would all those in favour please stand and remain standing until you are counted by the Clerk.

All those opposed will please stand and remain standing until you are counted by the Clerk.

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 18; the nays are 35.

**The Acting Speaker:** I declare the motion lost.

Pursuant to the order of the House dated November 19, I am now required to put the question.

Mr Dunlop has moved third reading of Bill 110. Is it the pleasure of the House that the motion carry?

All those in favour will say "aye."

All those opposed will say "nay."

In my opinion, the ayes have it.

Call in the members; this will be a five-minute bell.

Pursuant to standing order 28(h), the vote has been deferred until tomorrow during deferred votes in routine proceedings.

## NUTRIENT MANAGEMENT ACT, 2001

### LOI DE 2001 SUR LA GESTION DES ÉLÉMENTS NUTRITIFS

Resuming the debate adjourned on December 4, 2001, on a motion for second reading of Bill 81, An Act to provide standards with respect to the management of materials containing nutrients used on lands, to provide for the making of regulations with respect to farm animals and lands to which nutrients are applied, and to make related amendments to other Acts / Projet de loi 81, Loi prévoyant des normes à l'égard de la gestion des matières contenant des éléments nutritifs utilisées sur les biens-fonds, prévoyant la prise de règlements à l'égard des animaux d'élevage et des biens-fonds sur lesquels des éléments nutritifs sont épanchés et apportant des modifications connexes à d'autres lois.

**The Acting Speaker (Mr Michael A. Brown):** The member for Niagara Centre.

**Mr Peter Kormos (Niagara Centre):** Ms Churley had been speaking during her leadoff time and had some

six minutes and 45 seconds by way of remnant which she is relinquishing.

**Mr Jerry J. Ouellette (Oshawa):** On a point of order, Mr Speaker: Mr Jonnie Mens is in the government members' gallery.

**The Acting Speaker:** That, of course, is not a point of order, but welcome.

Further debate?

**Hon Brian Coburn (Minister of Agriculture, Food and Rural Affairs):** Mr Speaker, I ask for unanimous consent for second and third reading on Bill 81.

**The Acting Speaker:** Mr Coburn has asked for unanimous consent for second and third—I heard some noes.

We'll try again. Further debate?

**Mr Joseph N. Tascona (Barrie-Simcoe-Bradford):** I am very pleased to participate in the debate with respect to the proposed Nutrient Management Act, 2001.

Bill 81 is the result of extensive consultation with a wide range of people including farmers, commodity organizations, environmental groups, municipal officials and rural residents. The standing committee on justice and social policy held a series of nine public hearings across the province and received more input into this bill.

This government is totally committed to do what it takes to ensure that Ontario is the location of choice in which to work, to invest, to live and to raise a family. We are confident this is the right legislation and the right time to implement it. We are confident it is the right thing because we took the time required to develop this piece of legislation.

Some 67,000 registered farmers in the province of Ontario are represented by general farm organizations, commodity organizations, marketing boards and county federations.

There are 447 municipalities in Ontario, many of which are rural. Fully one quarter of the population of Ontario, almost three million people, lives on these rural routes and concession roads. That includes, in my riding of Barrie-Simcoe-Bradford, the town of Bradford-West Gwillimbury, certainly out in Bond Head, also in the town of Innisfil and the areas that encompass that large town. There are countless environmental groups and organizations, coalitions of concerned citizens and cottagers' associations. There are individuals involved in waste treatment and watershed management. We wanted to ensure that all those views were heard and understood. We wanted to ensure that every individual who wished to provide input to the consultative process had the opportunity to do so.

When we heard all their concerns and we had read all their submissions, then we wanted to be sure. We took the time to get this proposed legislation right the first time. We know that this proposed act would, if passed, have an impact on every person living in this province, enabling legislation that would allow the government to implement a comprehensive regulatory framework regarding nutrient management and other related farm practices in this province. It would provide the framework to phase in standards over time; for example,

according to the size or location of the agricultural operations or according to the types of practices that are carried out.

It would put in place a risk-based approach to safeguarding our environment, an approach that recognizes different categories of farming operations and regulates them in different ways, focusing a greater level of attention and resources where the risk to the environment is the greatest. All farms would eventually be governed by new regulated farm practice standards. The first category to comply with those standards would be newly constructed or expanding large livestock operations.

It also proposes to put these standards in place as soon as possible following the passage of the legislation. However, we recognize that there may be costs associated with meeting some of the requirements and we believe it is only reasonable that farm operators be given lead time to develop a plan that takes any additional costs into account.

The proposed legislation would also see an end to the land application of untreated septage. The two would be phased in to allow municipalities time to implement alternate methods of disposing of and/or treating septage. They may have to increase storage capacity or enhance treatment facilities to ensure that the next steps we take with regard to the proposed Nutrient Management Act are the right steps.

It is our intention to work with our stakeholders to develop appropriate and effective standards and regulations. It is to no one's advantage if we create rules that are so onerous, farmers are forced out of business. It's to no one's advantage if we create rules that are so lax the environment remains at risk. Nor is it to anyone's advantage to ban the land application of untreated septage before municipalities have developed a more environmentally sustainable approach.

The majority of Ontario's farmers have already adopted environmentally sustainable practices and best management practices. This is a considered approach which allows us to safeguard our environment without creating undue stress on our farmers, on our communities and on our economy.

We are privileged to live in this great province of Ontario, blessed with countless lakes and rivers; with fertile, productive soil; with hard-working, committed people. With privilege comes responsibility. Here in Ontario, each and every one of us has a role in protecting our environment: our water, our land and our air. This government knows that, and we are acting on that knowledge. That's why, for example, this government launched Operation Clean Water in August 2000. Operation Clean Water calls for province-wide efforts to improve water quality and delivery through the introduction of exacting but clear standards, effective inspection and enforcement, tough penalties for non-compliance, and strategic investment.

We know that our water and our land are intimately and inextricably connected, so we must bring the same approach to bear on our management of the land and the



nutrients we apply to it. That's why on June 13 of this year, the Minister of Agriculture, Food and Rural Affairs introduced for first reading the proposed Nutrient Management Act. The land application of materials containing nutrients, including livestock manure, chemical fertilizers, biosolids, septage and pulp and paper sludge, is governed by an array of legislative and regulatory provisions, guidelines, voluntary best management practices and a patchwork of municipal bylaws. These have been important measures in controlling the land application of these materials and in safeguarding the environment. For the most part, they have been effective because Ontario's farmers have shown extraordinary leadership in environmental stewardship.

I believe the proposed Nutrient Management Act, which has been the result of extensive consultation in putting it together and listening to the stakeholders and making sure that it balances the needs and interests not only of our farmers but also of the environment, is a proper step in the right direction, and certainly at the right time.

I know that when you look at this piece of legislation and the impact that it has on every person in this province, it's very important, when we are dealing with this regulatory framework and in bringing in the municipalities into the process—because let's face it, they have a fundamental role to play in dealing with the safety of our communities—that we put in a risk-based approach to safeguarding our environment. Certainly what we're looking at is also to regulate them in different ways, in terms of different farm practice standards.

The costs associated with the requirements, as I stated earlier, do require lead time for them to be able to implement this plan and develop the plan that we're looking to have in terms of the standards that are put forth, and that takes these additional costs into account, because, as the minister has put into the thrust of this approach, the purpose of this legislation isn't to put farmers out of business; it's to ensure that they're able to operate within the standards we want for protecting our environment but at the same time to make sure they're able to live within the municipalities in which they're doing business and are also able to operate in the most effective and efficient manner but within the framework that the Minister of Agriculture has put forth with this legislation.

**2100**

I believe the approach being dealt with before municipalities with respect to the application of untreated septage is certainly something that is very important. Having been a councillor in the city of Barrie, surrounded essentially by rural communities, you have a balancing act with respect to dealing with development of—for example, the city of Barrie is required to be on services, whereas in other rural municipalities you're not going to have the existing rural community on anything but septic. That's just the reality. The Simcoe county health unit plays an important role in ensuring that the water and the septic systems out in those rural com-

munities are up to standard and meet the requirements of a safe community within my riding, especially in Simcoe county.

The member from Simcoe North will say that his area, which has a lot of agriculture and cattle operations, in the town of Oro-Medonte, for example, is somewhat different than my riding down in the Bradford-West Gwillimbury area in terms of the animals that are raised but also the type of farming that goes on there in the Holland Marsh, for example, the cash crops and type of operations we have there. I know the Ministry of Agriculture is right on those properties, providing advice on nutrient management. The Holland Marsh is an area of great sensitivity, obviously, to the environment, but also a very fundamental and primary area of agricultural land in the practices there in terms of the cash crops. In essence, that's what is grown there.

As you move into the town of Innisfil, in terms of the livestock and farming operations, you will find it is in essence a rural community that is very strong in agriculture throughout. In fact, the town of Innisfil is the largest town in the province of Ontario in terms of geographic area. There are some tremendous requirements in meeting the needs of that area, because Innisfil is essentially made up of nine different communities with varying degrees of agricultural practices.

In microcosm, Simcoe county is something one has to look at in terms of Barrie being a large city, relatively speaking, with really no agricultural activity going on and the development that does occur is all on services, versus the rural community that surrounds it. It is a very fast-growing area, not only the city of Barrie but also all of Simcoe county, in terms of the economic growth and the urban growth we're seeing coming up the highway from the city of Vaughan and through Newmarket that's affecting this area.

What you're seeing is a tremendous balancing act between the growth being created and the resources put into play and what we're trying to accomplish here in this act. But I think it's important in terms of the flexibility.

The minister's background in municipal government certainly comes to the fore here in terms of trying to be fair with the stakeholders and the people who are going to be affected by the legislation in terms of providing lead time to try to implement this and not shoving it down their throats in no uncertain terms and saying, "You have to do this. We're not going to be flexible in terms of a phase-in, implementation, what type of operation has to meet the standards."

Certainly new operations—and livestock is mentioned—have to meet the standards that are going to be put in place. It only makes sense that they would have to meet those standards, because they are new operations. But when you're dealing with other types of operations, we have to balance what we're trying to accomplish here in terms of fairness of the legislation, protecting our environment and at the same time allowing farmers to bring their operations in line with the best practices of the risk management approach that is being looked at. That's

why I say the lead time certainly is fair and certainly is reasonable to bring your operations into line, and it gives the groups that are in place the time to look at this piece of legislation and the regulations and say, "OK. Here's how we can pool resources. This is how we can pool our knowledge and make sure that everyone is covered by the federations that are involved in this operation."

As we know, and as I said earlier, there are 67,000 registered farmers in the province of Ontario. They are represented by general farm organizations, commodity associations, marketing boards and county federations. When you're talking about this industry—because that's what it is, the agricultural industry—there's a lot of representation for the farmers who are involved in this province. As I stated earlier, there are 447 municipalities in Ontario, many of which are rural, that will be impacted by this particular legislation. When you look at it, that's a lot of municipalities that have to become a part of this process. When you look at that and balance it with what we're trying to accomplish from a province-wide approach in terms of dealing with nutrient management—and there are countless environmental groups out there that I have mentioned, because we are living in an age where the environment is of primary importance. There are coalitions of concerned citizens, cottagers' associations and environmental groups and organizations out there that are very important.

I know the member from Durham is very anxious to become a part of this exercise, but he'll have to wait his turn, as we get involved in this debate.

I want to say that I'm very pleased to see that this particular piece of legislation has been brought forth the way it has. We may have been criticized—I've been here since 1995—on how we put legislation in place in certain areas of our government's mandate, but certainly here I don't think anyone can say there wasn't extensive consultation, there wasn't a bringing together of the stakeholders to understand what their needs were from all sides and to try to bring together a regulatory framework that would satisfy what we feel is important in terms of nutrient management in this province.

I can't overemphasize that the environment is so important when we're dealing with these types of operations—because we're seeing larger operations come into place with respect to livestock, poultry, pig farming—and what you have to look at in terms of making sure that we have the standards in place. For example, when you're dealing with the building of residential housing, condominiums or whatever, the municipalities have in place certain bylaws and requirements for that type of building because they basically know that they have to address an industry that is changing. Certainly buildings are getting bigger as we have moved along over the years. Also, the building code standards that you have to build those buildings have to meet the needs of the industry and satisfy the concerns of the community in terms of environment and safety.

I'm very pleased to have been able to speak on this legislation, the proposed Nutrient Management Act,

2001, and I certainly commend the minister for the fine work and consultations that were held.

**2110**

**Mr Richard Patten (Ottawa Centre):** I think the government side would know that we are in support of a good, strong Nutrient Management Act, but this ain't it. This is a rather vacuous shell of a bill that provides a framework and then says, "Trust us. We will consult with the farmers and we will consult with the members of the Legislature." But now, once the bill is passed, it effectively means whatever they decide, that's what will prevail. They don't have to talk to us. They say they will consult with us. We offered amendments during the committee. Every single amendment that we thought would ameliorate and strengthen this bill was turned down by the government, every single one.

Anybody who cares about agriculture, anybody who cares about the environment, anybody who cares about good food in their own right could never support something of this nature, because it's a sham, it's a shell. It does not have the substance that we think is required in order to do this. We're talking about health and safety. There's no mention in the bill, by the way, about food, is there? Talking about the environment and groundwater, you're talking about waiting five full years to consider untreated human waste on farm fields on which we grow vegetables. Five years?

**Interjection:** Five years.

**Mr Patten:** Can you imagine: five years to wait for this? The New England Journal of Medicine just reported about a month ago the pass-through that happens by way of antibiotics or what have you that may have been fed to animals or even in humans, people who have illnesses and excrete waste. Those germs, those viruses and those bacteria, show up in our fields, and that's not good enough.

**Mr David Christopherson (Hamilton West):** In response to the comments by the member for Barrie-Simcoe-Bradford, I want to underscore comments that our critic, Marilyn Churley, made on December 4. The first thing she did, much like the previous speaker, was describe the bill. I quote from Hansard: "The bill before us tonight is a prayer and a promise; it's a framework for down the road."

Further to that, one of the things that causes our caucus the greatest concern is the lack of regular inspections and the lack of a commitment on the part of the government to hire staff to do the actual inspections. People who followed the Walkerton inquiry will know that the farm that was alleged to have been the potential source—we don't know for sure until the judge reports, but it would seem from the evidence that there was one particular farm in question. If indeed that turns out to be the farm, the interesting thing as it relates to this bill is that those farmers had a nutrient management plan. It would seem that they followed all the rules and did everything by the book that you would expect. The problem was that they had a crack in the manure storage tank.

You can follow all the rules in the world and you can file all the nutrient management plans in the world, but if there aren't actual inspections being done of the physical assets, we still run the risk of future Walkertons, and the government to date has refused to address this key issue of inspections and inspectors.

**Mr John O'Toole (Durham):** Thank you, Mr Speaker, for recognizing me. Earlier today you failed to do that.

Nonetheless, I just want to pay some respect, on Bill 81, to Minister Coburn, who is in the House here this evening along with his parliamentary assistant, Mr Galt, from Northumberland.

With respect to the member from Barrie-Simcoe-Bradford, I listened quite intently. This is why I wanted to get up and respond. He's one of the more eloquent Thursday morning speakers. This must be very important to him, because he has stood on his feet here tonight.

In the gallery tonight—it's important to recognize just how important this issue is, not just in my riding of Durham. I automatically think of some of the major stakeholders in the agricultural community: Dale Mountjoy and Dennis and Karren Yellowise and David Frew. What they want is a clear, concise set of provincial standards. I've heard that repeatedly, and the minister has done this with Bill 81. This is about business decisions. They want clarity so that when they make these significant contributions—let's keep in mind that this is the second-largest industry in this province.

When I look over at the gallery tonight, I see Jack Wilkinson and Ron Bonnet, and I see the OFA needs to have this happen. They're an industry. They're not just agriculture, as someone 10 years ago in previous governments thought of it. They need to have clear, concise standards so they can make wise investments and provide, more importantly, food quality—another initiative of this minister. They have respect for the environment. For anyone on the other side—I've heard them repeatedly make these sloughy kinds of references to a lack of respect for the environment. That's simply not the case. They believe in environmental stewardship more than perhaps other members in this House.

So I commend the minister. I think the opposition have had their opportunity to speak. It's the right thing to do, it's time to do it and I commend the minister for being here tonight at this time—well, it's still early; we've got three hours to go. Thank you for giving me the opportunity to speak.

**Mr Steve Peters (Elgin-Middlesex-London):** There's no doubt that every one of us has called for this legislation, that there's a need for province-wide standards, that we can't allow municipalities to have a hodgepodge of standards across this province. We know next year there are going to be 25 municipalities whose interim control bylaws are going to expire, and that again is going to throw this industry into chaos.

But there's a mood out there that the Liberals and the NDP are blocking this legislation. Let's just do a little bit of a chronological backwards history of where we're at.

This all started in January 2000 with the Doug Galt and Toby Barrett report, going out and touring the province. We waited into 2000 for legislation; we didn't see anything. We waited into 2001, called for the legislation, and we didn't see anything. It wasn't until the spring of 2001, coincidentally enough just before individuals had to speak at Walkerton, that the government introduced this legislation. We went out on province-wide consultations, and I commend the minister and the ministry for that, because all three parties participated in those consultations. We heard loud and clear the need for this legislation.

But then things slowed right down again. It was a week ago that we last dealt with this legislation. This government is leaving the impression out there that we're holding this legislation up. But this government hasn't called this bill until tonight. Then they stand up tonight—and we have representatives of the Ontario pork producers and the Ontario Federation of Agriculture here this evening. They're here; I don't know what they were told and why they were here to show up at 8:30 this evening, leaving some impression that we're going to deal with this legislation and pass it tonight. There are so many faults with this legislation, but they're trying to ram it through at the very last minute when they've had time to deal with it. Unfortunately, they didn't do that.

**The Acting Speaker:** Response?

**Mr Tascona:** I'm very pleased to respond. I thank the members for Ottawa Centre, Hamilton West, Durham and Elgin-Middlesex-London for their comments. Here we are debating this bill at 9:20 pm. I think the government obviously is very serious about making sure that this piece of legislation proceeds. The member from Ottawa Centre is complaining that there's too much lead time. The bottom line here is that we're talking about 67,000 registered farmers and 447 municipalities that are going to be impacted by this. I think the member from Elgin-Middlesex-London stated very clearly and was very positive in the sense that there's a need for province-wide standards and there shouldn't be a hodgepodge of municipal laws. Bill 81 essentially does that. It provides the provincial standards that are necessary, and there has to be lead time. There just has to be.

**2120**

The member from Hamilton West mentioned that he's concerned about how this is going to be administered. I have full confidence in the Minister of Agriculture that he knows what to do to make sure this bill is administered properly and that he's putting the regulatory framework in place to make sure that happens. So I would say to the member from Hamilton West to put his trust in the Minister of Agriculture. I think he knows what he's doing.

*Interjection.*

**Mr Tascona:** The member from Durham, who is properly placed right in front of me, to my right, basically says, "My constituents want clear and concise provincial standards. They have to make business decisions, because this is very important to them and they want this legislation so they can make those decisions." I would

say to the member for Durham, he certainly is responding to the needs of his constituents, and that's what this government has done: they've responded to the needs of this province.

*Interjections.*

**The Acting Speaker (Mr Bert Johnson):** Just a moment, please. If you'd like to speak, ask for the floor, as long as you're within the rules. Other than that, we'll be asking you to leave.

Further debate?

**Mr John C. Cleary (Stormont-Dundas-Charlottenburgh):** I am pleased to make a few comments on this bill. I know they talk about people in agriculture. Well, I lived on a farm all my life, since day one. We've milked cows, we've had pigs, we've had hens, we've had everything that goes along with it, and cash crops. So I know how important it is to protect our water, our food and our air. If we don't protect that, the health care system in this province cannot afford the bills.

Ontario Liberals oppose and cannot support this bill. They are not satisfied that we'll determine later how you will protect the groundwater. MPPs are asked to vote on the bill, and the regulations will come later, through the cabinet. This is an issue I've heard lots about in talking to several farmers. I guess there are farmers both ways on this issue. Some farmers even told me that if this bill comes into effect the way it is presently, they're going to sell their farms.

On June 13, the Conservative government introduced Bill 81, the Nutrient Management Act, to regulate manure and other nutrients. Ontario Liberals cannot support this bill, over the possible regulations and the costs that may be involved. I guess a lot of agricultural people as well as many others don't trust this government to come in with the regulations.

The Liberals, the farmers, rural residents, municipal leaders, environmentalists and the Environmental Commissioner have called on the province for their rules for many years. After promising this bill back in the spring of 2000, the government has tabled that they want to phase in this bill over a period of five years.

If the bill goes into effect, it must include financial resources, because many farmers tell me that they don't know what their bills will be. They've had bad weather conditions over the last few years and they're concerned about how all this is going to be paid for.

Additional reasons why we don't want to support it:

(1) The Liberals put through a number of amendments at the hearings on Bill 81 and they were voted down on most of the issues.

Removal of provisions in the bill will allow the government to privatize some of the services. On inspections, administration and training services as well as many other important government health and safety issues—drinking water and food safety—the government's privatization agenda threatens the health and safety of Ontario's working families.

Forcing the government to implement regulations to protect our water: instead, Bill 81 essentially still states that the government will introduce regulations.

The standing orders of the Legislature do not allow us to introduce amendments. They said that the bill was OK and that they would provide assistance to farmers to help them meet the new rules.

(2) The Tories also insisted that we support the bill in a blank-cheque form. They have offered to consult with the members of the Legislature. We as a party are in favour of nutrient management, but we think there should be more parties involved and we should listen to more of them. Although the government will say they've listened on a number of occasions, we didn't get in the bill what we want.

What is required in a nutrient management plan?

Should there be different standards for different-sized farms? What size? How many different categories? Should small farms be exempt?

When should these farms in these categories have to meet the requirements in Bill 81?

What kind of storage is required? That is a big issue for many in our agriculture community.

When can manure be spread? What kinds of soils? How far from waterways, municipal neighbouring properties and homes? When I was on municipal council for 15 years, back in the 1970s and the early 1980s, that was a big issue. As you know, Ontario is changing and the little communities are growing up all over, and that's a big issue.

How far should livestock be kept from waterways and municipal wells?

What training or certification will be required to spread nutrients?

What will be the fees be for training, certification, permits?

Who is going to administer and enforce the bill: the Minister of Agriculture and Food? Local advisory committees? The private sector?

(3) Bill 81 will allow untreated waste to be dumped on fields for five years, and that's a big issue right now in our part of Ontario. It is very likely that the final report on the Walkerton inquiry will contain recommendations for managing nutrients. That was a pretty sad day, what happened up in Walkerton. I know when I was in municipal politics, the way the situation was at that time, we had a water treatment plant in my community and we watched that on a daily basis. The board of health—under the old system that could never have happened. That would have been shut down when the first test went in. I think people were a lot safer at that time.

Bill 81 will allow the Ministry of the Environment and the Ministry of Agriculture, Food and Rural Affairs to develop regulations for managing the spreading of nutrients on farmland. Examples of nutrients include manure, biosolids, municipal waste, pulp and paper sludge and septic, untreated human waste.

The issue of managing wastes and manure has become very controversial in recent years, with the increased number and size of the farms. At one time a farmer had eight, 10, 12 or 15 cows. Every place in the concession had one. Now that's all intensified and one farmer runs the whole concession.

Relationship to existing bylaws: The bill is intended to deal with the issue outside of current environmental laws. The Environmental Protection Act, the Ontario Water Resources Act and the Pesticides Act all take precedence over Bill 81. In other words, if a farmer pollutes a river he could be charged and convicted for violating the EPA, and that has always been the case in many areas in the province. The farmer always got the blame for these other issues that probably he didn't have anything to do with.

#### 2130

Bill 81 will take precedence over municipal nutrient storage and spreading bylaws, even if those bylaws are more strict than the proposed rules of Bill 81. One area of potential conflict, however, could be where large-scale farms have acceptable nutrient management plans under Bill 81, but the local municipality has a bylaw or official plan limiting the size of the farm.

Nutrient management plans: all farmers who apply nutrients on the farm are required to have a farm plan.

Nutrient management strategy: all facilities that produce nutrients that must be spread on farmland will be required to have an approved strategy for properly storing, transporting and spreading the wastes they create. Examples include municipal sewage, pulp and paper facilities and large-scale farms.

Responsibility for administering the bill: the bill does not lay out who is going to administer the legislation—training, approval, monitoring and enforcement. The government has conflicting signals: the Ministry of the Environment or the Ministry of Agriculture officials and inspectors. Confusing the issue is that the government has proposed to allow for our local advisory committees to play a role in educating and involving the community.

Bill 81 also shows the government's intention to privatize an important responsibility for public safety. I would hope that the government would be involved in administering this. The government states that the private sector will not initially be involved, but the bill allows for a new agency, corporation or administration.

I know this is a very important piece of legislation. I hope that all parties on all sides of the House and all the stakeholders, the agriculture community and the municipalities can work together and try to solve some of these problems. In fact, the one big issue that many farmers contact me about is, who's going to pay for all this? They've been downloaded on now by this provincial government and the agriculture community has a lot of things to put up with—weather conditions, market prices and everything—and they don't feel that they can pay for any more of these issues. I'll leave it at that.

**The Acting Speaker:** Comments and questions?

**Mr Kormos:** At long last the government has called this bill. It took long enough. One would think they had no interest whatsoever in the status of farmers as it relates to the nutrient management plans. It was a year ago down at the OFA annual meeting in Niagara south, at the Niagara south OFA, that I had farmers coming to me saying, "What's the status of the nutrient management

bill?" It was more than that; it must have been two years. I said, "It's not on the radar screen yet." The government presents a bill and it takes what seems like a lifetime for the bill to even come to the Legislature for second reading.

Is this some kind of cruel joke that you're playing on farmers in the province, that you call this bill for what is in effect the substance of second reading? Sure, there have been the leadoffs. Heck, that was last week already. Is it some kind of cruel hoax that you're playing on farmers that you call it, what, two days before the House is scheduled to rise, when you know the bill doesn't have a snowball's chance in Hades of passing third reading in that period of time? What kind of games is this government playing?

**The Acting Speaker:** Order. The member will bring his comments and questions within the speech of the member for Stormont-Dundas-Charlottenburgh, please.

**Mr Kormos:** Quite right. You know that the member from Stormont expressed dismay at the apparent disregard of this government for farmers. The dismay is shared by me with respect to this government's disregard for farmers in terms of the length of time it took them to bring this bill forward, knowing full well that the bill won't pass before this government—we're prepared to come back January 14 to finish debate of any number of bills.

Howard Hampton's here with me now. He's going to be speaking to this matter. He has indicated quite clearly that nutrient management, Bill 81, deserves full debate. It's going to impact on a whole lot of farmers. There's not a whole lot there, because the bulk of it is going to come by regulations done behind closed doors in secret without any real consultation, notwithstanding what this government may have presented to farmers in Ontario. We will be speaking to this bill as the night progresses and as the days progress.

**Hon Mr Coburn:** I know there's a lot of huffing and puffing on the other side about our trying to hold this bill up. Whenever this bill came up for discussion and we were trying to develop the parameters around it, we went to extensive lengths to make sure there was extensive consultation with our stakeholders because of the magnitude and the ramifications of it, both environmentally and from a business point of view, and for the sustainability of agriculture.

A total of 182 organizations and individuals submitted comments or made presentations. We had 68 farm organizations, 21 environmental groups, 31 municipalities, 10 conservation authorities, 14 private companies and 38 individuals commenting. A 60-day posting of Bill 81 in the Environmental Bill of Rights registry also resulted in 22 submissions. The next step: we went to committee. Ten days of hearings we had across this province. This bill has had more consultation and input than any—

**The Acting Speaker:** Order. I appreciate all of that, but I'd like you to bring your comments to the speech from the member for Stormont-Dundas-Charlottenburgh.

**Hon Mr Coburn:** Isn't that particularly what he was talking about, the length of time it took for us to bring

this and then to do something about it? That's what I'm addressing. The consultation, to make sure that we got it as right as we possibly could in terms of developing the framework and enabling legislation around this, isn't something that's done on the back of a napkin. It takes time and it takes a lot of consultation, working with our farmers and our stakeholders, who have a huge investment in this, as does society in general in terms of environmental concerns that we have throughout rural and small-town Ontario. This is another step in terms of the clean water plan that we have in this province, and that involves all of us. So this is not something that is taken lightly on this side of the House or on the other side of the House as well.

It's time to move along so then we can develop the regulations around this and have a good piece of legislation. I'm sure the members opposite really do want to do that.

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** I'd like to commend my colleague the member for Stormont-Dundas—Charlottenburgh, because he certainly raised issues that have come to me from the farmers in my riding: questions around what a nutrient management plan should look like. That's what the farmers in my riding are asking me: "What is it going to require of us? How much money? What kind of investment will it require of us?" I think the member made that point very well, and I thank him for that. It's one of the big reasons why members of the opposition are not able to support this legislation, that we've been calling for for years. We have, because we've been hearing it from our constituents, from the farmers that we represent.

My colleague the member who spoke a few moments ago also pointed out that this has implications for our communities, the health and well-being of our communities. He made reference to Walkerton. We are waiting to hear recommendations from that commission, that has had the onerous task of considering what happened there and what we need in this province to make sure that it never happens again. My colleague, the member, has indicated that's an issue, a very important historical event that we should be paying some attention to and perhaps including some of the recommendations that may be made at that time by the justice into this sort of legislation.

The final point I want to affirm, that my colleague made earlier, is the fact that this government has asked us to trust it to bring in the regulations that they heard people talk to them about when they did the consultations. This is the government that has asked us to trust them with the safety of our environment. I'm sorry; I don't have that trust.

2140

**Mr Gilles Bisson (Timmins-James Bay):** To the comments of my colleague from the Liberal caucus from Cornwall, who made what I thought was an interesting presentation, a factual presentation on the bill, I, like him, have a few problems with this bill in regard to, not so

much the process—I think the minister tried to speak to the process and was found out of order—but more the content of the bill. The big part of it is what is left to the regulations. Far too often we see the government bring legislation to the House that probably most of us could agree with if the government were to try to spell out in the bill what it wanted to do and then actually give the bill the kind of teeth it's supposed to have to make it work. I guess we'd have something that we'd be able to support as far as what we're trying to do here.

Part of the problem is that when we look at the bill, much of the detail is left to the regulations. That is a big part of the problem, because it's becoming a large pattern for the way the government does things here. They put something in legislation, they call the title of the bill one thing and say, "The bill will do X," by way of the title. You read the bill itself and it talks about what the bill should be doing, but then it says basically that we're going to leave much of the decision-making and much of the powers to the minister by way of regulation. I think that does not give the kind of assurance that farmers need and in other bills that people need.

For example, in the case of the Ontarians with Disabilities Act much is left to the regulations in the same way that in the Nutrient Management Act we have the same kind of situation going on that deals with passing most of that on to the regulations. I thought the member made a good point on that.

As far as the need for debate on this particular bill, I believe the government didn't do the job it should have done when it comes to accepting a number of amendments that were put forward by both opposition parties. The government seems to feel that it has all of the answers when it comes to this bill, and was not prepared to accept many of the recommendations that my colleague Marilyn Churley had put forward that we thought could have made this bill a lot better.

**The Acting Speaker:** The member for Stormont-Dundas-Charlottenburgh has two minutes to respond.

**Mr Cleary:** I'm pleased to thank my colleague the member from Niagara, who has always been concerned about the regulations. Even at the hearings he brought them up many times and he felt that you couldn't trust the government to bring in regulations that would be satisfactory to this bill.

I guess I have to take a bit of exception to what the minister said, that the opposition is holding up the bill. Well, they've been in power since 1995, so I don't think that stands very well.

I would like to thank the member from Hastings-Frontenac-Lennox and Addington, because I know she has many of the issues that I hear a lot about too, and also the member from Timmins-James Bay who, at the hearings that I was at, also brought up the regulations. He was very concerned.

I know everyone should work hard, all three parties, to get this bill in place, because with the changing times in agriculture it's a lot different than it used to be. There have to be changes and we should work to make a good

bill that's satisfactory to all the residents of Ontario, because every Ontarian and beyond depends on safe, quality food and good water and good air. It's one of the most important issues we have. If we don't get a bill in place that's good for all Ontario farmers, the second-largest industry in the province, the health care system will be more burdened than ever. So I hope the government will try to consider some of the issues we've talked about in committee and on the road and hopefully make a few exceptions so everybody will be happy and we can get on with the legislation.

**The Acting Speaker:** Further debate?

**Mr Garfield Dunlop (Simcoe North):** It's a pleasure to be here this evening to say a few words on the Nutrient Management Act, 2001.

If I could take just a few moments, I'd like to introduce to the House this evening some of the people who are in attendance from our agricultural community. A couple of people have slipped out, but first of all I want to introduce the president of the Ontario Federation of Agriculture, Jack Wilkinson. With him are: Deb Lethridge, from the OFA as well; Dennis Zekveld, from the Ontario pork producers; Jasper Vanderbas, from the Ontario pork producers; and Clare and Ben Schlegel from the Ontario pork producers as well. He's back from the hockey game. He was down watching the hockey game.

**The Acting Speaker:** We welcome you to our Legislature tonight. Just in case your mom is watching, Ben, we're glad you're back from watching the hockey game.

**Mr Dunlop:** It's a pleasure to say a few words on this bill. I understand the opposition—I'm assuming now they're not in favour of it. I'm not sure what's happening, by their comments.

I did want to make a few comments on the second reading of the bill. The proposed legislation is the result of extensive consultation. First of all, there has been extensive consultation on this bill, as Minister Coburn said earlier, but I want to thank the member from Haldimand-Norfolk-Brant for the work he has done on it, along with the member from Northumberland, Dr Galt. Dr Galt, of course, was the parliamentary assistant to the Minister of Agriculture at the time. In the winter of 2001, Dr Galt and Mr Barrett from Haldimand-Norfolk-Brant did massive consultations across the province and literally visited locations for three or four weeks, and in almost all locations had literally hundreds of stakeholders out to listen to the consultations.

Then, of course, this past summer we did more consultation on the bill itself, after first reading. I was able to attend one of the meetings out in Caledonia, and we had a number of our stakeholders from across the province, particularly from that area, who came out to voice their concerns.

This bill is certainly long overdue. It has been long overdue by many governments. When we talk about consultation, I have to go back to my days in municipal politics, when I first heard about nutrient management and intensive agriculture. At that point it came from

visiting with the western wardens down in Guelph, and all of the western wardens were quite concerned at that time about nutrient management plans and bylaws that municipalities had. It was certainly an issue at that time they were quite concerned about. They were looking forward to leadership from the government to come up with some kind of a policy.

Certainly I know that intensive agriculture has been debated for a number of years at the ROMA conferences and at the AMO conferences. The Ontario Federation of Agriculture holds events across our province and I congratulate them for the amount of time they lobby. They're a great lobby group and they work toward a common goal. They've visited with all of us at one time or another and have certainly got the message out that they want to see this particular piece of legislation passed as soon as possible.

**Mr Bisson:** Sit down.

**Mr Dunlop:** No. We did lose two and a half or three hours of debate because of adjournments in this last week, and I'm interested in that too. Maybe we could get a better explanation of why the opposition would actually try to adjourn debate for that much time, when they consider the time so valuable.

I know my colleague from Barrie-Simcoe-Bradford talked a little earlier about some of the operations in his part of Simcoe county, but I'd also like to pay tribute to some people in my riding of Simcoe North as well. Many of the farmers in Simcoe North are members of the Simcoe County Federation of Agriculture. They are an organization that I'm pleased to represent, because they continually—I guess the word is "lobby." They keep us informed at all times. I know there are four or five key people who are on the phone on almost any issue and certainly allow us to make an informed decision on things that are happening across the county. As you know, Simcoe county is one of the more diverse areas of the province. It doesn't have the same quality of agriculture as we see in southern Ontario, but it's very diverse. We see it from things such as the Holland Marsh in the south end of the county to the Cambrian Shield on the top end of the county, where very little farming takes place. In between, people do a good job. The Simcoe County Federation of Agriculture is represented by Bob Nevison, the president there right now; he, along with past president Brian Jones, works very well toward putting a good name and a good force behind agriculture in Simcoe county.

**2150**

As well, I'd like to acknowledge some work done by a particular group in my riding that has worked very well toward controlling surface runoff and that sort of thing on farms. That's the Severn Sound Association, who have done a RAP program for the last six or seven years. It has been very, very successful. They've worked in partnerships with the municipalities, the farmers and the province. On a number of occasions, we've been able to help farmers implement programs to help them with surface runoff around their farms. That would include even

things like septic beds for their houses and that, where they maybe had an inappropriate septic bed. Again, I'd like to pay tribute to the manager or the executive director of Severn Sound, Keith Sherman, who's done an excellent job, and to a past employee with the Severn Sound Association, Julie Caley, who's now working with OMAFRA. To me, they've done a great job.

I'd also like to pay tribute for a moment to Minister Coburn, our minister. He's sitting over there beside our past Minister of Agriculture, Food and Rural Affairs. I just want to say that we're so pleased with some of the legislation he's come forward with here: the food safety bill, this particular piece of legislation. He's worked very hard on this, along with his parliamentary assistant, Dr Galt. Also, I'd like to comment on the fact that he went to bat for the farmers early this year on the funding we received—I forget the name of the program at the current time—and he was able to come up with about \$90 million. We tried to get a little bit more out of the federal government. I don't think they ever did come up with their fair share. Like usual, they didn't come up with their fair share. Anyhow, Brian Coburn led the way on that and has done an excellent job. I know it allowed many farmers to get their crops in early this year, and I was quite happy to see that.

I'd like to thank the people I've just mentioned, particularly Mr Barrett, who has worked so hard on this legislation and represents his constituents in Haldimand-Norfolk-Brant so well.

I'd like to talk a little bit about the bill for a moment, because there are a number of key points we'd like to bring up. Again, we'll be looking forward to further debate here tonight.

As part of our government's Operation Clean Water, the proposed legislation would put in place preventative measures to address the effects of agricultural practices, especially as they relate to land-applied material containing nutrients. Our goal is twofold here tonight: to protect the environment and quality of life for all residents of Ontario, thereby furthering the government of Ontario's Operation Clean Water, and to enhance the agriculture business climate by providing farm operators with clear and consistent rules on which to base investment decisions. As everyone knows, to operate a farm today is a major investment. Most people, though, probably don't realize the size of some of the agriculture operations we actually have here in the province of Ontario. I have some in my area now that—years ago, a family farm was 200 or 150 acres, but today I've got families running farms of 3,000 and 4,000 acres. It's amazing to see exactly the size and type of investment people have, particularly in their tractors and their buildings.

There is strong agreement on key features of the bill: first of all, the need for regulations around the land application of materials containing nutrients; the need for clear, consistent standards that are good for farmers and good for municipalities; and the need for enforcement

officers who require understanding of agricultural practices and environmental issues.

The majority of farmers are already good environmental stewards. Many have nutrient management plans in place, many follow best management practices and many have voluntarily completed environmental farm plans. I think I mentioned that earlier when I talked about organizations like the RAP programs we have across the province, how well they've worked with the agricultural community already to implement some really good plans. The proposed legislation would build on those voluntary actions by making them mandatory, and that would incorporate a lot of the farmers who haven't had the opportunity to participate. This would not only protect the environment; it would ensure that all Ontario farmers are on a level playing field.

The proposed legislation would, by providing a clearly articulated set of regulations, enhance the business climate in which farmers operate, allowing them to make fully informed investment decisions.

The proposed legislation would address concerns of rural residents regarding the impact of agriculture on the natural environment, increasingly regarded as a key factor in the quality of life.

The proposed legislation would also enhance the farmer's ability to compete in the marketplace. Consumers everywhere want assurance that food is not only safe and of high quality but that it has been produced in a sustainable manner.

Our government recognizes that there will be implications for all, so intends to work with all stakeholders in the development of standards and regulations and to phase in compliance with the standards over time.

This is a common sense approach. The proposed legislation is to address the risks, to know that certain farming operations, certain farming practices, pose more risks than others. It makes good sense to phase in implementation of regulations starting with the areas of greatest risk.

The proposed Nutrient Management Act, 2001, has the support of the farming community, municipalities, environmental groups and rural residents. They want this legislation and they want it in place now. But it still does not give Ontario an integrated, comprehensive approach to safeguarding our environment. This mix of measures lacks clarity and it lacks consistency.

The people of rural Ontario asked us to do what it takes to protect the quality of life, to clearly outline roles and responsibilities relating to the management of land-applied nutrients, to provide a framework that allows a balance between agricultural growth, environmental sustainability and community well-being.

By the way, Mr Speaker, I do intend to return your coat as soon as possible. I do apologize for that.

**Mr Tilson:** He's the one.

**Mr Dunlop:** By mistake, yes.

The proposed Nutrient Management Act, 2001, would do all that. It would provide the authority to establish



province-wide standards, the authority to conduct inspections, the authority to—

**The Acting Speaker:** Order. I think we'll have to be very careful talking about a coat thief, because in my riding somebody might think that was a young horse and that might still call for hanging; I'm not sure. Member for Simcoe North, we're interested in your comments; we're not interested in those coats or colts.

**Mr Dunlop:** Mr Speaker, I really apologize for bringing out the fact that you've lost your coat.

If I could just repeat what I was going to say, the Nutrient Management Act, 2001, would do all this. It would provide the authority to establish province-wide standards, the authority to conduct inspections, the authority to issue compliance and preventive orders, the authority for provincial enforcement and the authority to impose a range of penalties. The proposed legislation would allow for an approach to regulation that recognizes the different risks associated with different types and scales of farm operations. It would support an innovative approach and an interdisciplinary and multi-sector regulatory framework.

With our partners in government, both at the provincial and municipal levels, and with key industry and community stakeholders, the bill would ensure that strict land application controls, including seasonal and timing restrictions, setback requirements, quality criteria, testing requirements and registry requirements are developed and adhered to.

The bill would establish provisions for alternate service delivery of activity such as the review and approval of nutrient management plans and the operation of a registry for those plans, if that is shown to be the most effective and efficient way to deliver these services.

The proposed legislation would also establish provincial inspection and investigation powers consistent with those given to provincial officers under the Environmental Protection Act. The bill would also allow these officers to make an order directing compliance with the proposed act.

#### 2200

Our agriculture industry and our rural communities would continue to thrive together. A few people tonight have mentioned the size of the agricultural sector in our province, the number of people they employ and the amount of food they produce. We need a good, strong agricultural community and we need a good, strong, safe environment. I think it's easy for them to work together. We just have to continue down that road.

Consumers everywhere are looking for assurances that the foods they eat are not just of high quality, are not just safe, but also that those foods have been produced with environmentally sustainable practices. Government recognizes this and is forward-looking enough to address issues. We anticipate that in the very near future the desire for those assurances will become a demand.

Our government would be irresponsible if it did not work in partnership with the agriculture industry in a proactive manner to put a framework in place that allows

our primary producers to meet those demands. Again, I want to congratulate Minister Coburn. I know he has worked very hard with all the stakeholders in the agriculture community, and he listens. I compliment him for his abilities. I know he is trying his best to work with all the stakeholders in the community. That is exactly what the proposed legislation would do. Clear, consistent standards, regular audits and inspections, orders of compliance issued as required and the authority to fairly enforce regulation: these measures will send a clear signal to consumers everywhere that Ontario farmers have once again raised the bar.

Nothing comes for free, but every sound investment yields a return. Ontario's farmers know that. That is why so many of our primary producers have already voluntarily invested their money in environmental stewardship. More than 17,000 environmental plans have been completed and implemented, best management practices adopted on farm after farm, and producer upon producer has changed their production practices, not to save money but to enhance their products and safeguard the environment. These farmers are beginning to realize returns on those investments. They are winning new markets and expanding existing ones. They are finding new efficiencies and they are making productivity gains. More important, these farmers know that by adopting this proactive approach, they are ensuring that our valuable resources of fertile soil and clean water are being very well managed.

The proposed Nutrient Management Act, 2001, would enable the government to implement and enforce regulations requiring the same care for and investment in the future for all farmers in our province. Such a concerted, province-wide effort can only enhance Ontario's reputation as a producer of outstanding agri-food products.

The proposed legislation would also enhance the business climate in which Ontario's farmers operate. Clear rules and consistent application of those rules mean that investment decisions can be made wisely, with a certainty that those rules aren't going to change tomorrow. Every farming operation will be able to take advantage of a stable business climate, make sound investments and reap the benefits of those investments. As we know, when farmers prosper, rural communities prosper; indeed, all of Ontario would prosper. Farmers are very well known for spending their profits and spending their money and putting it back into their farms.

The proposed Nutrient Management Act, 2001, would safeguard our environment, boost our agricultural competitiveness, enhance the business climate in rural Ontario and allow each and every one of us who lives in this great province to enjoy a quality of life that is second to none. Many of us in this room are from agricultural backgrounds. We've been raised on a farm ourselves or our spouses are from the agricultural community, and many of us of course represent very diverse and agricultural communities across our province.

This is a very important piece of legislation. I would ask that all members support a very speedy passage of

this particular piece of legislation. It's needed in the province. Again, I thank the minister and you, Mr Speaker, for the opportunity to say a few words here this evening. This is good legislation. We need it. Let's get on with the show. Let's pass this legislation as soon as possible and make farming a better place for all the citizens of Ontario.

**The Acting Speaker:** Comments and questions?

**Mrs Lyn McLeod (Thunder Bay-Atikokan):** I appreciated the comments of the member from Simcoe North. There were one or two points, particularly at the very beginning, where I was actually in agreement with him. For example, I would agree that on this bill there has probably been more consultation, which I think the minister said earlier this evening, than on any other bill the government has presented this fall. I can't deny that. In fact, there was reasonably good consultation in terms of the committee hearings on this bill, in contrast, for example, to the community care access centre bill, which may be called even later tonight because there is to be no consultation on that bill whatsoever. So in terms of the consultation on this bill, compared to everything else this government does, I am in agreement that this is reasonably good consultation.

The member from Simcoe North began early in his remarks to say that he didn't know where the opposition stood. I would have thought it would be very apparent, if the member from Simcoe North had been listening as closely to the remarks of my colleague as I was listening to his. One of the reasons why our caucus is not supporting the bill is because the consultation process that the government takes such pride in did not lead to the approval of any amendments. It didn't lead to the bettering of the bill. So the significant concerns that our colleagues have expressed about the bill remain in the bill. I would have thought that the member for Simcoe North might have acknowledged some of those. He spoke about intensive farming and becoming aware of some of the concerns related to intensive farming.

As it was said earlier this evening, the direction of the bill is one that we support. The intent of the bill, as the member from Simcoe North said, to ensure that we have clean water, is one that we most definitely support. We've called for this bill for a very long time. But it wasn't until after the tragedy of Walkerton that the government was prepared to deal with the issues of the way in which farming practices may affect the quality of our water.

There is so much more that could be said that the member touched on that needs further explanation; standards, for example. We agree there need to be province-wide standards, but we also agree that they have to be enforceable standards and there have to be the people to enforce them.

**Ms Shelley Martel (Nickel Belt):** The member for Simcoe North said in his remarks that this bill is going to make sure we have safer food, better water, and that we should trust the minister, even though this bill only represents a framework and nothing with respect to

standards and timelines are in it. Those are going to be developed in the regulations. We shouldn't worry about it. We should leave it to this minister to look after us.

The reason why I'm not interested in trusting the Minister of Agriculture and Food when it comes to food safety is with respect to the auditor's report, the most recent auditor's report that dealt with this government's, this minister's food industry program. Here is what the auditor said about trusting this government.

"Food safety deficiencies that are defined as critical by the ministry and could pose risks to human health were noted during annual licensing audits of...slaughterhouses but were not corrected in a timely manner. In fact, almost one third of the deficiencies noted were detected again during the following year's audit. Such deficiencies include unsanitary food contact surfaces, rusty equipment, and the transportation of meat in non-refrigerated vehicles...."

"One third of the inspection reports that we reviewed for goats' milk dairy farms gave these farms a conditional rating because of non-compliance with minimum standards. Examples of non-compliance included unclean milking equipment and storage tanks. Furthermore, 90% of the goats' milk samples tested by the laboratory did not meet the legislated bacterial standard, yet no follow-up action was taken by the ministry."

Third point: "In 2000, the ministry tested almost 800 fruit and vegetable samples and found 28 cases where chemicals exceeded acceptable limits by as much as 80 times the limit. As of March 2001, the ministry had yet to formally notify growers and retailers of the test results for these samples collected in the summer of 2000. In addition, we were informed that due to staff reductions and reorganization, ministry staff no longer investigate the source of concerns to help producers resolve identified problems."

The list goes on. Trust you? On this bill, forget it. With this evidence already, are you crazy? Get some standards in this legislation and then maybe we'll be able to support you.

**The Acting Speaker:** The Chair recognizes the member for Haldimand-Norfolk-Brant.

**Mr Toby Barrett (Haldimand-Norfolk-Brant):** Thank you, Speaker. The member from—

*Interjections.*

**The Acting Speaker:** Order. There is nothing in our rules that allows anybody to talk back and forth. I will make sure that the member for Haldimand-Norfolk-Brant has sufficient time.

**2210**

**Mr Barrett:** Thank you, Speaker. The member for Simcoe North concluded with, really, a plea: let's pass this bill as soon as possible. At the beginning of his presentation, he pointed out his concern that the opposition is blocking this legislation. I know that the Liberal member for Stormont-Dundas-Charlottenburgh has said that the Liberals—

*Interjection.*

**The Acting Speaker:** The member for Niagara Centre will please take his seat. Order. I would like to remind you that heckling is not in order, particularly when you're not in your own seat.

I will make sure that the member for Haldimand-Norfolk-Brant has his proper time.

**Mr Barrett:** Thank you, Speaker. I do share the concern of the member for Simcoe North. I know that at least one Liberal member opposite has said that the Liberals will not support this bill, the Nutrient Management Act, because it will not protect groundwater. In spite of what the member for Simcoe North explained to us—he made reference to Operation Clean Water and ran through a plethora of provisions and rules and regulations contained within Bill 81 that will protect groundwater. I disagree with the positions opposite. This bill will protect groundwater. There are key amendments in the legislation itself. We need not wait for the regulations to understand that this legislation will protect groundwater.

In section 5, it calls for studies to determine soil types. This is very important down in my area of Norfolk county. We are in a very unique area, the Norfolk sand plain. As you know, water and nutrients, as with gravel, leach through sand. It's very important that this legislation points the finger at soil types. Section 5 also makes it very clear that studies may be required with respect to the water under the land: the depth of the water, discharge rates, the volume of the water, and the risk of contamination. These are things that nutrient management plans don't tell us, and minimum distance separation guidelines don't tell us things like this. Right now, we have so many rules and regulations at the municipal level, it does not give us objective, neutral, scientific evidence of what's going on in the water underneath some of these operations to make valuable decisions.

**The Acting Speaker:** Comments and questions?

**Mr Cleary:** I'd like to make a few comments on what the member for Simcoe North said earlier. I wasn't going to talk about my riding, but he talked a little bit about his. I've been at some parties lately where they had a Taste of Dundas, everything grown in Dundas and Stormont. It's very important to the community to work with them, and we're very proud of what we produce here in Ontario. I know we've got to have a good environmental plan.

I was also on a committee, the grass waterways, with the conservation authority, on the Ontario Drainage Tribunal and agriculture committees and county councils, so I've been around and I know how important it is to protect the groundwater in agricultural areas. Especially in my part of Ontario, where we have aquifers that run by farm operations and supply towns and villages downstream, I know we've got to protect that. That's very important.

All parties should work together, and I think the government should look at some of the amendments the opposition has put forward to try to make this a bill that will be suitable to all of Ontario.

I know why they don't want to trust the government on the regulations. As was said earlier this evening,

"Trust us. We'll do it well." We've been told that, to trust the government. We were told in 1995, "It's not my plan to close hospitals," and what happened? So how can you do that? "No cuts to agriculture" was another thing we talked about at that time. "No cuts to the Solicitor General's office," but they got rid of a bunch of police officers and that. So how can you trust them?

We've got to work together. Hopefully, they'll take the amendments and it will be a better bill for everyone.

**The Acting Speaker:** The member for Simcoe North has two minutes to respond.

**Mr Dunlop:** I want to thank all the members who responded tonight: from Thunder Bay-Atikokan, from Nickel Belt, from Haldimand-Norfolk-Brant, and Stormont-Dundas-Charlottenburgh.

I don't think there's anybody in this room who doesn't want a perfect environment, a clean environment. I can't speak for the urban members, but for those of us who come from rural Ontario, the environment and clean water are second to none. I've been so impressed with OMAFRA and some of the programs they've set up, along with the Minister of the Environment, just in my own area that have helped to provide clean water and better water for our citizens. I can think of just a couple of programs I wanted to mention quickly.

One was the Healthy Futures program. I don't know how many of your municipalities or organizations have applied for that, but it has worked very well in our area. I'm currently trying to get some municipalities to work with the Healthy Futures program and do an abandoned well program. As you know, there are all kinds of old dug wells and maybe some poorly drilled bored wells across our province. This program will allow the municipalities to work with the homeowners to properly abandon these wells so we don't have surface runoff water getting into the aquifers.

I was with Minister Coburn when he provided a nice grant, a couple of hundred thousand dollars, I believe, to the dead stock operators, because they were finding that people were burying—some of the farmers actually had to bury the dead stock at a level where there was a high water table, which affected the water table as well.

Sorry, I'm out of time.

**The Acting Speaker:** Further debate?

**Mr James J. Bradley (St Catharines):** I welcome the opportunity, at long last, to be able to address the provisions of Bill 81, the Nutrient Management Act, because I've heard a lot about this bill and I know there was a genesis somewhere immediately after the events of Walkerton, which were most unfortunate for the people of Walkerton, including both those who resided in the town areas and the rural areas, a shock for all the people who reside in that area and all the people of Ontario.

I am surprised that at this late date we see this bill reappearing, or at least appearing, on the order paper. I am one, as is the House leader of the Liberal Party, who is prepared to come back next week and debate legislation as well. We have tomorrow, we have Thursday. I think most reasonable people would expect the House

would sit next week, since most of the people I represent will be working probably up to Christmas Eve before they will be enjoying any kind of hiatus from their place of work. It seems to me that we have the opportunity to be here as well.

*Interjection.*

**Mr Bradley:** My friend the Minister of Economic Development and Trade talks about mythology and work as it relates to this place, yet I see he is assiduous in his attendance in this Legislature to at least, if not participate in the debates, listen carefully to the succinct and relevant arguments that are advanced on each piece of legislation. I commend him for his attention and his interest.

The basic problem with this bill, and it is true of some bills, is that it leaves so much to the regulatory framework. When you're a member of the Legislature, outside of the cabinet particularly and probably even more so in the opposition, you tend to want to see as much as possible contained within the legislation on which you are voting. Every time the government talks about a framework or a shell for legislative action, the opposition, and I think probably some government backbenchers, become suspicious that the real meat of the bill will be found in the regulatory framework. The problem with the regulatory procedure is that it is behind closed doors and all members of the Legislature do not have access to it.

2220

The minister says he will consult further on the regulations. I have no reason to believe that he won't consult. He's a person I believe, if he says he's going to consult, is going to consult. I worry about the extent of that consultation. I worry about the fact that ultimately it will be the cabinet, and not this Legislature, that will be dotting the i's and crossing the t's and looking at the details of the rules and regulations which will govern nutrient management in this province.

There has been some valuable input to this legislation from a variety of groups and individuals. I think that has been helpful in at least advancing the legislation to this point in time. Members of the farming community have, at every opportunity that has been presented to them, made known their views. Environmental groups, people from municipalities, people with simply a general interest in water safety and in the spreading of nutrients, as they're referred to, on lands in this province and the managing of the nutrients that are there as a result of agricultural and other practices, all of these people have offered some suggestions. I think their suggestions and their input have been of great value.

I go back to the fact that this bill is essentially one which permits the government to pass a number of regulations over which we in this House will have no control. My friend from London South, as I call it—I hope I'm right—is an individual who has openly expressed his desire to see all members of the Legislature, those outside the cabinet in particular, have more input into the process. I commend him for making that known on a public basis. In fact, I invite him to join the race for

the leadership of the Conservative Party of Ontario, to advance that particular cause. He would know why those outside of the cabinet feel that they don't have the necessary input in the final details of legislation and we have to trust the so-called brain trust of the government.

Even when a minister is advocating on behalf of a particular jurisdiction—the Minister of the Environment, for instance, on behalf of the environment; the Minister of Agriculture, Food and Rural Affairs in that category—ultimately the policies and priorities board of cabinet, the Management Board of Cabinet and cabinet as a whole make the final decision, with considerable input from the unelected whiz kids, as I used to call them, from the Premier's office. The Minister of Health, who is here this evening, used to be a whiz kid, and it is alleged sometimes that he had more power then.

**Hon Tony Clement (Minister of Health and Long-Term Care):** A whiz adult.

**Mr Bradley:** He's a whiz adult now, he tells me. It is alleged that he had more power in those days than he actually has today. I don't know if that's true, but that allegation is out there and should be investigated someday. But we'll leave that to another day, because he is confined to the Legislature this evening, when some of his colleagues running for the leadership are out and about the province drumming up support for their leadership. Here he is, confined to the House, as was the Minister of Finance earlier, who barracked constantly across the House and seems to be in an ill mood. Obviously, he's not getting as much support as the Minister of Health in his campaign.

But I digress. The Speaker has been most tolerant of my digression. I appreciate that and will not tempt him further to bring me to order.

One of the great concerns that I have about this legislation is that Bill 81 will allow untreated human waste to be dumped on fields for the next five years. We already have waste which is taken from sewage treatment plants, that waste having been appropriately treated by municipalities, and some of that is spread, in one way or another, on fields in the province.

I must say, even that has its problems, but at least one can say that's treated waste. What we're talking about here is untreated waste from the Johnny-on-the-spot, I suppose—that may even be treated—or what they used to refer to in the old days as outhouses, probably, but that which has not gone through a sewage treatment procedure. To allow that for another five years is very worrisome, particularly because of some of the problems we've seen in places such as Walkerton and indeed other communities that have identified problems that, fortunately, have not had fatal consequences but have seen people become ill and have identified contaminants in the water and in the soil, but particularly getting into the waterways.

I was interested in the 2000-01 report of the Environmental Commissioner of Ontario called Having Regard. This is a report from Gord Miller, and members will know why I feel this is particularly compelling,

keeping in mind that Mr Miller was the president of the Progressive Conservative association in North Bay, that is, in the Nipissing riding, and was twice a candidate for the Progressive Conservative Party—well, actually, it was for the Conservative Party because it's no longer a progressive Conservative Party. So when even he says there are problems existing, I think it's time the government listened, when one of their own has said this.

Let me quote from his report. I know the member from Oak Ridges would have read this cover to cover.

**Mr Klees:** Twice.

**Mr Bradley:** Twice, as he indicates. But let me share with him, to refresh his memory, because the night gets late and his memory may blur a bit, what the Environmental Commissioner had to say.

*Interjections.*

**The Acting Speaker:** Order. There's nothing in our rules that allows talking back and forth. I thought I should tell you that we would rather have you in here with us—it's to be preferred, I think—but there is an alternative.

**Mr Bradley:** Let me quote from pages 54 and 55, the title being "Problems with Ontario's Existing Rules for Sewage and Septage Spreading," just to show you that there is a problem out there with sewage and septage spreading. "No nutrient management plans required," he says. Now, part of this is going to be addressed through the legislation, fortunately, but not all of it.

"In 1995, OMAFRA's Sewage Biosolids Survey Team recommended that nutrient management plans be established for all approved sewage sludge utilization sites, but the current rules still allow sewage sludges and septage to be spread onto farmlands without requiring accurate, current information about nutrient loads being applied, soil or weather conditions, or actual crop nutrient needs over a given season. This greatly increases the risks of nutrient runoff to surface or groundwater. As well, under the current regulatory structure, the same piece of land could receive both manure and sludges without regard for total nutrient loads or real crop needs."

He goes on to say, "No Protection for Groundwater Recharge Areas or Other Environmentally Sensitive Areas"—that's the title. "The current rules allow sewage sludges and septage to be spread onto farmlands without recognizing that some lands (such as sandy recharge areas) are more prone to contamination than others. Protection of such sensitive areas would require accurate, current information about local groundwater conditions, such as the depth of aquifers, the quality of groundwater, the number of nearby wells that rely on these aquifers, or the prevailing direction of groundwater movement."

He goes on to discuss the fact that no public notice of spreading activities is needed via the Environmental Bill of Rights. "MOE is not required to post notice of proposed approvals for sludge or septage spreading sites on the environmental registry. This means that members of the public get no advance notice of spreading, no opportunity to comment, and no right to request appeals of any approvals. Neighbours who may want to do baseline tests

of their well water before the spreading starts get no advance warning. Neither do people with special health concerns."

**2230**

What else does he say? He says, "Without public information about quantities or locations of sludge or septage spreading, it is not possible to estimate the total sludge loadings to any given watershed in any given year. In 1995, OMAFRA's sewage biosolids survey team recommended the establishment of a more consistent and complete record-keeping system to allow future monitoring and verification of utilization sites...."

"To prevent environmental problems, operators must understand and make decisions about a host of biological, agricultural and chemical parameters whenever they apply sludges or septage. Ontario farmers who accept municipal sewage sludges on to their lands have noted the need for better education of equipment operators, and better information-sharing with farmers. Certification is already required for pesticide spraying on farmlands, and training may soon be required for manure spreading. An extensive 200-page training manual was produced by MOE and OMAFRA in 1994 for sludge spreading, but it is not clear whether this document was widely distributed or recommended to operators...."

"A very significant proportion of Ontario farmlands have tile drains, which may lie just below the plowing depth and carry away excess rainwater to nearby streams and rivers. Ontario research has shown that sludges applied to these lands can enter tile drains within minutes of application, and are directly polluting waterways...."

"Current Ontario rules for both sewage sludge and septage spreading do include some cautions regarding land spreading on frozen soil, but the practice is clearly permitted in some circumstances. Since sludges and septage are produced all through the year, it is very likely that significant volumes of these waste materials are being spread when risks of runoff are high."

He talks about some rules in other jurisdictions that help to address this. I would have hoped that in the consultation over this piece of legislation, they would have looked at places—it mentions Texas here, the state of Maine and a number of places where there are rules and regulations. This is the Environmental Commissioner, Gordon Miller, in his latest report called *Having Regard*, who identifies these problems.

You can see, then, why we are concerned. We are concerned when we see what happened at Walkerton and don't want it to be repeated. I've talked to farmers in this province who themselves want to ensure—because they live next door to many operations that have the potential for contamination—that their neighbours and others are undertaking such environmental practices as would militate in favour of the protection of groundwater sources. That's what some people forget, particularly in the urban areas, that farmers themselves are often—almost always, in fact—the victims of this contamination when it takes place.

It is clear that there is going to have to be assistance to our farmers. They cannot be asked to carry the load alone

in terms of improving environmental practices and protecting our waterways. That is where an infusion of funds from the provincial government would be extremely helpful.

They're not going to have that funding if the provincial Treasurer, the Minister of Finance, insists that he's going to proceed with his tax cuts. As we know, with the \$2.2-billion corporate tax cuts, the voucher for private education—that's about \$500 million—and an additional \$950 million to \$975 million in personal income tax cuts, it means the provincial Treasurer is going to be looking for additional revenues of at least \$3.5 billion to make up for the revenue he's losing through these unnecessary, unwise and ill-timed tax cuts. By the way, I should note here, as I did during an earlier bill, that Jeb Bush, Governor of the state of Florida, has said, "We can't proceed with our tax cuts. We know we promised them, but we have more important obligations to meet." I suggest some of those obligations are to the farmers of this province and to environmental protection in this province.

It's much better, as the Minister of Labour says, to forget about those additional tax cuts, which could put us into a deficit position, and instead make sure we do not go into a deficit position, indeed that we invest in areas which are in the public interest. I would suggest that assisting farmers in meeting the obligations under this legislation is certainly one area that is worthwhile for public investment. A second would be in all kinds of environmental protection, particularly of our waterways, because that's what we're talking to in this instance.

You're going to need more staff to be able to enforce this bill; make no mistake about it. I know they like to go to Management Board and they have faces that hit the floor when you get there. I sat on Management Board, and you have to have a grumpy face and a grumpy disposition to in fact sit on Management Board. They used to have it good and early. They would have it good and early, when I was good and cranky anyway, and they would come before Management Board and have to justify their expenditures. It's going to be tougher. We had the Chair of Management Board say just a couple of weeks ago, "We're going to have to make some cuts." Here we are with all these tax cuts, giving all this money away in tax breaks, and he says, "But we're going to have to cut government investments in the public good." I think that's most unfortunate.

Look, there are some good things in this legislation. I've said on many occasions with bills that you'll find both those things which are supportable and those that are not supportable. The government members will always get up and tell you the virtues of the legislation, and that's to be expected. We in opposition may point to some of those virtues, but also would feel an obligation to point out the weaknesses contained within this legislation.

There are just too many questions that surround it, and those questions again are because there's a great emphasis on regulations as opposed to legislation. If we were to have it spelled out—the member for Stormont-

Dundas-Charlottenburgh stood before the House and he read out a number of areas where there were some concerns to be expressed. I won't be repetitive of those, but they were valid questions and they're not answered in the contents of this particular bill. They in fact are left to the regulatory framework which will be put in place.

It's a start, and there are some good elements to this. It's unfortunate the government did not accept the amendments that the opposition advanced in goodwill, to try to improve the legislation. My gosh, had you accepted the amendments, then maybe I'd be standing this evening advocating support of the legislation, but it falls short. The minister from Burlington would agree with me, it falls far short of what is necessary to be good, acceptable and supportable legislation.

**The Acting Speaker:** Comments and questions?

**Mr Kormos:** In just eight, nine, 10 minutes, time, Howard Hampton, our leader, is going to be speaking to Bill 81.

I want you to know that New Democrats worked hard on this bill. Marilyn Churley worked hard in committee, worked hard developing amendments and tried to work with the government to help make this the bill it ought to be, the bill it could have been, the bill which, yes, as was just cited by Mr Bradley, could have been one which New Democrats were able to stand up here and enthusiastically support, and indeed perhaps even accommodate.

One of the things the New Democratic Party wanted to do was to make sure the bill covered golf courses. The question put was to try to get the committee to understand how much nutrient material is spread on golf courses that may well find its unwelcome way to the water table. We felt very strongly that that should be a consideration. Surely farms aren't the only lands where the spreading of nutrients presents a concern. Golf courses are one of those things. We understand as well the affinity and intimacy that some of the senior members of this government feel and have with golf courses—

*Interjection.*

**The Acting Speaker:** The member for Trinity-Spadina, come to order.

**Mr Kormos:** —and their developers.

*Interjections.*

**The Acting Speaker:** The minister from Nepean-Carleton, come to order.

**Mr Kormos:** We understand that the Conservative government and its leadership may have been somewhat protective of golf courses, protective of them in terms of the standards that will be put—

*Interjection.*

**The Acting Speaker:** The member for Trinity-Spadina, come to order.

**Mr Kormos:** It's difficult for me, Speaker, when people are interrupting.

It's difficult for the government to not want to protect golf courses. New Democrats worked hard—

2240

**The Acting Speaker:** The member for Niagara Centre has a point about his interruptions. I might just comment

that most of the interruptions came from his own caucus. There have been—

*Interjections.*

**The Acting Speaker:** Order. We have a visitor in the gallery, Ben Schlegel. Ben Schlegel attends Rockway High School, a Mennonite high school in Kitchener, a school of considerable reputation and so on.

*Applause.*

**The Acting Speaker:** Thank you for that applause, but my point is I don't want him going back to school tomorrow commenting on the deportment of the members of this Legislature. You have given me the responsibility of keeping order in this House. I will demonstrate that responsibility to the best of my ability.

Comments and questions?

**Mr Kormos:** Speaker, may I? I want to apologize for any disorder that might—

**The Acting Speaker:** When there are two of us standing, one of us is out of order and it's not me. The member for Niagara Centre is out of order.

Comments and questions.

**Mr Patten:** It's always a pleasure to comment on the remarks of my colleague from St Catharines. He is a seasoned communicator, and I'd like to underline some of the major points he made related to the critique of the bill.

His first one was of course once you pass the framework or the shell of the bill, then we don't know what the regulations are. They can be anything. We don't vote on them and we may not even see them. He outlined that this is a major problem for legislators, responsible legislators, especially for members of the opposition. It is our job, our duty to try to point out what we believe to be the weaknesses in any piece of legislation, and that was one.

Then he quoted Gordon Miller, the Environmental Commissioner, on his analysis of the whole area of nutrients on our land and on our farm fields. He had a recommendation, and I don't see all of this in the legislation, especially in terms of assuring that there should be no untreated nutrients on the land. This is what he said, essentially: that it should all be treated. Then we read in the legislation that we're talking about perhaps up to five years. I would hate to see the day when farmers felt guilty about having contributed to either poor water or polluted water or indeed the other side of the coin, which is food that somehow may be contaminated because it wasn't researched, because we didn't hesitate on the side of suggestions about possible threats to good health by virtue of our food.

**Ms Martel:** I want to reinforce an important point that was made by the member from St Catharines, and that is frankly that the substantive contents of this bill, the meat of the bill so to speak, aren't before us. They're going to be developed behind closed doors by regulation by cabinet and they'll never come back to this forum to be debated among all members. Frankly, we don't want to accept that process, and I don't understand why we are being asked to or being put in a position to accept that.

The government members, at great length here this evening, talked about how much consultation the Min-

ister of Agriculture and Food had had with respect to this bill. I heard that mentioned by a number of the members. Yet he comes forward with a bill that had substantially no meat to it. The guts to it are missing and we're asked to trust the government that it's going to do something behind closed doors that's going to make this better.

If the government had all this consultation and talked to so many people, why couldn't they come forward with a bill that actually told us what they were going to do, that actually allowed us to have an intelligent debate about what they were proposing to do?

Instead, we're being asked to just pass this and trust the government, and it's all going to be OK and they're going to look after us. I refer to the auditor's comments to make the point. I'm sorry, but I don't trust this minister and his ministry. He's had far too many cuts in his ministry to make sure that the standards that are actually in some pieces of legislation are implemented. Now he's asking us to accept a piece of legislation when those standards don't even appear in the bill. We're not going to be a party to that.

That's why my colleague Marilyn Churley moved a number of amendments during the committee phase, to try and beef up this bill, to try and make it have some sense, to try and make it have some substance. The government voted down all those amendments. Do you wonder why we're in the position we are tonight, dealing with this bill?

**Mr Rick Bartolucci (Sudbury):** I'd like to commend my fellow member from St Catharines for the excellence of his presentation. It bothers me that the government isn't trying to respond to the facts he's presented to the farmers who are in the audience today, but also to the people of Ontario. Clearly there are major flaws with this bill that have been outlined by the member from St Catharines. Yet the government chooses to sit back and not respond to the facts the member from St Catharines has put forward as to the weaknesses, as to the reasons we can't support the bill.

I suggest to you that our cash-strapped farmers cannot afford this bill without financial resources, and those must come from the government of the day. After all the Mike Harris cuts to agriculture, I know it's a concern to the farmers of Ontario that the government wants to implement Bill 81 without understanding the dire need for financial resources to ensure that what the government is trying to carry out will happen.

That the government chooses not to stand and debate the facts that have been presented by the member for St Catharines leads me to believe, leads the farmers in the audience to believe, leads the people of Ontario to believe, that what the member for St Catharines is saying is based on solid facts, on solid evidence. That is the reason why they're concerned about this bill and why we, as Liberals, are very concerned about this bill.

**The Acting Speaker:** The member for St Catharines has two minutes to respond.

**Mr Bradley:** I want to thank all my colleagues for their input, for their additional comments and for their

comments on my comments. Essentially what we in this House are being asked to do, as people in the rural community may say, is to buy a pig in a poke. We're being asked to support a piece of legislation that is very short on detail and information and specific provisions, and very long on faith in what the government might do.

We have seen enough of this government, of this cabinet, of the Premier's office, to know that even if the minister in all good faith himself wanted to implement something that was reasonable to everybody in the House—and the Minister of the Environment—a veto could be found within the confines of cabinet. That's a great worry we have. That's why we'd like to see it specified in legislation.

I'm also worried about the privatization I'm seeing happening. Just as we see privatization of the inspection of meat in this province, which caused the Provincial Auditor to comment and which unfortunately diminishes faith in our food products, and should not because we want to ensure that everybody has the most faith in food products in Ontario—you could do that by having the necessary staff—I see it is the government's intention to privatize another important responsibility for public safety, and that is—I know they're not going to be there initially but the bill allows for a new agency or corporation to administer all aspects of the bill—training, granting permits, keeping records, setting fees, with the exception of the enforcement, and the enforcement of course must be done by a neutral, expert Ministry of the Environment with input and support from the Ministry of Agriculture and Food.

2250

**The Acting Speaker:** I want to apologize to young Mr Schlegel for getting the name of his school incorrect. I apologize.

Further debate?

*Applause.*

**Mr Howard Hampton (Kenora-Rainy River):** Speaker, it must be getting late.

**Mr Rosario Marchese (Trinity-Spadina):** We love you too.

**The Acting Speaker:** Member from Trinity-Spadina, I'll not warn you again.

**Mr Hampton:** In fact, in the history of this legislation it is very late, because I note that this bill was introduced on June 13 and was not brought back for second reading debate until December 4, and now here we are on December 11 and the government has introduced it again for second reading debate. I have to ask, where was the government's willingness to introduce this legislation over the last 12 weeks?

*Interjection.*

**The Acting Speaker:** Minister of Education, come to order.

**Mr Hampton:** Where was it on September 24 when the Legislature resumed, or October 1, or the 9th or the 15th? Why has this important legislation been left to the very last minute?

I want to underline why it's important. On the one hand, in terms of the agricultural community, it is very difficult today to make new investments in farm operations, to expand investments in farm operations or to change investments in farm operations when you are so uncertain as to what is happening out there and what the eventual regime of rules is going to be.

On the other hand, we have an environmental problem. This province needs to act to protect its water, and it especially needs to put in place a system that regulates and controls the application of nutrients to the soil and the effect that has on our watercourses. So from the environmental perspective and from the farm investment perspective, it's important legislation. Why did it sit here for 12 weeks without the government introducing it for the thoughtful debate it deserves? That's the question the government has to answer.

As it stands, this legislation is far from what it needs to be. I want to comment on all the areas where I think it's lacking, because they are worthy not only of debate here but of a wider public debate. So many of the vital elements of this bill, the most important being nutrient management strategies and nutrient management plans, are not in the bill. As has been noted, they will be developed at some future date through regulation. So the nutrient management plans and the nutrient management strategies that are the heart and soul of what needs to happen are really just phantoms. You can't have a thoughtful debate about them here and now, because they simply aren't in the bill.

We're left with a situation where we don't know what the nutrient plans will be, where we don't know what the nutrient strategies will look like, where we don't know what they'll do. The government is saying, "Trust us," on the heart, the soul, the very substance of the legislation. If the heart and the soul of this, both from the farm perspective and from the environmental perspective, is what these plans are going to look like, what these strategies are going to look like, how they are going to impact on farm operations and are going to impact in terms of watercourses, yet you can't have a meaningful public debate over them here, then I think that right off the bat there is a big problem, because that's what we're here to do. We're here to analyze, to suggest improvements, to suggest prescriptions, and yet the very heart of what we should be here about, the government did not put in the bill.

There's another problem with the "trust us" part: this is the government that brought the people of Ontario Walkerton. And now, after Walkerton, it is saying, "Trust us." This is the government that received a scathing criticism from the Provincial Auditor because of your failure in terms of food safety and food inspection. Now it is saying, after that, "Trust us." That's a lot for people to swallow.

There are some other problems that have been brought to the fore and they deserve mention too. Many in the agricultural community have raised concerns that this bill appears to divide its administrative and enforcement



responsibilities between the Ministry of Agriculture and the Ministry of the Environment. New Democrats are very supportive of the Ministry of the Environment having a proper role here, but I have to say to all across Ontario, don't worry. If you're worried about over-enforcement, if you're worried about strict enforcement, you don't have to worry.

As long as this government is around, the Ministry of the Environment won't be able to do much of anything, let alone take on new responsibilities to monitor or enforce the rules around the application of nutrients to our lands. The reality is, the Ministry of the Environment has lost hundreds of millions of dollars from its budget. It has lost dozens of scientific experts. It has lost all kinds of inspectors and enforcement officers. The Ministry of the Environment doesn't have the capacity to adequately enforce the legislation that it has now, never mind deal with new legislation which is potentially going to be quite complex.

That's a real problem, this issue of enforcement and monitoring. It's one thing to pass legislation, but the legislation will be completely ineffective, to the detriment of the environment and to the detriment of farm communities, if there is not a strategy for resources, for enforcement and for inspection. You put the farm community right back in the spot that they're essentially in now. Yes, you've passed legislation, but the enforcement is so weak—

*Interjections.*

**The Acting Speaker:** Order. There are two conversations: one up here and one here. I don't want to hear them.

**Mr Hampton:** If the enforcement is so weak, then all you've really done is put a superficial mask over the problem and you'll continue to have that kind of uncertainty out there, which is neither good for the farm community nor for the protection of the environment.

I say to the government that at some point very soon you've got to come forward with a strategy for the resourcing and for the enforcement of the legislation. If you don't do that, then I think you've created all kinds of horrendous problems. Let me say that putting the issue of enforcement on to farmers through some sort of fee-for-service or administrative payment plan is not going to work either. This is the responsibility of government. It should neither be privatized nor thrown on to farmers. This is a responsibility of government. One thing your government has to start recognizing is the role and the responsibility of government in our society. Quit trying to privatize that or shirk it off on to someone else.

As some of my colleagues have mentioned, we put forward amendments in committee. We submitted an amendment which would have established a very clearly defined purpose for this legislation: namely, the protection of the natural ecosystem. We put forward the arguments that we should aim to protect the health of the natural ecosystem by maintaining the interaction of dynamic complex plant, animal and micro-organism communities and all of those things that are so important to

not only maintaining a healthy farm environment but a healthy natural environment all around. Unfortunately, the government voted against that amendment. I might say also that the Liberals voted against that amendment.

We also sought to incorporate into Bill 81 something that environmental experts call the "precautionary principle." You could call it the "common sense principle." It goes like this: in the absence of scientific certainty—

*Interjections.*

**The Acting Speaker:** Order. I asked that this conversation be kept down. I will promise the member for Kenora-Rainy River that I'll only interrupt him once more. Is there any problem with what I'm saying? I will only interrupt him once more.

The Chair recognizes the member for Kenora-Rainy River.

**2300**

**Mr Hampton:** The absence of scientific certainty should not be an excuse to justify non-action when every other indicator, including common sense, tells us there is a threat to the natural environment. I simply say, isn't that a lesson from Walkerton? Isn't that a lesson we should all have learned from Walkerton?

A couple of other issues. We wanted to amend the bill to make sure it covered golf courses. We don't see why this legislation should apply only to farm operations or other municipal operations when we know that in many parts of the Ontario landscape the application of nutrients is perhaps most intensive and most frequent on golf courses.

*Interjections.*

**The Acting Speaker:** I'm naming the member for Ottawa Centre, Richard Patten.

*Mr Patten was escorted from the chamber.*

**The Acting Speaker:** I hope I don't have to interrupt the member for Kenora-Rainy River again.

**Mr Hampton:** If we're actually concerned about the spreading of nutrients on land and about the protection of the integrity of surface water, I cannot for the life of me understand why the government would exempt golf courses when government members know, and certainly the Minister of Agriculture ought to know, that you in fact have the most intensive and most frequent application of nutrients on golf courses.

Where you have water pollution problems or where you have those concerns, you may have all kinds of farms in compliance, but you may have four or five golf courses in a rural area that are creating the problem. It is absolutely irresponsible not to include golf courses within this kind of legislation if you really mean what you say: that you want to ensure that the application of nutrients is managed and is dealt with in such a way that it does not threaten the integrity of watercourses and surface water. For some reason, the government refused that amendment.

Under section 55 of this act there is significant room for the government to privatize operations, to privatize the establishment, the maintenance and the operation of a registry of nutrient management plans and strategies. It is

also about privatizing the role of reviewing these nutrient management plans and strategies. In effect, it is about privatizing the issuing, the amending, the suspending or revoking of certificates, licences and approvals, so privatizing the approvals. Let the private sector approve the nutrient management plan. Let the private sector approve the revoking of a nutrient management plan.

Isn't that the role of the Ministry of Agriculture or the role of the Ministry of the Environment, wherever you eventually decide that enforcement should lie? How do you get public accountability, how do you get responsibility to the public, when those very important roles have been turned over to a private sector operator? New Democrats believe that that section of the bill should be removed, that this responsibility should rest with the government. But it's not just New Democrats who hold that view; the federation of agriculture also holds that view. The federation of agriculture believes that this is a proper and responsible role for government. The government refused to listen to that amendment too.

The Ontario Farm Environmental Coalition, an organization which includes the Ontario Federation of Agriculture and 39 other provincial farm organizations in Ontario, also said this is a proper role for government. But no, this government says it's going to privatize.

Now, maybe the government thought it could get this passed before the Provincial Auditor brought in his scathing report of last week. Maybe the government had some inkling of what was going to be in the auditor's report, because they have in section 56 of this bill a tidy little clause the purpose of which is to protect the government against any liability when the privatized operation they set in motion screws up.

Section 56 says the crown, meaning the government, is not liable "for any act done in the execution or intended execution of a power or duty by a person appointed under" this act "who is not a crown employee." That really lays it out bare, that there is no accountability, that when the chickens come home to roost, when a problem arises from the privatization of a certain operation, this government is going to hold up its hands and say, "Don't look at us. We're not responsible. We're not accountable to the farmers. We're not accountable to the public. Don't look at us."

What are you doing here, then? If you don't want to take on the role and responsibility and the obligations of government, what are you doing here? What you're setting up here is that if a person who is employed by a private company approves a nutrient management plan that is unsound or reckless or dangerous and then somebody says, "Who is going to be responsible for this?" you're going to be able to stand up and say, "Not us. We're not responsible." You're not meeting your obligations to farmers, you're not meeting your obligations to the environment, and you're not meeting your obligations to the public of Ontario. That's the philosophy of section 55 and section 56 of this bill, and that's why they should come out of it. If you are truly interested in resolving the issues and addressing the problems

around nutrient management, these sections of the bill must come out.

What does this mean for farmers? I think we all know what it means. It means that farmers are going to be hit with all kinds of user fees, that in effect you will impose taxes. Oh, you won't call it taxes, you'll call it something else, but the reality is that farmers will pay a tax to private operations to oversee this part of the bill. That's wrong.

This is a public problem. It is, as I tried to indicate already, much more widespread than just farmers. Is that why you don't want to include golf courses, because some of your golf buddies won't want to pay the fees to ensure that their nutrient management plans are appropriate, that their nutrient management strategies are being dealt with? Is that the reason for excluding golf courses from this: you don't want them to have to pay these user fees?

I say to you, this is the role and the responsibility of government. It should not be privatized, and these sections of the bill should come out.

Given the amount of time that it took the government to, first of all, put this legislation together and, second of all, now bring it for second reading, we're very concerned about how long it's going to take you to draft the regulations. So we proposed an amendment that would require you to bring forward the regulations within six months. I still think that is sound. I think it is sound for the government, and I think it is sound for the farm community, that they know they're not going to be left waiting around for another six or seven months, as you did with second reading of this bill, and nothing's going to happen.

#### 2310

Members of the farm community would like to see the regulations in place, I am told, by April or May. I think that should be written right into the legislation in the form of an amendment, that the regulations must be brought forward by May 2002. That provides some assurance to environmentalists who are concerned about these issues. It provides some assurance to farmers that this is in fact going to happen and it's not going to sit on an order paper somewhere or on someone's desk and not be dealt with.

Now, I've only got a few seconds left. There are other issues I would like to have dealt with, but I think I've covered the major problems, the major issues. I would say to the government, you've got to begin a public process around the regulations right away, because this line of "trust us" has a very short lifespan for this particular government. I think you've got to do that right away and I think you've got to bring that forward right away, otherwise this—

**The Acting Speaker:** Comments and questions?

**Mr Steve Gilchrist (Scarborough East):** I genuinely appreciate the comments made by the leader of the third party. I think they were very sound. I appreciate very much something we haven't seen all too often in the last few weeks: someone actually staying on topic. I gen-

unely appreciate your interjections. I think, with the greatest respect, there are a number of issues you raised that will in the fullness of time probably be addressed in a way that you'll find satisfactory, particularly the crafting of the regulations. I'm sure the minister would seek any reasonable input you care to make or any stakeholders you wish to direct to the minister. We would appreciate their input as well.

However, I'm not swayed by the arguments made opposite and will continue to support the bill.

**Mr David Ramsay (Timiskaming-Cochrane):** I'm pleased to stand in my place this evening to contribute to the debate, because I think the members opposite know that we are opposed to this bill, and the reason is that we don't think the government really has taken the situation very seriously after the tragedy in Walkerton. This bill doesn't come close to effectively protecting our groundwater resources in the province.

Far too much in this legislation, and much legislation that this government has passed over the last six and a half years, has relied upon regulations rather than legislative clauses in the bill. As legislators, we don't get an opportunity to see that. As you know, this happens at the executive council level, so all members, whether they're government backbenchers or opposition backbenchers, aren't able to participate in the forming of the regulations that are now becoming more and more the structure of pieces of legislation. They're basically the workings, the everyday guides and workings of legislation. It's how the legislation literally works in the field. Regulations are very important, and much of this bill should not be left to regulation. It should be in the bill for all of us to see, for all of us to debate, for the people that I guess were with us to participate in, especially at the committee hearing level where we can discuss the full content of the bill. We're not having that opportunity any more.

Much of legislation is being passed behind closed doors in the backroom of the Harris cabinet. With an issue as serious as Walkerton and the protection of our groundwater, and with the results of the Walkerton inquiry coming down early in the new year, I think we need to stop right now and catch our breath on this and see what recommendations we get from the commissioner in regard to the Walkerton inquiry and do a proper job in this bill to ensure that we preserve the groundwater resources for the people of Ontario.

**Mr Kormos:** In particular I want to reinforce the observations made by the leader of the NDP with respect to the strong element of privatization inherent in this bill, an element of privatization that New Democrats resisted at the committee, and an element, a significant element, of privatization, the pursuit of privatization in the supervision of nutrient management, that we continue to resist and that indeed forms one of the significant cornerstones of the foundation for our opposition to the bill.

Let's understand what the Ontario Farm Environmental Coalition had to say. Among their membership is the Ontario Federation of Agriculture. The Ontario Farm Environmental Coalition recommends that none of the

powers associated with the proposed Nutrient Management Act be delegated to anyone outside of the government of Ontario. That abandonment, that abdication of responsibility by this government, by its Ministry of Agriculture, Food and Rural Affairs, by its Ministry of the Environment, and the transfer of the supervision of that to the private, for-profit sector, (1) is going to lead to remarkable and new and significant costs to farmers by way of, yes, user fees, there's no two ways about it; (2) the system is going to lack the integrity that historically has been provided through the Ministry of Agriculture and Food; and, finally, it's going to make the whole provincial community very skeptical about the effectiveness of this legislation in terms of either protecting the environment or in terms of providing farmers with the support and leadership they need in complying with nutrient maintenance programs.

That is a serious concern. It's a serious concern of farmers, it's a serious concern of the Ontario Federation of Agriculture, it's a serious concern of the Ontario Farm Environmental Coalition and it remains a serious concern of the New Democratic Party here at Queen's Park.

**Mr Michael Gravelle (Thunder Bay-Superior North):** I think the debate tonight has made it extremely clear that this is an important piece of legislation but one that we're very disappointed in. The leader for the third party has again, as have most members tonight, explained some of the real problems and some of the real flaws in the legislation. I think it's important that all the members of this House understand that, as I said, this is a piece of legislation that we think is extremely important, and therefore the legislation that has been brought before us is extremely disappointing. It is simply the shell of a bill.

The fact is, when we are dealing with the reality that the actual details of the legislation which we should all be most concerned about are not available for us to actually debate, and we have to wait until the regulatory process kicks in to have any assurance at all that indeed what will result from this will be a positive piece of legislation, that we're just not prepared to make that leap. I think that should be understood.

There were a number of amendments put forward by both parties on the opposition side that were rejected by the government. That was an honest effort being made by the parties after some consultation to turn this into a piece of legislation that would have some teeth. I think after a piece of legislation that's as vital as this is, that would be the least that we expect.

For them to expect us to simply stand here and support this on the basis that they say we've got to get this through the House before the Christmas recess, especially based on the history of this bill and the opportunities the government had months ago to bring the legislation forward, it fills us with a sense that this is a problem that even the government themselves recognize they have.

We have real concerns about the legislation. We think they're legitimate concerns. We think they're concerns the government should actually be understanding and responding to. For those reasons and many others, we're unable to support this legislation.

**The Acting Speaker:** The leader from Kenora-Rainy River has two minutes to respond.

**Mr Hampton:** I want to thank all members for their comments. I want to use the two minutes to emphasize once again—first, the issue of privatization and how I think the government is leaving itself open to creating yet once again a very big problem.

We are going to get a report from the commission of inquiry into exactly how the privatization of water inspection and the privatization of water labs contributed to the debacle that happened at Walkerton. We've had a report from the Provincial Auditor which recognizes what first the cuts and then the privatization of food safety and food inspection have meant for the quality of food that people may be eating in Ontario.

I hope the people of Ontario don't have to learn a painful lesson again on this. If this issue is an important issue, and we think it is and the Minister of Agriculture has said it is, then issues with respect to approvals and issues with respect to the revoking of approvals should not be handed over to a private sector operator. You certainly shouldn't have a clause in the bill which says, "If anything goes wrong, the government is not responsible." That, to me, is almost an admission of *mea culpa* in advance.

If you were really serious about this issue, if you believed both from a farm investment and a farm environment perspective that this needs to be addressed, and from a water quality perspective that this needs to be addressed, you would take those two sections out of the bill—end of story.

**The Acting Speaker:** Further debate?

**Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell):** Mr Speaker, I move adjournment of the debate.

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

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

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

*The division bells rang from 2321 to 2351.*

**The Acting Speaker:** Mr Lalonde has moved adjournment of the debate. All those in favour will please rise and remain standing until recognized by the Clerk.

Please take your seats.

All those opposed will please rise and remain standing until recognized by the Clerk.

Please take your seats.

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 29; the nays are 3.

**The Acting Speaker:** I declare the motion carried.

STUDENT PROTECTION ACT, 2001

LOI DE 2001

SUR LA PROTECTION DES ÉLÈVES

Resuming the debate adjourned on November 27, 2001, on the motion for third reading of Bill 101, An Act

to protect students from sexual abuse and to otherwise provide for the protection of students / *Projet de loi 101, Loi visant à protéger les élèves contre les mauvais traitements d'ordre sexuel et à prévoir autrement leur protection.*

**The Acting Speaker (Mr Bert Johnson):** Further debate? The Chair recognizes the member for Sudbury.

**Mr Rick Bartolucci (Sudbury):** As we debate this bill, I would hope the record would clearly show that the bill that we're—

*Interjections.*

**The Acting Speaker:** Order. If you feel it necessary to talk or express yourselves, please either be recognized by the Chair and take your place or leave. The Chair recognizes the member for Sudbury.

**Mr Bartolucci:** Thank you very much, Speaker. As I was saying, as we debate Bill 101, it should be clearly understood by the people of Ontario that the government is calling this at five to 12. We will adjourn at 12 o'clock. There has been no notice, which is consistent with what this government has done over the course of the last six years when it comes to presenting serious bills, serious concerns and serious remedies for serious problems.

I'm happy to be able to stand up and begin the debate for the Liberals. Having spent several years in the classroom, I understand the importance of protecting children. There are so many ways that we might want to protect children in public education, and we should want to protect children who decide to attend private schools. But this legislation does not apply to those students who would be going to private schools. I find that a double standard. I find that a standard that should not be tolerated by those parents who choose to send their children to private schools.

It is so easy to throw stones. It is so easy to cast guilt on the teachers in the public education system as defined by the Harris government, which repeatedly over the course of the last six years has chosen to attack teachers, has chosen to attack the partners of education, whether they be teachers, trustees, parents or students. They've attacked them in many different ways. All the time, they've excluded those students and those teachers in private schools. I say that's wrong, and I suggest that a Minister of Education should be a Minister of Education for all students who are involved in the school system, whether it be private or public. The same safeguards should be afforded to those—

*Interjections.*

**The Acting Speaker:** Order. There are some conversations going on. I would just as soon that you have the privilege of remaining in the House, but there is an alternative, and I shouldn't have to remind you of what it is. The Chair recognizes the member for Sudbury.

**Mr Bartolucci:** Let's live one experience for this House. I think both sides of the House are very familiar with the DeLuca case, the case that I think triggered the member for Sault Ste Marie to bring forth some pretty sound legislation, which unfortunately this government didn't act on, as they've done so often, because the idea

wasn't theirs. The DeLuca case is a very sad case. It involved many, many students over a period of many, many years affecting many, many children, their families and the very good teachers who taught in schools where Mr DeLuca taught. I would suggest to you, Speaker, and I'd suggest to the Minister of Education that if that gentleman had been teaching in a private school, that abuse would continue because you and your legislation would exclude those students from being protected? You wonder why we have trouble with that type of legislation, you wonder why we have trouble with the rationale behind your many bills attacking the public education system?

**Hon Janet Ecker (Minister of Education, Government House Leader):** Protecting children from sexual predators.

**Mr Bartolucci:** The Minister of Education spouts out that she's trying to protect kids. Well, she isn't protecting those kids in private schools. This legislation does nothing for them.

It now being the hour of 12, I look forward to continuing this discussion as we move on with the debate. I hope it's a full debate and a complete debate, and I hope that at the end of it the people of Ontario realize that this government's legislation, like so many other pieces of government legislation when it comes to education, is certainly lacking the protection they think they're giving.

**The Acting Speaker:** It being after 12 of the clock, this House stands adjourned until 1:30 of the clock tomorrow.

*The House adjourned at 2400.*

**LEGISLATIVE ASSEMBLY OF ONTARIO**  
**ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO**

Lieutenant Governor / Lieutenante-gouverneure: Hon / L'hon Hilary M. Weston

Speaker / Président: Hon / L'hon Gary Carr

Clerk / Greffier: Claude L. DesRosiers

Clerk Assistant / Greffière adjointe: Deborah Deller

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

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

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Algoma-Manitoulin	Brown, Michael A. (L)	Halton	Chudleigh, Ted (PC)
Ancaster-Dundas- Flamborough-Aldershot	McMeekin, Ted (L)	Hamilton East / -Est	Agostino, Dominic (L)
Barrie-Simcoe-Bradford	Tascona, Joseph N. (PC)	Hamilton Mountain	Bountrogianni, Marie (L)
Beaches-East York	Prue, Michael (ND)	Hamilton West / -Ouest	Christopherson, David (ND)
Bramalea-Gore-Malton- Springdale	Gill, Raminder (PC)	Hastings-Frontenac- Lennox and Addington	Dombrowsky, Leona (L)
Brampton Centre / -Centre	Spina, Joseph (PC)	Huron-Bruce	<b>Johns, Hon / L'hon Helen</b> (PC) Minister without Portfolio (Health and Long-Term Care) / ministre sans portefeuille (Santé et Soins de longue durée)
Brampton West-Mississauga / Brampton-Ouest-Mississauga	<b>Clement, Hon / L'hon Tony</b> (PC) Minister of Health and Long-Term Care / ministre de la Santé et des Soins de longue durée	Kenora-Rainy River	Hampton, Howard (ND) Leader of the New Democratic Party / chef du Nouveau Parti démocratique
Brant	Levac, Dave (L)	Kingston and the Islands / Kingston et les îles	Gerretsen, John (L)
Bruce-Grey-Owen Sound	Murdoch, Bill (PC)	Kitchener Centre / -Centre	Wettlaufer, Wayne (PC)
Burlington	<b>Jackson, Hon / L'hon Cameron</b> (PC) Minister of Citizenship, minister responsible for seniors / ministre des Affaires civiques, ministre délégué aux Affaires des personnes âgées	Kitchener-Waterloo	<b>Witmer, Hon / L'hon Elizabeth</b> (PC) Minister of the Environment / ministre de l'Environnement
Cambridge	Martiniuk, Gerry (PC)	Lambton-Kent-Middlesex	Beaubien, Marcel (PC)
Chatham-Kent Essex	Hoy, Pat (L)	Lanark-Carleton	<b>Sterling, Hon / L'hon Norman W.</b> (PC) Minister of Consumer and Business Services / ministre des Services aux consommateurs et aux entreprises
Davenport	Ruprecht, Tony (L)	Leeds-Grenville	<b>Runciman, Hon / L'hon Robert W.</b> (PC) Minister of Economic Development and Trade / ministre du Développement économique et du Commerce
Don Valley East / -Est	Caplan, David (L)	London North Centre / London-Centre-Nord	<b>Cunningham, Hon / L'hon Dianne</b> (PC) Minister of Training, Colleges and Universities, minister responsible for women's issues / ministre de la Formation et des Collèges et Universités, ministre déléguée à la Condition féminine
Don Valley West / -Ouest	<b>Turnbull, Hon / L'hon David</b> (PC) Solicitor General / solliciteur général	London West / -Ouest	Wood, Bob (PC)
Dufferin-Peel- Wellington-Grey	Tilson, David (PC)	London-Fanshawe	Mazzilli, Frank (PC)
Durham	O'Toole, John R. (PC)	Markham	<b>Tsubouchi, Hon / L'hon David H.</b> (PC) Chair of the Management Board of Cabinet / président du Conseil de gestion du gouvernement
Eglinton-Lawrence	Colle, Mike (L)	Mississauga Centre / -Centre	<b>Sampson, Hon / L'hon Rob</b> (PC) Minister of Correctional Services / ministre des Services correctionnels
Elgin-Middlesex-London	Peters, Steve (L)	Mississauga East / -Est	DeFaria, Carl (PC)
Erie-Lincoln	<b>Hudak, Hon / L'hon Tim</b> (PC) Minister of Tourism, Culture and Recreation / ministre du Tourisme, de la Culture et des Loisirs	Mississauga South / -Sud	Marland, Margaret (PC)
Essex	Crozier, Bruce (L)	Mississauga West / -Ouest	<b>Snobelen, Hon / L'hon John</b> (PC) Minister of Natural Resources / ministre des Richesses naturelles
Etobicoke Centre / -Centre	<b>Stockwell, Hon / L'hon Chris</b> (PC) Minister of Labour / ministre du Travail		
Etobicoke North / -Nord	Hastings, John (PC)		
Etobicoke-Lakeshore	Kells, Morley (PC)		
Glengarry-Prescott-Russell	Lalonde, Jean-Marc (L)		
Guelph-Wellington	<b>Elliott, Hon / L'hon Brenda</b> (PC) Minister of Intergovernmental Affairs / ministre des Affaires intergouvernementales		
Haldimand-Norfolk-Brant	Barrett, Toby (PC)		
Haliburton-Victoria-Brock	<b>Hodgson, Hon / L'hon Chris</b> (PC) Minister of Municipal Affairs and Housing / ministre des Affaires municipales et du Logement		

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Nepean-Carleton	<b>Baird, Hon / L'hon John R. (PC)</b> Minister of Community and Social Services, minister responsible for children, minister responsible for francophone affairs / ministre des Services sociaux et communautaires, ministre délégué au dossier de l'Enfance, ministre délégué aux Affaires francophones	Scarborough Southwest / -Sud-Ouest	<b>Newman, Hon / L'hon Dan (PC)</b> Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines
Niagara Centre / -Centre	Kormos, Peter (ND)	Scarborough-Agincourt	Phillips, Gerry (L)
Niagara Falls	Maves, Bart (PC)	Scarborough-Rouge River	Curling, Alvin (L)
Nickel Belt	Martel, Shelley (ND)	Simcoe North / -Nord	Dunlop, Garfield (PC)
Nipissing	<b>Harris, Hon / L'hon Michael D. (PC)</b> Premier and President of the Executive Council / premier ministre et président du Conseil exécutif	Simcoe-Grey	<b>Wilson, Hon / L'hon Jim (PC)</b> Minister of Energy, Science and Technology / ministre de l'Énergie, des Sciences et de la Technologie
Northumberland	Galt, Doug (PC)	St Catharines	Bradley, James J. (L)
Oak Ridges	Klees, Frank (PC)	St Paul's	Bryant, Michael (L)
Oakville	<b>Carr, Hon / L'hon Gary (PC)</b> Speaker / Président	Stoney Creek	<b>Clark, Hon / L'hon Brad (PC)</b> Minister of Transportation / ministre des Transports
Oshawa	Ouellette, Jerry J. (PC)	Stormont-Dundas-Charlottenburgh	Cleary, John C. (L)
Ottawa Centre / -Centre	Patten, Richard (L)	Sudbury	Bartolucci, Rick (L)
Ottawa-Orléans	<b>Coburn, Hon / L'hon Brian (PC)</b> Minister of Agriculture, Food and Rural Affairs / ministre de l'Agriculture, de l'Alimentation et des Affaires rurales	Thornhill	Molinari, Tina R. (PC)
Ottawa South / -Sud	McGuinty, Dalton (L) Leader of the Opposition / chef de l'opposition	Thunder Bay-Atikokan	McLeod, Lyn (L)
Ottawa West-Nepean / Ottawa-Ouest-Nepean	Guzzo, Garry J. (PC)	Thunder Bay-Superior North / -Nord	Gravelle, Michael (L)
Ottawa-Vanier	Boyer, Claudette (Ind)	Timiskaming-Cochrane	Ramsay, David (L)
Oxford	Hardeman, Ernie (PC)	Timmins-James Bay / Timmins-Baie James	Bisson, Gilles (ND)
Parkdale-High Park	Kennedy, Gerard (L)	Toronto Centre-Rosedale / Toronto-Centre-Rosedale	Smitherman, George (L)
Parry Sound-Muskoka	Miller, Norm (PC)	Toronto-Danforth	Churley, Marilyn (ND)
Perth-Middlesex	Johnson, Bert (PC)	Trinity-Spadina	Marchese, Rosario (ND)
Peterborough	<b>Stewart, Hon / L'hon R. Gary (PC)</b> Minister without Portfolio, chief government whip, deputy government House leader / ministre sans portefeuille, whip en chef du gouvernement, leader parlementaire adjoint	Vaughan-King-Aurora	Sorbara, Greg (L)
Pickering-Ajax-Uxbridge	<b>Ecker, Hon / L'hon Janet (PC)</b> Minister of Education, government House leader / ministre de l'Éducation, leader parlementaire du gouvernement	Waterloo-Wellington	Arnott, Ted (PC)
Prince Edward-Hastings	Parsons, Ernie (L)	Whitby-Ajax	<b>Flaherty, Hon / L'hon Jim (PC)</b> Deputy Premier, Minister of Finance / vice-premier ministre, ministre des Finances
Renfrew-Nipissing-Pembroke	Conway, Sean G. (L)	Willowdale	<b>Young, Hon / L'hon David (PC)</b> Attorney General, minister responsible for native affairs / procureur général, ministre délégué aux Affaires autochtones
Sarnia-Lambton	Di Cocco, Caroline (L)	Windsor West / -Ouest	Pupatello, Sandra (L)
Sault Ste Marie	Martin, Tony (ND)	Windsor-St Clair	Duncan, Dwight (L)
Scarborough Centre / -Centre	Mushinski, Marilyn (PC)	York Centre / -Centre	Kwinter, Monte (L)
Scarborough East / -Est	Gilchrist, Steve (PC)	York North / -Nord	Munro, Julia (PC)
		York South-Weston / York-Sud-Weston	Cordiano, Joseph (L)
		York West / -Ouest	Sergio, Mario (L)

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

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

## CONTENTS

Tuesday 11 December 2001

### THIRD READINGS

#### Quality in the Classroom Act, 2001,

Bill 110, <i>Mrs Ecker</i>	
Mr Dunlop .....	4453
Mr Bradley .....	4455
Mr Bisson .....	4456
Mr Klees .....	4459
Mr Marchese .....	4460
Mrs Dombrowsky .....	4464
Vote deferred .....	4465

#### Student Protection Act, 2001,

Bill 101, <i>Mrs Ecker</i>	
Mr Bartolucci .....	4486
Debate deemed adjourned .....	4487

### SECOND READINGS

#### Nutrient Management Act, 2001,

Bill 81, <i>Mr Coburn</i>	
Mr Tascona .....	4466, 4469
Mr Patten .....	4468, 4481
Mr Christopherson .....	4468
Mr O'Toole .....	4469
Mr Peters .....	4469
Mr Cleary .....	4470, 4472, 4477
Mr Kormos .....	4471, 4480, 4485
Mr Coburn .....	4471
Mrs Dombrowsky .....	4472
Mr Bisson .....	4472
Mr Dunlop .....	4473, 4477
Mrs McLeod .....	4476
Ms Martel .....	4476, 4481
Mr Barrett .....	4477
Mr Bradley .....	4478, 4482
Mr Bartolucci .....	4481
Mr Hampton .....	4482, 4486
Mr Gilchrist .....	4485
Mr Ramsay .....	4485
Mr Gravelle .....	4485
Debate adjourned .....	4486

## TABLE DES MATIÈRES

Mardi 11 décembre 2001

### TROISIÈME LECTURE

#### Loi de 2001 sur la qualité

dans les salles de classe, projet de loi 110, <i>M<sup>me</sup> Ecker</i>	
M. Bisson .....	4456
Vote différé .....	4465

#### Loi de 2001 sur la protection

des élèves, projet de loi 101, <i>M<sup>me</sup> Ecker</i>	
Débat présumé ajourné .....	4487

### DEUXIÈME LECTURE

#### Loi de 2001 sur la gestion

des éléments nutritifs, projet de loi 81, <i>M. Coburn</i>	
Débat ajourné .....	4486