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**Journal  
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**Monday 13 May 2002**

**Lundi 13 mai 2002**

Speaker  
Honourable Gary Carr

Président  
L'honorable Gary Carr

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LEGISLATIVE ASSEMBLY  
OF ONTARIO

Monday 13 May 2002

ASSEMBLÉE LÉGISLATIVE  
DE L'ONTARIO

Lundi 13 mai 2002

*The House met at 1845.*

**ORDERS OF THE DAY**

NUTRIENT MANAGEMENT ACT, 2001

LOI DE 2001 SUR LA GESTION  
DES ÉLÉMENTS NUTRITIFS

Resuming the debate adjourned on December 11, 2001, on the 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 épandus et apportant des modifications connexes à d'autres lois.*

**Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell):** Mr Speaker, I will be sharing my time tonight with the member for Essex.

I am very pleased to be able to participate in this debate and make a few comments on the omissions in Bill 81, known as the Nutrient Management Act.

I first wanted to say that I am fully in favour of a nutrient management bill, but I have questions about this bill. I do not remember when a bill has seen so much discussion in my riding. Of course, this may be because of the construction of a large factory hog farm in Sarsfield in my riding. In fact, at my latest count it appears we will have not only one large hog mega-farm moving to my riding from Quebec but as many as five. It is our responsibility as legislators to protect our environment and ensure we have proper legislation in place to protect Ontarians before we allow such operations to establish in our communities and cause our water and air to be polluted.

Quebec now has 165 municipalities that are no longer allowing expansion of factory hog farms, as their water tables are already polluted, and so they are now moving to Ontario, a place where no regulations on hog farms exist and where, for over five years, we have been trying to get legislation in place to protect Ontarians.

During the long period of time that this Legislature was not sitting, I took the opportunity to meet with and

listen to farm groups, conservation authorities, municipalities and local citizens from both rural and urban areas of my riding. I even attended a meeting set up by the former Minister of Agriculture on the Nutrient Management Act.

Do you know what, Minister? The message was always the same: they all have concerns about hog mega-operations moving into eastern Ontario without a nutrient management plan in place that clearly spells out the regulation that will be coming down with Bill 81. My leader, Dalton McGuinty, and the Ontario Liberal Party have asked the minister to see the regulations. But—surprise, surprise—we have been told, “Vote to get Bill 81 passed, and then we will see regulations.” No one will accept that.

Minister, I ask you, would you buy a car without knowing what the options were or how much it would cost you to operate it? We must be sure that our water and environment are properly protected with this legislation. We only have to look at Walkerton to see what kind of mess this government made when it didn't listen. You thought it was more important to balance the budget than to have the proper inspectors in place to protect our environment.

Minister, I must tell you this: our farmers are very concerned that they are being blamed for the environmental problems in this province. They agree that a Nutrient Management Act is needed. But our farmers are already cash-strapped, and they need to know how much it will cost them to conform to the regulations and if there will be the necessary financial resources available to them to comply with these regulations. The government provides assistance to municipalities to upgrade systems to comply with legislation, and we must provide our farmers with some assistance to upgrade these systems.

**1850**

Many municipalities in my riding have brought in interim bylaws to protect their residents. Section 60 of the Nutrient Management Act takes away the authority of our municipalities to have any input. Although discussion with most groups indicated they were in favour of province-wide standards, they also thought that municipalities should have a say in areas such as minimum distance separations.

There are many areas of the bill that refer to the word “may” rather than “should.” You know, this scares me. When someone tells me they may do something, they also may not.

I would like to refer to a few articles. I receive most of the publications on the farm. I got this newspaper a

couple of weeks ago from the province of Quebec. The Minister of the Environment, Mr Boisclair—I'll read it in French and it could be translated:

« Boisclair hausse le ton face aux porcheries

« André Boisclair, le ministre de l'Environnement du Québec, hausse le ton face aux porcheries. Lors d'un discours prononcé le 13 avril » dernier « devant le Forum jeunesse du Bloc québécois, le ministre a parlé d'une "décision spécifique au secteur porcin" considérant que le Québec a "déjà atteint ses objectifs de croissance". »

Il dit bien qu'il a « atteint ses objectifs ». Est-ce que nous allons accepter maintenant ce qu'ils veulent absolument arrêter de se produire au Québec ?

« Le ministre de l'Environnement faisait allusion à l'objectif de doubler les exportations agricoles qui avait été fixé en 1998 et qui serait réalisé en 2002. Les propos d'André Boisclair pourraient laisser croire à un moratoire sur le secteur porcin. Il n'a cependant pas voulu confirmer la nature exacte des mesures "spécifiques" qui s'abattent dans le secteur porcin en juin prochain lors du dépôt du nouveau » projet de loi. « Le règlement s'annonce à tout le moins beaucoup plus sévère... »

I also have another article that is clear: "It's time to take concrete action and tackle this situation which is a threat to the environment and to public health," he declared in a communiqué. That was the Quebec agriculture critic, Mr David Whissell. He also stated—it's the headline in the paper—that subsidies should be made available to farmers so they can address environmental concerns.

I would just like to tell you that tonight there is a very important hockey game in Montreal, the sixth game of the series between Montreal and Carolina, and tomorrow night the battle of Ontario, the Toronto Maple Leafs and the Ottawa Senators—mind you, Ottawa will win this series. But imagine if the water they used to flood the ice—the ice is flooded a minimum of three times during the game—were taken from a creek or river where there is a hog farm in the vicinity. The ice wouldn't be white; it would be brown. This is why I say it is time that we looked.

When I say there are some omissions in this bill, definitely at no time do we refer to hog farms. It is very important that we touch that section, because in the past we didn't have this problem. We know that we have pork factories moving from Europe to the western part of Ontario. And because of the fact they cannot establish or expand in Quebec, they are coming into eastern Ontario.

Lately I was talking to a gentleman, a big farmer who milked over 200 cows a day. He was telling me that he lived in Quebec for 15 years. He was next door to a hog farm. He said, "Mr Lalonde"—when I got the phone call I thought he was going to blast me because I spoke against hog factories—"you have to do everything you can to stop this. I have lived next door to a hog farm in Quebec. I had to move out because I was going to lose all my cattle because of the polluted river."

Also, there is a major study that was done by the federal government. The Ottawa Citizen, a daily news-

paper, has acquired a copy. They reviewed the whole study, and it came out that the manure from the hogs and the odour from the hog farm are disastrous for health. You could end up having cancer, depression and some health problem besides that which I don't know. The report really stated it all.

There's nothing in this bill at the present time that refers to hog farms. We have to take every possible way to try to have something, an amendment to this bill, that would prevent the mega hog farms from establishing in eastern Ontario or the rest of the province.

Now, Mr Speaker, I would like to give the additional time to my colleague from Essex county.

**The Acting Speaker (Mr Bert Johnson):** The Chair recognizes the member for Essex.

**Mr Bruce Crozier (Essex):** Thank you, Speaker, and notwithstanding my jibe at the beginning, it really is great to see you back, and I think we're all pleased to be back here. We are debating this evening Bill 81, a bill that was introduced to the Legislature way back in June of the year 2001. When Bill 81 was introduced, we recognized that it was a framework for regulations for the spreading of manure and other nutrients and that it was more enabling legislation than it was legislation that is very specific.

I in fact agree with my colleague from Glengarry-Prescott-Russell that we all want to see appropriate legislation put in place that will protect our water and that will have meaningful regulations with regard to the spreading of nutrients on our land in the province of Ontario. But I would, like my colleague, have to comment that we can't support this specific bill until we can be satisfied that the possible regulations to be determined later will be effective in protecting Ontario's water.

Bill 81, as it stands now, is an empty shell. We are being asked to vote on a bill where all the vital issues are to be determined at a later date through regulations set by cabinet. Members and the public deserve to see, review and comment on the government's draft regulations even before voting on this bill. Liberals, farmers, rural residents, municipal leaders, environmentalists, the Environmental Commissioner and the Provincial Auditor have been calling for province-wide rules for years.

After promising this bill in the spring of 2000, this government has now tabled legislation that includes a phase-in period of five years of many of the vital elements. Furthermore, the bill completely relies on standards to be determined some time in the future. If this bill is going to be effective, it must include financial resources. Ontario's cash-strapped farmers will require financial assistance to meet the new rules. After years of cuts, the Ministry of the Environment and the Ministry of Agriculture do not have the staff that is needed to properly inspect and enforce these new rules.

There are additional reasons why we feel that it will be necessary to vote against this bill. First, Liberals put forward a number of amendments to Bill 81 at committee, and all were voted down by the committee's Conservative majority. Our key amendments to the bill

would have removed provisions in the bill that will allow the government to privatize vital nutrient management inspection, administration and training services. As we've seen with so many other government health and safety issues—for example, drinking water and food safety—this government's privatization agenda threatens the health and safety of Ontario's working families. Our amendments would have forced the government to implement regulations to protect our water. Instead, Bill 81 essentially states that the government may introduce such regulations. The standing orders of the Legislature do not allow us to introduce amendments that include spending by the government, but we have asked that the government commit funds and provide assistance to farmers to help them meet these new rules. To this date, we don't have that commitment.

#### 1900

Second, the Tories are insisting that we support a bill that's basically just a blank cheque. They've offered to consult with farmers and members of the Legislature when they begin to develop regulations to enforce Bill 81. But how can we vote in favour of a bill without seeing these regulations?

We will be supporting the Tories' plan without knowing a number of key things. For example, what does or does not constitute a nutrient? Is it chemical fertilizers, municipal leaf compost, food manufacturing waste? What can or cannot be spread on fields? What's required as part of the nutrient management plan or strategy? Should there be different standards for different-sized farms? What size? How many different categories? Should small farms be exempt? When should these farms and these categories have to meet the requirements of Bill 81? What kind of storage will be required? How should the storage be built? Where should the storage be built? How much manure can be spread? When can it be spread? What kinds of soils can it be spread on? How far back from waterways must it be? How far away from municipal wells, neighbouring properties and homes? How far back should livestock be kept from waterways and municipal wells, if at all? What training or certification will be required to store and spread nutrients? What will the fees be? How much will the training, certification and permits cost? Who's going to administer and enforce the bill: the Ministry of the Environment, the Ministry of Agriculture, local advisory committees or the private sector?

Bill 81 will allow untreated human waste to be dumped on fields for the next five years. Do we want that? It's very likely that the final report of the Walkerton inquiry may contain some recommendations for managing farm nutrients. We need to see what Justice O'Connor has to say on this important issue.

Just as an example, some of the elements will be determined by cabinet by regulation. In all likelihood, if they're approved under that process, they won't be debated in this Legislature. Bill 81 is meaningless without the regulations. With only one or two minor exceptions, the government has not presented proposed

regulations. But the government has promised to consult with the public. Well, we know that consultation can take many forms. Consultation can be private meetings behind closed doors. Consultations can be public but with only certain invited participants. Do we know whether this will be a broad public consultation? We don't. We're not really sure about key issues that will be determined in the regulations.

There has been interest-group response to this, as my colleague from Glengarry-Prescott-Russell has mentioned. In general, farm organizations have welcomed the bill because it will provide for one set of rules for the entire province. Farmers, though, have been confused with different municipalities having different rules. Uncertainty over new provincial rules has led many farmers to put off investments in new manure storage facilities. Farm groups have also unanimously called for government financial assistance in order for farmers to meet the new nutrient management rules.

Municipalities have also welcomed the bill. They were strongly opposed to an earlier provincial plan to download all the responsibilities for administering and enforcing the bill on to these municipalities.

There are many unanswered questions. The idea of nutrient management we all accept. What is difficult to accept is a bill that doesn't answer the important questions.

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

**M. Gilles Bisson (Timmins-Baie James):** J'aimerais féliciter mes collègues pour les commentaires qu'ils ont faits sur ce projet de loi 81. Je veux souligner que, comme le parti Libéral, le caucus néo-démocrate, sur le principe du bill, est d'accord avec la direction que le gouvernement veut prendre. C'est une question qui est très importante pour nous dans la province de l'Ontario parce que—

*Interruption.*

**Mr Bisson:** Thank you, Speaker.

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

**Mr Ted Arnott (Waterloo-Wellington):** I would just like to compliment the member for Glengarry-Prescott-Russell as well as the member for Essex for their contribution to this debate.

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** I'm pleased tonight to be able to add my comments as well to the ones of my colleagues from Glengarry-Prescott-Russell and Essex.

The members of the Legislature would know that when the bill was introduced some months ago, the members on this side of the House were very anxious for its passage because we heard from our constituents, certainly in my riding. It's a piece of legislation that representatives on municipal councils think is important and certainly members of the farming community think is important. Residents across the riding that I represent understand, particularly after what happened in Walkerton, that these are issues that impact families who may not be living on a farm but who live in rural Ontario and who may have as their water source wells that might be

close to agricultural activity. So we all recognize the importance of this bill.

It certainly has been the position of Dalton McGuinty and Liberals on this side of the Legislature when debating Bill 81 to stress how important it is as well that we have some better understanding of exactly the detail that the regulations will include. The government has engaged in public hearings across the province. I had the opportunity to attend a number of those hearings—or certainly the one in Kemptville; I stand corrected. I appreciate that the members of the public are most interested in ensuring there is appropriate regulation so that our water sources are protected and also so that the agriculture industry will be able to sustain itself. We need to sustain the agriculture industry in Ontario: they feed us.

I thank the members, my colleagues, who I think have made the points so very well, and I encourage the government to pay some heed to the points they've made this evening.

**Mr Frank Klees (Oak Ridges):** I had the privilege of participating in debate on this proposed bill in the last session, and I believe the work that has been done subsequently has been significant. The work of the committee I believe has been diligent, and we appreciate the contribution of members opposite to this debate. We on the government side look forward to this legislation being passed without further delay.

**The Acting Speaker:** The member for Glengarry-Prescott-Russell has two minutes to respond.

**Mr Lalonde:** When I referred to the committee a little while ago, I just hope the government will take into consideration what I brought to their attention. The committee should be formed of people who have knowledge in the agriculture sector, not people from the urban sector who have never attended an agricultural college or anything like that. Even with the agricultural college, if they had graduated, let's say, 15 years ago, we didn't have this problem with hog mega-farms like we have today. So it should be formed of representatives from the rural sector who have the knowledge and also have a large proportion of the agriculture sector within the riding. Also, the municipal rep who I said should be part of that committee should be someone from the rural sector. Otherwise, they will come up with decisions that would definitely affect not only the agricultural people but also the rest of the citizens in the area surrounding where we're talking about mega-farms.

**1910**

The urban sector, at the present time, doesn't know what's happening when we're talking about mega-farms. Also, at the public meeting I had, I had nine of them. Of the nine, everybody said there's no way the government should go ahead without having the regulations, and I said that in the initial point I brought to your attention. At the present time, regulations are not guaranteed. They refer in the regulations here on page 9: "... kept by the farmer or the other persons that are specified in the regulations for the period of time specified in the regulations..." So really we only refer to "may," "may," "may."

**The Acting Speaker:** The member's time has expired. Further debate?

**Mr Arnott:** It's my privilege to rise tonight on behalf of my constituents in Waterloo-Wellington and speak to this very important bill, the proposed Nutrient Management Act.

In the fall sitting of this Legislature, many of my colleagues, in particular the former Minister of Agriculture, Food and Rural Affairs, the Honourable Brian Coburn, and his parliamentary assistants, Doug Galt and Toby Barrett, explained why the government of Ontario introduced this bill. They outlined the benefits it would bring, both in terms of agricultural sustainability and environmental protection.

It is my privilege to add my voice to those of my distinguished predecessors and to act as the forerunner to remarks at third reading by the current Minister of Agriculture and Food, the Honourable Helen Johns. Having followed closely the province-wide consultations that preceded the drafting of this bill, I want to reassure all members of this House that this proposed legislation truly reflects the concerns and hopes of residents of rural Ontario. Municipal officials and leaders, rural residents and environmental groups were all looking to the government of Ontario to provide the leadership required to turn a piecemeal patchwork of bylaws into a clear, consistent and province-wide approach to nutrient management.

Before we could lead, however, we had to be sure where all these people were prepared to go. The province-wide Galt-Barrett public consultations regarding the issues surrounding intensive agriculture operations gave us that direction. They heard 140 oral presentations from delegations representing farm organizations, environmental groups, individuals, municipalities, planners, medical officers of health and provincial stakeholder groups. They received some 200 written submissions, again from individual farmers, farm organizations, municipal officials, environmental organizations, citizens and agribusinesses.

The government also studied other jurisdictions in Canada, the United States and Europe. In September 2000, the Galt-Barrett team joined the Ministers of the Environment, Municipal Affairs and Housing, and Agriculture, Food and Rural Affairs, along with the farm and commodity leaders, the representatives of environmental and rural groups and municipal officials for an intensive day-long meeting. The purpose was to ensure that the ministers most involved with the issues heard first-hand from those most affected.

Time and time again, the message we received was that the time had come for nutrient management legislation, that it was needed, that to be successful any approach to nutrient management would have to be province-wide, based on clearly articulated standards, cost-effective and enforced by the province. That is the approach we as a government took when we drafted this proposed legislation. And, as this House knows, immediately after first reading of this proposed bill, additional input from the public was sought through the Environ-

mental Bill of Rights registry and the standing committee on justice and social policy. As you well know, Mr Speaker, that committee, chaired by the member for Haldimand-Norfolk-Brant, held nine days of public hearings in nine different locations across the province: in Toronto, Caledonia, St Thomas, Chatham, Clinton, Owen Sound, Kemptonville, Peterborough and North Bay. Again the public delivered the same message.

Those who took the time to address the standing committee were, in the main, supportive of the proposed bill. They were pleased by the fact that Bill 81 would allow for the creation of local advisory committees. They agreed with the government's intention of developing education, training and certification programs. Above all, they agreed that they wanted to be very involved in the development of standards and regulations under this proposed legislation.

The same committee also went through Bill 81 clause by clause. Twenty motions were brought forward, I understand, and five were passed and accepted by the majority on the committee. The purpose of the proposed legislation is now more clearly articulated as a result of these amendments and reads as follows: "The purpose of this act is to provide for the management of materials containing nutrients in ways that will enhance protection of the natural environment and provide a sustainable future for agricultural operations and rural development."

The proposed Nutrient Management Act reflects the will of the people of Ontario, and it would enable us to draft standards and regulations governing the application of materials containing nutrients on agricultural land. It would not only ensure the continued success of our agri-food industry, but it would also protect the quality of our natural environment.

When it comes to the drafting of the new regulations, that too would be done in consultation with the people most affected by them. We would seek input from farmers and their organizations, from environmental groups, from rural residents and from municipal officials and others. It is, in fact, the minister's intention to begin the dialogue as soon as possible—and I'm pleased she's here in the House for this debate. We intend to go back to the farmers, the environmentalists, the municipalities and the rural residents and develop the standards and regulations that will make this bill effective, in consultation with those who would be most affected by them. We recognize that this proposed legislation would have implications for farmers, municipalities and others, and we are committed to fully understanding these implications before moving forward.

The government of Ontario is confident that the proposed Nutrient Management Act is the right piece of legislation for this province. In short, this legislation is timely and remains needed. It did not pass in the autumn when it should have, so let us pass it now.

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

**Mr James J. Bradley (St Catharines):** Farmers often use the term "pig in a poke," and they don't want to buy a pig in a poke. The problem with this particular piece of

legislation is that we're not going to see what the regulations are, and the regulations are going to be exceedingly important with this bill. The government wishes us to accept some general statements which are contained in the bill but does not get into the detail.

In terms of wanting to move this bill quickly, I point out to the people of Ontario that this government deliberately kept this House out of commission—in other words, the House was not sitting—for almost five months. The last time the House sat was mid-December of the year 2001. Here we are in mid-May 2002 before we're sitting again. Can you imagine the uproar in Ottawa if the federal Liberal government had announced it wasn't going to sit from the middle of December until the middle of May? Could you see Ken Shaw lobbing those questions to our friend Mike Duffy, and the National Post and the Toronto Sun and the official opposition in Ottawa? There would be a national uproar. Yet around here it seems to be some kind of joke. Not one story written about it. Only passing reference to it once in a while.

But I want to tell the people of Ontario that the Eves government kept this House out of session for five full months. Now they want to bring in legislation and ram the legislation through in record time. If this government were serious, it would have brought the Legislature back into session in January. Remember, the federal House was back in session in January of this year. Here we are in May, and the House has finally come into session.

We're going to have to have some detailed study of this. We want to see those regulations, I'll tell you, before we want to proceed.

**The Acting Speaker:** I just want to remind those who are making their comments or asking questions that it's quite in order to make remarks about the speech that was made prior.

Comments and questions?

**1920**

**Mr Pat Hoy (Chatham-Kent Essex):** I am pleased to rise and make some comments on the previous presentation made by the member opposite on Bill 81, the nutrient management bill.

The farmers and the rural residents of Ontario and the municipal leaders, environmentalists, the Environmental Commissioner and the Provincial Auditor have been waiting for province-wide rules for years. We are now on the third Minister of Agriculture to be talking about nutrient management and the fact that it is a priority for this government. But the government seems to be unable to control their own agenda—which of course they have the full right and full privilege to do in this House—of getting this bill passed. This bill was promised in the spring of the year 2000, and people across Ontario in all walks of life, and particularly farmers who are waiting for the guidance that would come from this bill, have waited and waited and they continue to wait.

My colleague across the floor did not mention one of the important aspects that the farming community was looking for in this bill, and a commitment from the

government for, and that is financial resources. Many of the smaller operators—and we have them in every jurisdiction of our rural ridings—and the large ones, will need financial assistance for compliance reasons that the government may put forth. Of course, we don't know what the compliance will be, because we don't have the regulations yet. Therein lies the whole crux of the matter: this Bill 81 is enabling legislation; however, it will be the regulations that will give the guidance and the teeth to ensure that everyone understands what we must do on our farms. Most of our farm operators are fabulous stewards of the land, and they need some financial resources from the government to meet with the compliance that they are waiting so desperately for.

**Mr Bisson:** Monsieur le Président, I'm going to try it one more time, this time without a cellphone.

I was saying earlier that our caucus, the New Democratic caucus, supports generally the direction the government is trying to take by way of this bill. I don't think anybody wants to argue that we need to do all that we can in order to manage this whole issue of being able to make sure that we don't contaminate our ground water. There are parts inside this bill that are certainly a step in the right direction. But there are a number of things that we were hoping to get at the committee level in regard to amendments in order to strengthen this bill.

It's rather unfortunate that we've gotten ourselves in the habit around here as of late that the government introduces bills and is very reluctant to accept any kind of amendments from the opposition parties when ideas are brought forward on how to strengthen the bill and how to make the bill work better for the people we supposedly represent. I think that shows a weakness on the part of the government; I think it says of the government that, quite frankly, it's not as democratic a government as it should be. I would think that the way this place should work, and the way it should work properly, is that the government should accept some of the amendments that are made by the opposition. If they're amendments that have been thought through, that have been researched and have worked well with the bill, and then are able to be incorporated in the bill, they would find, in fact, they would get a lot more support on this side of the House if the government was prepared to do that.

But it is frustrating for critics, and in this particular case Marilyn Churley, our critic, who did an enormous amount of work on this bill and really wanted to get a number of amendments passed and is not satisfied that the amendments that she tried to put forward were taken seriously by the government. You can say anything you want about Marilyn, but the issue of the environment is something that is a passion to her; it's something she has been working on all her life in politics, some 15 or 20 years now in politics.

So I say to the government, yes, a step in the right direction, but a pox on your house for not accepting that the opposition, in this case the New Democratic opposition, could bring forward amendments to this bill that would have made it a lot stronger. I'll get a chance to talk about that in debate a little bit later.

**Mr Dave Levac (Brant):** It's a privilege to do my two minutes on the bill. I would like to use my two minutes to ask some questions. Here are some of the questions that I believe should have been asked by this particular bill that's being set before us. What does and doesn't constitute "nutrient," "chemical fertilizers," "municipal leaf composting" and "manufacturing food wastes"? That isn't answered. What can or cannot be spread on fields? That, again, isn't answered. What is required as part of the nutrient management plan or the strategy? That is not answered. Should there be a different standard for different-size farms? What size? How many different categories? Should small farms be exempt? That's not answered. What kind of storage will be required? How should the storage be built? Where should the storage sheds be built? Who's going to pay for them? Who should test these farms and put them into categories to meet the requirements of Bill 81?

More questions; no answers. How much more manure can be spread on a field? What can be spread? What kind of soils? How far back from waterways, municipal wells, neighbouring properties, homes, independent wells? Those questions are still not being answered.

What training or certification will be required to store or spread nutrients? I relate this to another bill that was brought to this House before about the amusement rides. Only 50% of those inspectors are certified to inspect those rides. Are we going to go through that same problem with this bill?

Those are questions, and I've got many more that need to be answered before we jump holus-bolus into Bill 81.

I appreciate the time, Mr Speaker.

**The Acting Speaker:** The member for Waterloo-Wellington has two minutes to respond.

**Mr Arnott:** I appreciate the comments that have come forward from the opposition side, from the member for St Catharines, the member for Chatham-Kent Essex, the member for Timmins-James Bay and the member for Brant.

The member for St Catharines pointed out that the House has not sat very much this year, and I would agree with him. That is correct. I was ready to come back according to the calendar, as I know he was. I know that he's very busy in his riding, as I am, when the House is not in session. Certainly it is a fact that last fall, before Christmas, there were a number of adjournment motions, both adjournment of the debate and adjournment of the House, coming from the Liberal caucus and the NDP caucus when they had the floor, and for that reason, some important legislation did not pass.

It's frustrating for me as a government member when I know—especially I think in this bill, if I'm not mistaken, the Liberal Party has indicated that they intend to support this bill. That being the case, it seems very strange that we would continue this debate ad nauseam. I hope they would reflect upon that and they would respond to the will of the people, which is to get this bill passed. That's been the message I've heard from the Wellington Federation of Agriculture and I believe the Waterloo Federation of Agriculture in my constituency.



The member for Chatham-Kent Essex talked about the need to proceed and get this bill passed. Again, I agree with him. Let's do that.

The member for Timmins-James Bay talked about the number of amendments that the opposition brings forward at committee. I recall while sitting in opposition when the New Democrats were in power all kinds of amendments being brought forward by opposition parties that were rejected out of hand by the government of the day, which was the Rae government. But I also know that the amendments to this bill that were put forward at committee were given serious consideration by the government before decisions were made on whether or not we would support them. I also know that some of the NDP amendments in fact would have completely changed the fundamental principle of the bill, and for those reasons they were rejected.

The member for Brant asked a number of very specific questions, good questions I would say. I know that he knows that those issues will be discussed further and will be responded to in terms of the regulations that will come forward in this bill.

**The Acting Speaker:** Further debate?

**Mr Ernie Parsons (Prince Edward-Hastings):** I am pleased to speak to Bill 81, the Nutrient Management Act, although the more time I spend here—and that hasn't been a lot lately, unfortunately—the more I feel like I'm in Alice in Wonderland. There is a real rush to get this bill through, except we broke just before Christmas and haven't been back.

I guess I will never be able to forget the urgency there was in getting Bill 125, the Ontarians with Disabilities Act, through. We crammed all of the hearings into one week. We toured across the province quickly. "It's got to be through before Christmas." It passed third reading before Christmas, and so far the title has been proclaimed—just the title. So I guess it was really urgent to get a title through before Christmas, but the act itself has not been proclaimed and it hasn't changed anything.

So even with the urgency of getting this through, I understand that proclamation can take a year or two.

**Mr Bradley:** The ads had to get out.

**Mr Parsons:** Yes, the ads had to get out. I quite understand that. We had to get them advertised so they could say, "We have passed the bill." But even after it's passed here, it still has to have regulations prepared, and goodness knows when they will be.

Speaking of regulations to this bill, that's the real challenge, I think, because this bill—well, I guess politicians or people in public life have to compromise. They have to come up with a piece of legislation that makes some people happy and others unhappy, but they satisfy as best they can all of the groups.

**1930**

The problem with this bill is we don't really know what it says and what it's going to do. It is so vague that it is a hollow bill which in effect just gives the government the ability to pass regulations. There's not even a legal requirement to consult on the regulations, although I understand the government's prepared to do that.

**Hon Helen Johns (Minister of Agriculture and Food):** Not without unanimous consent we're not.

**Mr Parsons:** That's a shame then, because we're not talking political games here between the three parties, Minister. We're talking farmers, we're talking safe water, we're talking people of Ontario who are begging for this protection and begging for this action and looking for direction.

**Hon Mrs Johns:** Give us unanimous consent then.

**Mr Parsons:** Well, I'm not going to talk about the political games. I'm going to talk about the bill. The bill has had a great deal of publicity which has caused a great deal of concern throughout Ontario. The people want safe water. They've lost that assurance. They've lost the assurance that a glass of water won't necessarily cause death.

I read, as I'm sure many of you have, the newspaper clippings in the past couple of days of that two-and-a-half-year-old girl who went on a trip for a day with her parents, drank a glass of water in Walkerton and died.

The public wants assurance back that they will have safe water. This bill should do that and it probably will. I'd like to support it, but it depends on what the regulations say as to how we'll get that safe water.

Farmers do not want to pollute. If there's any industry that needs to protect the environment, it's our farmers. But this bill comes at a time when the farm community is being hit brutally hard again financially. Two years ago in my community many, many of the farmers could not get on the land because it rained April, May, June. They could not get their planting done—a catastrophic year. I talked to farmers who had 60% to 70% of their fields they were unable to plant.

Last year a drought, a drought of a type that I never recall, where we had no rain through April, May, June, July and August. In parts of my riding, particularly the Prince Edward county part, they simply had baked-dry fields, hurting them financially. We called upon the minister at that time to recognize that this was indeed a catastrophe for our area for the farmers. No indication, no support.

Farmers who are saying that we need a made-in-Ontario safety net desperately now to survive are now faced with a year where again it is—

**Hon Mrs Johns:** Write your Liberal buddies and ask for the 60%.

**Mr Parsons:** Thank you, Minister of Agriculture, for the heckling.

We have this year another instance of rain, dry the next day, rain again, and farmers who should be on the land planting now can't even think about going on it. The farmers in much of Ontario are in dire straits while at the same time we're seeing the Minister of Agriculture and Rural Affairs—the money's going more to rural affairs than to the farmers.

This bill has massive implications for them in the costs that they will have to expend for storage facilities. It is simply not feasible or possible for them to shoulder all of the costs. I don't think the people of Ontario expect

them to, but they're worried and they're hearing no assurance at all out of this bill that there will in fact be assistance for them on it.

The bill contains that vague wording that appears in virtually all of the bills from this government that leaves the door open to privatization, and along with privatization of inspection invariably come user fees. This isn't a government that is a master at cutting taxes, this is a government that is a master at moving taxes. "We'll get the municipality to collect them, we'll get the private firms to collect them. We can get the same expenditures but we'll look better by transferring them to somewhere else." We're seeing that with the land ambulances, we're seeing it with health units, we're seeing it with so many things. Privatization runs a very real risk of opening the door to user fees that are not sustainable by the farmers.

We want regulations to protect our water, and that is very, very complex. We need to know what they will be. There are some paintings from the 1800s that show cattle standing out in the field, in a stream drinking, and they're very, very beautiful oil paintings. Those days are gone. We know that the cattle pollute when they go into the stream but we need to know how close to it can a farmer let them graze. That's not a simple answer, because you see we don't have the same type of soil everywhere in Ontario, we don't have the same slope, we don't have the same weather conditions. So where you can spread nutrients—and, by the way, we don't even know exactly what these nutrients are; they're just nutrients, which is a nice generic term. We don't exactly know what they intend to allow spread on the fields. The people of Ontario need to know. The people of Ontario want to know.

But, depending on the soil type, depending on the crop that's on it, it profoundly influences how close you can spread nutrients to a particular open stream or how close you can spread them to a well. We have none of that information to make that decision. There is unfortunately no possibility of the opposition's introducing amendments which cause money to be spent. So that puts the onus and the responsibility on the government to come up to the plate and say, "This is what we will do."

As much as the Ontario Liberals would like to introduce amendments that would provide financial support for farmers, because the financial support for farmers hastens the speed with which we can assure clean drinking water, we can't make those amendments, we're simply not permitted to, and so we have a situation of, "Vote on this bill and trust us." But it probably is not a smart move on the part of the people of Ontario to "trust us." There have been too many letdowns in the past, and we need to recognize that without the details, this isn't a bill we can support. In a sense, it's writing a blank cheque to the government, to say, "Do anything you want with the regulations."

One of the problems in Ontario—and I recognize that, because the government side recognized it—is that the voters do not reside in rural Ontario any more. So we've seen the shift; we've seen all the agricultural offices closed even though it was promised they wouldn't. We

have seen the money shifted away from farmers and into the urban area. The pressure now appears to be that we want cheap food, but in far too many cases it's the farms that are subsidizing it, and they can do that for only so long.

So come up to the plate and say, "This is what we will do. This is what the bill will contain. These are the financial provisions we're prepared to put forward. This is the money that will be put into it." Without that, how can we agree with it?

I've talked about a timeline and I've talked about not knowing what nutrients are. One thing I certainly do understand is that this bill will allow raw human sewage to continue to be spread on the fields for the next five years. In rural Ontario the way of life is septic tanks, and they have to be pumped out periodically in order to keep the tile bed clean and operating. But I would suggest that it approaches the irresponsible to say that raw sewage can continue to be spread for the next five years. Surely this is one issue they could have tackled and put in the bill and said it stops when the bill is passed.

This bill can't be supported, because we really don't know what it is, other than the title. It leaves virtually everything of any significance up to the drafters of the regulations after the Minister of Agriculture has threatened to not do consultation with the farmers. But the farmers went into this process accepting the word of the last Minister of Agriculture: "We will consult on the regulations." So they made some appearances at the public meetings, but said to me, "We really want to be at the regulations because that's where the gist of it is."

Now we have the Minister of Agriculture saying, "Unless you play your political games with us, unless we get unanimous consent, we won't consult." It is the farmers in this province who will lose, and I think that's a shame.

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

**Hon Brad Clark (Minister of Labour):** I'm a little bit surprised by some of the points that have been raised tonight. First, with the issue of regulations for the bill: correct me if I'm wrong, but every government that has been in this House has passed legislation and then dealt with regulations afterwards. It happens with every Parliament in Canada. This is quite common. It happens all the time. To now have this feigned indignation that somehow we're doing something wrong by passing a bill without talking about regulations ahead of time just really strikes me.

Secondly, the member is talking about consultation, that we haven't done enough consultation. Well, apparently there were two years of consultation, there's been ample consultation, plus a promise that they'll consult on the regulations. So that seems to be another red herring.

Finally, the member was saying, "We want to deal with amendments to the bill." The opposition Liberal Party is saying they want to deal with amendments to the bill. To the people at home who are paying attention to this: the Liberal Party in December rose and asked for unanimous consent to pass the bill without any amend-

ments. Now all of a sudden they want to talk about amendments. If they want to have indignation about something, I can appreciate having indignation, but only when there's merit to it. You can't feign indignation about things that you've already dealt with. This is ridiculous.

**1940**

The reality is that regulations are passed afterwards all the time. That's what happens. And the minister has agreed that there will be consultation on the regulations. I think that's eminently wise.

Consultation? There has been ample of it.

Finally, I reiterate: you can't sit here and say, "We're not going to pass this bill until we have an opportunity to amend it," when in fact your own members stood in the House and asked for unanimous consent to pass the bill.

**Mrs Dombrowsky:** I am happy to respond to some of the comments made by the Minister of Labour with regard to the regulations and some of the issues on this side of the Legislature.

I would just like to share with you some of the questions that come to me in my riding from people in the farming community and also municipal representatives. The issue they have related to the regulations that will be written after this is law is: "what is it going to cost us? How much are we going to be on the hook for whatever eventually gets unfolded in the regulations?"

Within the farming community, of course, farmers are of the mind that it is possible in regulations that they will be stringently regulated for the safety of the community, and that is appropriate. But there is no indication on the part of this government or the minister that there is going to be any plan in place to assist them with any of the financial burden that may come to them as a result of the regulations.

From my perspective, I think that is a very valid issue that the farmers have. I would certainly be comforted to know that the government has a commitment that, whatever does unfold in regulation, the farming community will be assisted by the government to ensure that they're able to adhere to regulation.

The other group that I hear from in my riding are municipalities that at the present time, and for many months of course, have had to deal with this. They have the same kind of concern that the farmers have, that somehow within the regulations that will unfold after this is law, after it is a fact that they must ensure enforcement, that somehow they're going to have to expend some of their very limited resources in the area of enforcement and so on. So municipalities have said, "What assurance do we have from the government that we're not going to be expected to hire and train enforcement officers to deal with this new regulation?"

**Hon Norman W. Sterling (Minister of Transportation):** I represent an urban area as well as a rural area and I know this piece of legislation is of great concern to the farming community. But I must say that when you put together the financial issues which the farming community has today, this is minuscule compared to the

problem they are having with crop subsidies, which the federal Liberal government continues to refuse to take responsibility for. That problem relates to an international problem, as you know, with regard to the United States government bringing forward massive subsidies for their farmers, and our federal government sits back and does nothing.

I'll tell you this: our government would be pleased to step up to the plate time and time again on this bill if the federal government will do their part with regard to the bigger problem with regard to crops and the ability of our farmers to continue farming into the future. This crop problem is an international problem. It is not made in Ontario. If you talk to any of your farmers, they will tell you that. They will tell you that straight to your face.

They came to my office, they came to other MPPs' offices and said, "We're here because your government has come to our aid in the past," which we did last year—big time—\$90 million worth. We embarrassed the feds into stepping up at that time. The feds must step up and save our farming community. If they step up big enough, we might have enough resources to deal with this problem.

The other problem is a very technical problem. We need to, on each regulation, go to the farming community and consult with them as we make these regulations in harmony with what they can do, and we want to do that. The farming community understands this.

**Mr Bradley:** I thought the speech was rather interesting on this bill. I heard the member across, now the Minister of Transportation, talk about outrage in the opposition. The outrage is coming from the likes of the people of Walkerton, who are outraged at what they had to put up with as a result of contamination of their water supply. People right across this province are now very worried that if we don't have the kind of legislation, the kind of regulations, that are going to be effective, we're not going to be able to deal with this well.

I know the minister would like to be able to list this as a bill passed and pretend they're doing something serious about this issue. But until such time as you see the regulations—and I agree that we have to consult on the regulations. I'm all for that. What I'd like to see in this bill are the proposed regulations that you have, presented to the House before the bill. If you wanted to consult further, you could consult further. But you're asking the opposition and the people of this province to buy into a bill, and we don't see the regulations, which are the details; and in this kind of bill they're extremely important.

I can tell you as well that when you have a provision for untreated human sewage to be spread over the farmland of this province for the next five years, that's a recipe for disaster in this province.

I would also like to see the Ministry of the Environment play the meaningful role that it should play. I know the minister is busy with energy and busy as House leader, but I'm going to tell you that I think the Ministry of the Environment should play a very primary role in the

supervision of this piece of legislation because it is the regulatory ministry. It is detached. It does not have a conflict of interest. So I think the Ministry of the Environment has to play a significant role, and I'm glad the minister is with us this evening in his capacity as House leader to ensure that this indeed will happen.

**Mr Bisson:** Again, I just want to come back to one of the points made by Marilyn Churley, our critic on this particular bill, and that is the issue that was raised by the speaker just before me. The Liberals argued, and we argued to an extent, that we would like to be able to see the regulations. The government says, "No, we're not prepared to do that," and I hear the argument on the other side, "When do we ever pass legislation with the regulations in the House?"

We had proposed one very small amendment to the bill. We said, "OK, we understand these are technical amendments. We understand we might have to work on some of them, but we'd like to get a sense of what some of them are. Table whatever ones you've got now and we'll look at them. At least we'll have a chance to get our heads around them and take a look at what needs to be done." But we said that, short of that, then accept only one amendment that would force the government to post those amendments through the Environmental Bill of Rights on the registry. That way, people would be able to see them coming.

The Minister of Transportation says these are very technical amendments. You're right. They are very technical amendments. That's the reason why we in the New Democratic caucus argue that there at least has to be some mechanism so that those people out there in the community in Ontario who know far more about these issues than maybe you or I, sir, have an opportunity to know when the amendments are being brought forward by the government, so that they're posted through the Environmental Bill of Rights legislation, so that people can find out about them, take a look at them and then make comment through the Environmental Bill of Rights in order to make sure that in fact those amendments do what we would want them to do.

So I understand the government saying they're technical, but at least you could have accepted this one amendment we put forward that would have obligated the government to enact part of the EBR on this particular bill so that, yes indeed, when those amendments come forward, people can find out about them, and then there's some ability to do something about them through the EBR legislation.

**The Acting Speaker:** The member for Prince Edward-Hastings has two minutes to respond.

**Mr Parsons:** I'd like to thank the members for Stoney Creek, Hastings-Frontenac-Lennox and Addington, Lanark-Carleton, St Catharines, and Timmins-James Bay for their comments, some of which I appreciated.

I do think, though, that we need to speak to the fact that it is always easy to blame someone else. Goodness, I caught on to that very quickly when I first got here. It was always someone else's fault. But the fact is that the

farmers want, and there has been considerable talk about, a made-in-Ontario safety net. They are citizens of this province. What do we have a Minister of Agriculture for if she's not going to stand up and fight for our farmers and do something to solve it?

**1950**

Interestingly, it's easy to blame the feds. Ontario does the matching with Ottawa exactly what they're required to do—the minimum, no more. They've said the minimum is the maximum. If we look at the province to the east of us, Quebec puts far more into farming, recognizing that it is the second-largest industry.

**Hon Mrs Johns:** We put \$20 million more in than the feds did.

**Mr Parsons:** Since you weren't present at any of the consultations, tonight is kind of a mini-consultation for you. Hear what the people of Ontario told us to tell you. What the people of Ontario are saying, Minister, is they believe the provincial government has a responsibility to serve them by giving them an idea of what it will cost, by listening to them on the regulations for the Nutrient Management Act and by putting in place the made-in-Ontario safety net that you have talked about, that you have promised, that you've got all kinds of media on.

The farmers pay taxes to Ontario. You've set up the system so that they pay taxes. They're not the auto industry, but they are an industry we need to value and protect with more than just lip service by actually giving them some value for their dollar. They're taxpayers. They deserve to be represented in this House, and I guess this side has to do it.

**The Acting Speaker:** Order. I just want to remind those members—I'll direct this to them, and they know who they are. Yes, it may have been five months since you were here, and maybe you've forgotten the rules. Each member gets a time to debate. It goes around in order. When your turn comes, please feel free to get my attention and stand up and do it. In the meantime, our rules don't allow for talking, speaking out, yelling, screeching, hollering or anything like that. If there's anything else you need to know about the rules, just come up and see me while somebody's speaking and I'll explain them to you. Other than that, I might have to take other measures.

I'd like to recognize the member for Timmins-James Bay for further debate.

**Mr Bisson:** Thank you very much, Mr Speaker. I want to put a couple of things on the record, because I think it's important at this point in the bill, second reading, that those particular comments be made.

At the outset, I just want to say the work Marilyn Churley, our critic, has done on this has been absolutely phenomenal. She is an advocate of the environment. Like her politics or dislike her politics, I think everybody understands that when Marilyn speaks on the environment it's something that is a passion for her, as it is for other members in this Legislature. I tip my hat for the work she's done on this.

I only got the chance to sit on this committee a couple of times, so I'm not an expert. But there were a couple of

things that struck me when presenters were before this committee. The two of them have to do with what's already been spoken about in the Legislature to an extent, and that's the issue of the Ontario Federation of—I'm thinking MNR now—the OFA, I should say, the Ontario—

**Hon Mrs Johns:** Federation of Agriculture.

**Mr Bisson:**—Federation of Agriculture. I don't know why, but I was meeting with anglers and hunters all weekend, and I've got that on my brain tonight.

Anyway, when they came forward they had a couple of issues that they agreed with us on, and they thought there should be some sort of amendment. One of the issues is the delegation of the registry to the private sector. It's the feeling of the New Democratic Party that the process you have regarding the work that is going to be done in this particular bill, when it comes to the operating of the registry, of the management plans that will be put forward to deal with this issue—that work would be best left to the Ministry of Agriculture and Food.

As New Democrats, we, along with a number of people in the farm community, do not believe that responsibility should be delegated outside the Ministry of Agriculture and Food for a number of reasons. One of them is ideological. I would agree and understand if anybody says afterwards that it's ideology. Yes, I believe the public sector should be doing those particular jobs. Why? Because at the end of the day, they are accountable. They are employees of the province of Ontario. They answer to ministers, ministers answer to critics and we answer to the public in turn. By keeping the registry in the hands of the Ministry of Agriculture and Food, I believe it's going to be a much more transparent process.

So I would argue, along with Marilyn Churley, that the government should have accepted an amendment that doesn't allow you to delegate away, as in the delegation clause under section 55 of the bill, the responsibility for the operation of the registry. We don't believe it makes for a very transparent process in the long run. Will the people doing this be good-hearted people who want to do the right thing? I'm sure. But that's not the issue. The issue is, do we, as a province and as a Legislature, believe that work is best done by people who work directly for us in the government, who are accountable, or do we believe that we can actually privatize those types of services and still get the same type of transparency? I would argue not.

I'll just give you a good example, a little sidebar. In the privatization of Hydro—some of you may know this, some may not—it used to be that all electrical work that was done in the province—and this is related to this bill, Speaker, so just hear me out for a second—if you called an electrician to do work, you used to call the Ontario Hydro inspector. The inspector was an employee of Ontario Hydro. Basically, he came over and did the inspection and everything was fine. We have now privatized that particular service, which is the inspection stuff, and it's gone over to a safety association that does all the

inspections. I can tell you that the private sector, the contractors who have to deal with that particular agency, are up in arms. One of the issues is that it is not transparent. The argument I'm getting from contractors in my riding is that once they've moved this inspection department into the quasi-private sector, they're not accountable to anybody. They're trying to get answers, for example, as to why it is that this particular agency or this private sector operator is now charging all kinds of fees for things that the contractors never had to pay for before.

For example, if you called an electrician to come and fix lights inside this chamber prior to this privatization, the only bill you got was for the work done by the electrician, if it was a contractor coming in. Under the current regime, because it has been privatized, they have to apply for a permit for each fixture they go and fix, for every plug they go and fix. It's an issue where this new agency is getting all kinds of money and all kinds of permits and all kinds of inspections on things that never were inspected before and quite frankly shouldn't be, because it's an ongoing maintenance type of work they do.

Our argument on the registry issue, in coming back to this bill, is that like that particular agency, it is not transparent. There is no accountability. The electrical contractors are trying to get answers as to why the fees are going up, why there is only an inspector available once a week in communities like Kapuskasing or Moonbeam or wherever. They're not able to get answers because they say, quite frankly, they don't need to answer because they're not accountable to anybody but the agency itself. That has really frustrated the private sector contractors in my riding. All I'm saying in relation to this bill is that I don't want to privatize the registry because it's the same argument again. Once you go there, it is not accountable, it is not transparent in the way the public sector is. We moved forward an amendment that basically would strike section 55 of the bill and the way that it now reads so it would be left in the public sector. I wish the government would have accepted that.

The other interesting thing is the delegation of these responsibilities. There is a clause in the bill under section 56, a non-liability clause. I can't think of the term because I don't have the bill in front of me, but what it does is make the government not liable for mistakes that may be done by the people who run the registry. That comes back to the issue of transparency and trust in government. I don't believe it serves us well as legislators to do that because it means, in this case, once we've privatized the registry and it's in the hands of whatever private operator to run, and they make a mistake, basically there's no liability. I don't think that's right and post-Walkerton I don't think that's the kind of signal we want to send out. Arguably, they can bring the private sector registrar to court in order to try to get some kind of settlement, but in the end the province of Ontario absolves itself from any responsibility under section 56 of the bill. I believe that's wrong.

The other issue, and I spoke to it very quickly, is the issue of the regulations. We understand the argument the

government puts forward that we need to develop regulations with time, and far after this bill is done, we'll be changing regulations on an as-needed basis as we develop the understanding and the technologies to deal with nutrient management on land. But we argued that for that very reason this bill should be subject to the Environmental Bill of Rights, so that any new regulations that come forward would be posted on the EBR and then the public would have an opportunity to see them, people who know more about this than you and I as members, and would be able to make good comment, to say, "This is doable and this is not doable. This is dangerous and this is not dangerous."

The reason for doing that is very simple: we need to have those checks and balances in our system. Imagine a government—and maybe the Tories would like this—with no opposition in the House. That doesn't make for good government and it doesn't make for good bills. It's the same thing when it comes to regulation. We want to make sure that the public is aware of regulations as they come through.

#### 2000

Now, of course, the regulations will be gazetted. The argument that the government will make will be, "Don't worry, the regulations will be gazetted, and therefore we don't need to make them subject to the EBR." The problem is, yes, we'll find out when the regulations are done, because they will be gazetted, but it'll be after the regulation is written. So we're arguing, rather than going to that stage, because it'll be hard to undo a regulation when it's done, as the regulation is drafted, it should be put out for public comment through the EBR so the public has an opportunity to see it, to look at it and decide if it makes sense or not and make comments. If there is a real flashpoint issue, at least the public will know and have an ability to do something about it.

As I said at the very beginning of this debate, generally we, the New Democrats, support the direction that the government wants to take on this. We commend the government for the process. It was not a bad process sending this bill out after first reading. I believe in giving the government credit where credit is due. We went sent this bill out between first and second reading. I think it was a great idea. As I said, I didn't sit on that committee for a long time, but I appreciated the opportunity to do so.

The only criticism I have at this point is I wish that we're able to find ways, when we do these types of bills, to accept amendments from the opposition parties because, as you do as government members, we put a lot of time and effort into these bills. So we need to have a certain understanding, I would hope, that at least when amendments are brought forward that do make some sense, that the government would accept them. You may accept our regulation on the privatization issue, because that's an ideological issue for the government; I understand that. I don't like it, but I'm prepared to take defeat on that one. But I have a real problem taking defeat on something like not using the EBR as a mechanism to allow the public to know what the regulations will be all

about before they actually become law. So for us in the opposition, we sit back and say it is a very, very frustrating process when you put all this effort into making what should be a better bill, and then the government stymies the process by not accepting your particular amendments.

With that, I again want to say to my colleague Marilyn Churley who, I know, would like to be here tonight—she's already spoken at first reading of this and I know is watching this debate with interest—that I appreciate the work that she has done on that. She's done a phenomenal job, along with Howard Hampton, our leader, who also worked on this quite a bit. We only wish that the government had accepted some of our amendments, because we think at the end they would have made it a much better bill.

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

**Mr Bradley:** The member mentioned something that I think members of the House should know about, and that is the door being open to privatization. Responding directly to his speech, he made reference to the privatization that's taking place in regard to electrical inspection in the province.

I too have heard from small business people. The government purports to be a friend of small business. I can tell you that the member is right: the inspection that's taking place is a disaster. It costs a lot more money for the electrical contractors and individual small business people in this province, and it takes a longer period of time. You have privatized it. You've pushed it out of the government domain, and they're far worse off. Everybody's worse off: the consumer, the public who wants to be safe out there and, indeed, the small business person as well.

Something else: you said you were an umpire at one time, Mr Speaker. So you must be annoyed—

**Interjection:** He still is.

**Mr Bradley:** He still is an umpire. But I think you're also a hockey fan. I know that you would be a hockey fan as well. I simply wanted to put on record today my annoyance with hockey announcers who use the term "cycling down low." Why don't they simply say they're "skating in deep"? Where they got this was the American announcers and basketball announcers, and now they've transferred it to our national sport. So you hear even Cole and the Canadian types now saying they're "cycling down low." Come on, that's skating in deep. The Minister of the Environment knows that. You as a Speaker would know that, as a follower of hockey would know that. I simply wanted to put that on record this evening, because I sense in this House a consensus developing around the fact that we should be notifying hockey announcers we don't like "cycling down low"; we want "skating in deep," and not the east-west-north-south game or all these new nonsensical terms.

**The Acting Speaker:** Comments and questions? The member for Timmins-James Bay has two minutes to respond.

**Mr Bisson:** I don't know about cycling down low, but I hear the Montreal Canadiens are losing, and I'm very

upset. I just want the member to know that. No, don't tell me it's six-nothing. Now I'm even more upset than I was before.

Very quickly to Mr Bradley, just to comment on what's happened on the electrical inspection issue, it has, quite frankly, been quite the opposite to what the government had purported. It's now costing them far more to get permits, so it's more expensive for the end-users and more expensive for the contractors, and we're getting worse service. I think it's another one of those arguments where the private sector does not necessarily do it best each and every time. The private sector in this case is actually doing a lot worse than what it did under the old Ontario Hydro.

But just one story, from talking to an electrical contractor. This February, there was a wind that damaged a service in a small community just north of Kapuskasing—I think it might have been somewhere north of Val Rita; I'm not sure exactly where. The issue is that the mast was knocked down. They called the electrician to come over and fix it. They had to call the Northern Ontario Wires people to come and disconnect the hydro. Not a problem. The guy goes in three hours later and fixes it up. It's 30 below outside. He calls to get electrical inspection to get the power back on. They can't come in until Tuesday, five days later. This woman went without power for five days because they couldn't get an inspector into the community in time.

You talk about better service? "Oh yeah, they're doing better with less," they say. They're just doing less and they're doing a hell of a lot worse, I would argue. So to the Minister of Energy, I think you should take a good look at that.

Again, I would just say, on the issue of the privatization of the registries, it's much the same argument. There's no transparency, there's no accountability and, at the end of the day, I'm not convinced you're ending up any better off than we would be if we left that responsibility with the Ministry of Agriculture and Food.

With that, Mr Speaker, I know there are other members who want to get up and debate this bill, in very long detail. I look forward to that debate and I'll be making comments as we do that.

**The Acting Speaker:** Further debate?

Mr Coburn has moved second reading of Bill 81. Is it the pleasure of the House the motion carry? It is carried.

Shall the bill be referred to third reading? Agreed?

All those in favour say "aye."

All those opposed say "nay."

Which committee will the bill be referred to? It has to be unanimous for third reading, so the committee?

**Hon Mrs Johns:** If I may say, Mr Speaker, I think it should go to third reading, but with general government. I think it has been discussed enough.

**The Acting Speaker:** So referred.

The Chair recognizes the Minister of Nearly Everything and House Leader Too.

**Hon Chris Stockwell (Minister of Environment and Energy, Government House Leader):** I move adjournment of the House, Mr Speaker.

**The Acting Speaker:** Is it the pleasure of the House the motion carry? It is carried.

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

*The House adjourned at 2008.*

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