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of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Wednesday 5 May 2004

Mercredi 5 mai 2004

Speaker
Honourable Alvin Curling

Clerk
Claude L. DesRosiers

Président
L'honorable Alvin Curling

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LEGISLATIVE ASSEMBLY
OF ONTARIO

Wednesday 5 May 2004

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Mercredi 5 mai 2004

The House met at 1845.

ORDERS OF THE DAY

ADAMS MINE LAKE ACT, 2004

LOI DE 2004

SUR LE LAC DE LA MINE ADAMS

Resuming the debate adjourned on May 3, 2004, on the motion for second reading of Bill 49, An Act to prevent the disposal of waste at the Adams Mine site and to amend the Environmental Protection Act in respect of the disposal of waste in lakes / *Projet de loi 49, Loi visant à empêcher l'élimination de déchets à la mine Adams et à modifier la Loi sur la protection de l'environnement en ce qui concerne l'élimination de déchets dans des lacs.*

The Acting Speaker (Mr Ted Arnott): Further debate.

Mr John R. Baird (Nepean-Carleton): I'd like to say it's my pleasure to speak on this bill, but it's not. I have some very serious concerns with respect to Bill 49, and they're twofold. The first concern is with respect to property rights and the second concern is with respect to the political nature of the approval of garbage disposal that this government is engaging in.

I'd like to talk first, if I could, about property rights. Section 5 of this bill is outrageous. It says that individuals involved in this dispute can't even seek the remedy of the courts, that they can't even seek legal recourse for any dispute. I think property rights are incredibly important. They're every bit as important as the other rights enumerated in our Charter of Rights and Freedoms. I'm disturbed by this government's attempt to use legislation to curtail law-abiding citizens' views and their intervention into the legal process.

Norm Sterling, the member for Lanark-Carleton, gave a speech last Wednesday in this place which I want to associate myself with. I thought Norm was in an interesting position to speak on this. He's not just a lawyer, he's not just an engineer, a former Attorney General and a former Minister of the Environment but someone who I think most members on all sides of the House would acknowledge has certainly followed environmental issues for many years. He spoke tremendously well, and I want to identify myself with his comments.

He spoke of the political meddling involved in this bill. I'm glad to see the member for Timiskaming here.

This bill, among some, has been called the "David Ramsay career protection act," because David Ramsay made commitments and the government is bailing him out from certain electoral defeat on this issue. As Mr Sterling said, this government wants to throw aside proper and due process and inject its political will on the people of Ontario.

Section 5 of the bill extinguishes the right of the proponent to legal recourse with regard to what the government has done for this very political process, and that does cause those of us on this side of the House substantial concern.

When Mr Sterling stood in this place, he did quote an editorial from my hometown newspaper and the Premier's and Norm's, and I'd like to quote from it because I think it very much sums up the concern that I and many members of this House and many people in Ontario have on this issue.

1850

"Dumping the rule of law: Ontario's Premier shouldn't need basic civics lessons, but a bill now before Queen's Park demonstrates that Dalton McGuinty doesn't understand a basic principle of western civilization: the rule of law.

"That principle, for Mr McGuinty's benefit, holds that laws—clear, public and predictable—are what govern our actions. Not the whim of king or Premier. And, just as important, the law applies to everyone—from the humblest individual to governments, kings and, yes, even Premiers.

"Mr McGuinty's lack of understanding of this basic idea is clear in the legislation his government introduced to deal with the lingering issue of the Adams mine dump. In 1998, the then Conservative government gave approval to a proposal by a North Bay businessman"—named McGuinty—"to ship Toronto's trash by rail to an abandoned open-pit mine near Kirkland Lake. The project wound its way slowly through the bureaucracy. Several times it appeared the city of Toronto would scupper it. But it kept coming back to life until the McGuinty government announced it was officially and finally dead."

I'd like to go on reading the Citizen editorial, because I think all members should listen and hear. "That's certainly the government's prerogative." And I'm not saying that it isn't the government's prerogative to kill this particular proposal, if that's what they want. "But the businessman is now out of pocket for millions of dollars in expenses. He has also seen any expectation of profit

from the project vanish after all these years because the government, which is in effect his business partner, suddenly changed its mind. Clearly, he has to be compensated. And that's why we have the law. The laws governing civil liability are voluminous and complex and we wouldn't presume to say precisely what is owed, but that's what the law is intended to sort out. Every day, individuals, companies or governments pull out of deals," and the law is there to sort out this mess. But the law won't be there this time.

I thought Mr Sterling, who's the dean of the House, gave an excellent speech. Certainly, I want to put on the record how privileged we are to have his unique perspective on this debate. I think he added a good contribution toward it. He certainly got a number of members of the Conservative caucus up in arms. I want to congratulate Norm for his wise judgment and intervention on this debate.

Property rights are important. The rule of law is important. The mean-spirited, vindictive action by this government in this piece of legislation is unbelievable, outrageous, shocking. I would hope that some opportunity for this bill to get further scrutiny will force members of the government to look in their conscience and to strike section 5 of the bill. I don't like the rest of the bill, but section 5 is an egregious violation of the property rights of the proponents. They do have rights that we in this House should not be subject to get away from at whim.

I don't like retroactive legislation. I didn't like retroactive legislation when this government did it with the equity in education tax credit, and I don't like retroactive legislation which affects property rights. That goes whether you like the owner of the property or whether you don't. I think it's unfortunate.

I do want to briefly talk about garbage disposal. It is a difficult and challenging issue. No one is inviting garbage to their home communities. I want to relay a particular example to make the case of why I think this legislation is a concern. We're cutting off an option for Toronto's garbage—not just Toronto, but indeed, the greater Toronto area.

I can recall being in cabinet the day the BSE situation took place out in western Canada, and the state of Michigan, for a period of one, two, three hours, actually closed its borders. The Minister of the Environment of the day came into cabinet and reported this. In a very real sense, we had a catastrophe on our hands as to where Toronto's garbage would go. Where would Toronto's refuse go if the Michigan border was closed? I'll tell you where it's going to go. It's going to go to other landfills in southern Ontario. One of the biggest landfills in the province is in my home constituency of Nepean-Carleton, in South Nepean, the Trail Road landfill, which has just been recently renewed in terms of the number of years it can take garbage in.

I say to the Liberal members of this Legislature, I will come back to this point if for any reason the Michigan border is closed and politicians in the greater Toronto

area throw this back on to this government's desk. Let me tell you, don't think you're going to send your garbage to Nepean. Don't think that people won't hold you accountable and responsible. In Nepean, we take eastern Ontario's garbage; we take greater Ottawa's garbage. So it's not a matter of NIMBY, not in my backyard. We'll do our part. We'll take our responsibilities to dispose of refuse. We support recycling. We support reducing garbage. We support reusing, the three Rs, the whole nine yards. But at the same time we're not going to take Toronto's garbage, and if the Michigan border closes—and I'm going to quote this back in Hansard if it does—we're going to hold each and every one of you and Premier Dalton McGuinty accountable for more garbage going to Ottawa.

Perhaps we'll send the garbage to Sault Ste Marie, if the member for Sault Ste Marie thinks this is so funny. If he votes for this bill, we'll send the garbage to his constituency from the greater Toronto area. But I'll tell you, that will happen. The junior senator from the state of Michigan has a petition with tens of thousands of people having signed it, and that day could come sooner. The responsibility for that will fall squarely on Dalton McGuinty and the Liberal government. We will not accept the greater Toronto area's garbage in Nepean, and I will not allow it to be accepted in Napanee, home of the environment minister, whom I respect. But we will continue to fight to ensure that there are fair policies and that the property rights are respected in Ontario.

The Acting Speaker: Questions and comments?

Mr Peter Kormos (Niagara Centre): Indeed, Howard Hampton, the leader of the New Democratic Party, the two opposition leaders here at Queen's Park, certainly the more active and vocal one—

Mr Baird: Definitely.

Mr Kormos: Well, think about it. The other opposition leader hasn't been seen or heard of or from, what have you. Look, I've got to tell you, I'm just dropping in because I'm going to be on a Michael Coren panel this evening. So people who want to watch Coren should tune in at 10 pm on the CTS network, depending on where they are in the province; it's different channels. Michael Coren, 10 o'clock; it will be his Queen's Park panel. There will be a Liberal, there will be a Conservative there and I'm going to be there on behalf of the New Democrats. We're going to try to mix it up, make it interesting. We're competing with stuff like Law and Order and CSI, or whatever these things are.

Mr Howard Hampton (Kenora-Rainy River): But not competing with the Leafs any more.

Mr Kormos: That's right. We don't have any—

The Acting Speaker: Would the member please make reference to the speech that was just given to the House by the member for Nepean-Carleton at some point during the course of his comments.

Mr Kormos: In this regard, I listened carefully to the member's speech and it reminded me of the debate we're going to have later tonight on the Coren show at 10 o'clock on the CTS network. Michael Coren is back from

England; he was in England for two weeks. As the folks who were watching it know, there was a sub. So I'm looking forward to carrying the debate from this chamber into the far more active forum that the Michael Coren show provides at 10 pm on the CTS network. I'm looking forward to receiving phone calls from folks down where I live in Niagara. They're always eager to call in to the Michael Coren show. I appreciate them calling in and I appreciate hearing their views and talking to them. I'm eager to hear folks across the province, and indeed now across Canada, call in to the Coren show at 10 pm. Coren is back, as I said, from England.

This matter will be addressed further in the evening here at the legislative chamber by other New Democrats. The assembly is only sitting till 9:30. So when the assembly finishes at 9:30, you've got half an hour to do what you've got to do. Tune in to Michael Coren, CTS, 10 pm. Thank you.

Mr Toby Barrett (Haldimand-Norfolk-Brant): The member from Nepean-Carleton made reference to section 5 of this legislation, the very oddly described Adams mine lake bill. It's section 5 that does raise a great deal of concern. I'm very pleased that we have members who are pointing out the fact that we do not have the right of property in Ontario. It shows up in legislation like this, where with the flourish of a pen of a minister the crown can sign away the right to property and legal rights as well in a case like this, and the same stroke of a pen hit taxpayers with the compensation that will be required.

Again, in listening to the debate, I wonder if the environment minister really feels that iron ore miners or people who develop a rail haul recycling solution like this should have even a modicum of property rights.

1900

When we see that these rights have been taken away retroactively, as was mentioned by the member from Nepean-Carleton—to my mind, legislation like this and the road that it is taking us down really seems to fly in the face of the oft-quoted principle of democratic renewal across the way. When you see a piece of legislation that essentially takes away basic democratic rights, the phrase comes to mind, “Thou shalt not steal.” I suppose, by extension, this means under Ontario legislation that the government is in a position where they do not have to obey that law.

Mr Hampton: I have two minutes, and I just want to say to my esteemed colleague here from Nepean-Carleton that I understand the case he's making for compensation of the property owners, but you need to recognize that some of the people who have a big interest in the mine site are the Cortellucci companies. While the Liberals used to complain that the Cortelluccis were contributing a lot of money to the Conservatives, and they were concerned that you might be doing Mr Cortellucci a favour in return, now we know that the Cortellucci companies are contributing hundreds of thousands of dollars to the Liberals. So I have to tell you, I don't think you have to worry about the Liberals compensating the Cortellucci companies. I think we can

see that the money to finance that has already moved to the coffers of the Liberal party.

But you know what is almost dangerous about this, and I think some of the Liberal members are going to have to be on guard about this, is they may be supporting and voting on legislation that will benefit the Cortellucci companies financially or benefit the property rights of the Cortellucci companies and they won't even know it. They won't even know it.

And so while I enjoyed the dissertation on property rights from my colleague from Nepean-Carleton, I have to say to him that, given that the Premier is now dancing with the Cortelluccis—it was the Premier who said to dance with the one that brung ya. Well, the Cortelluccis brung the government \$122,000. I don't think you have to worry about the property rights of the Cortelluccis. They will be well compensated by this government. It's already well—

The Acting Speaker: Thank you very much. Further questions and comments? OK, I'll return to the member for Nepean-Carleton. You have two minutes to reply.

Mr Baird: I want to thank my colleagues from Welland-Thorold and Kenora-Rainy River and particularly my colleague from Haldimand-Norfolk-Brant. Our environment critic, Toby Barrett, is one of the hardest-working members of the Legislature. He has been our critic for the environment. He has done an outstanding job. We have a lot of materials that our critic has prepared to advise our caucus colleagues on this, and I want to thank him and his staff for their hard work. The people of his constituency and Ontario are very lucky to have him fighting for them, and all Ontarians are lucky to have him as an environmental watchdog.

I am concerned that people say, “Why do you have to cause such a ruckus at the Legislature? It should be about the debate.” Well, we're sitting here tonight and the Liberals won't even debate this bill. They won't stand up and question and give comments. They're refusing to stand up and debate the bill tonight. So they wonder why we get so angry. Tonight—

Interjections.

Mr Baird: But there are no questions and comments. I say to the member for Guelph-Wellington, you could have got up and engaged in debate tonight. They vote for evening sittings and then they're too lazy to give a speech. That's absolutely outrageous.

The people of Ontario will see through this. They'll see through this in Hamilton East next Thursday. The people of Ontario will see through this when Paul Martin calls an election. I hear he's scared and he's delaying it even longer, but Stephen Harper will take his message to the voters of Ontario. Stephen Harper and the federal campaign want to thank Dalton McGuinty for all the help they've given him. They're going to get more votes for the Conservative Party at the next federal election because of the promise-breaking of this Liberal Party.

The Acting Speaker: Further debate?

Mr Hampton: I appreciate the opportunity to say a few words with respect to this legislation. I haven't had a

chance, an opportunity, to speak to it yet. There are a number of aspects that I want to comment on.

First of all, let me say that the idea of shipping Toronto's garbage and putting it in an open-pit mine—formerly called the Adams mine, now more frequently called the Adams mine lake—was a bad idea right from the start. So the fact that this legislation is here is, frankly, long overdue. I think the public needs to understand why it's long overdue. It's because, frankly, government members have had a very difficult time making up their minds what side of this issue they're on. And not to be critical of Mr Ramsay, the member for Timiskaming-Cochrane, who's now the Minister of Natural Resources, but in my time in the Legislature, Mr Ramsay was first in favour of the idea to put garbage in Adams mine, then he was opposed, then he was in favour, then he was opposed. I know that having me recite this probably upsets him somewhat but, like him, I've been around here for a while, and I remember.

Similarly, I know, for example, that there are two members here now who were formerly on Toronto city council. I remember the votes that took place at Toronto city council. In fact, when the two members in question were at Toronto city council, they voted in favour of the Adams mine garbage proposal. So this issue has had a very interesting history within the Liberal Party and with respect to individual Liberal members. When I finally saw the legislation, I thought to myself, "Thank God. They finally made up their minds and they haven't had time to switch." So that's where we are today, and at long last, long overdue, the government has finally reached a decision and it looks like they're going to stick to it. I hope that's the case.

There are some other aspects of this legislation that I believe need to be reflected on, and there are some things which I believe ought to be attached to this legislation which are not there, or are not there clearly. And that's simply this: The province cannot say to individual municipalities that the issue of disposal of solid waste is all your problem, it's all on your plate and the province is going to absent itself, because, let's face it: Every large city, every medium-sized city, even small cities and small towns in Ontario have this ongoing issue of how to dispose of municipal solid waste, of how to dispose and deal with landfills.

The current resolution of this problem for the city of Toronto is simply to send most of the garbage to Michigan. I think anyone who reflects on this issue for just a few seconds would recognize that there's not much difference between sending your garbage to Michigan to dispose of it and sending your garbage to Adams lake, or Adams mine, or Adams mine lake, to dispose of it. One is as bad as the other. In fact, while I think the Adams mine proposal was always environmentally risky, having a plan to continue sending Toronto's garbage to Michigan is not only environmentally risky, but it is politically risky and, most likely, economically risky. I don't need to tell the members of this Legislature, I don't need to tell anyone in Ontario, that the United States, on a number of agreements, simply breaks them.

1910

We have the issue of softwood lumber. We've had a number of panels now, World Trade Organization panels, North American free trade agreement panels, which have said there is no basis for the United States to put punishing duties on Canadian softwood lumber. Yet our neighbours to the south continue to wave their hands at these international tribunals and say that if it's in their interests, they'll do it.

The Canadian Wheat Board is another example. Farmers will know about this: There has been finding after finding by international tribunals that the United States should not harass, is acting improperly when it harasses the Canadian Wheat Board, yet our neighbours to the south do that because it's in their political interests from time to time to do that.

I think we all recognize that any solution that says, "Well, we'll just continue to send Toronto's garbage to Michigan," is not only environmentally risky but very politically risky and very economically risky. That brings me to where I think the real problem is here.

The government has not outlined what its real strategy is in terms of dealing with this very serious problem of municipal solid waste. We don't see in this legislation or elsewhere a consistent strategy of reduction of waste. We do not see in this legislation or elsewhere a consistent strategy and program of reuse of materials. We have an excellent reuse strategy in Ontario. It's called the Beer Store. The Beer Store is a world environmental leader in the sense that over 90% of the beer bottles that go out of the store containing beer come back as empties. It's a wonderful strategy. We need to emulate and extend that strategy in terms of the reuse of all kinds of materials, yet you don't see the clear and consistent expression of that in this legislation or anywhere else from this government.

Recycling—a clear and consistent strategy of recycling so that where you cannot reuse materials, they will at least be recycled so that with the addition of some kind of process, they can be reused or used in another way. In any case, they avoid going to a landfill site. There's no clear and consistent expression of that.

In many ways, not only is this legislation very late—and it's late because there are so many members in the Liberal government who couldn't make up their minds, voting one way on one occasion, voting another way on another occasion, for it, against it—but the consistent positioning in terms of recycle, reuse or reduce is not here either.

The next challenge for this government—and I predict it will be a real challenge for this government.

Interjections.

Mr Hampton: I can tell, Speaker, by some of the comments that I've touched a nerve here with some members of the Liberal Party. They don't want to be reminded that many of them were in favour of Adams mine, and then they were maybe against, then they were in favour and then maybe against. They don't like it when you remind them of their difficulty in terms of having any kind of consistent position.

The real challenge which lies ahead is for the Liberal government to come forward with a consistent strategy of reduction of municipal waste, reuse and recycling which will absolutely minimize the amount of materials that are going to landfill sites. I, among others, am going to be very interested to see this happen. I'm going to be very interested to watch this and see if it takes place. The reality is—and we don't have to look too far down the road; three, four or five years—that if reuse, reduce and recycle doesn't happen very quickly, we're going to have a major problem on our hands in Ontario.

The Acting Speaker: Questions and comments?

Hon Dwight Duncan (Minister of Energy, Government House Leader): I simply have to respond to the leader of the third party, my colleague Mr Hampton. First of all, he says that Liberal members have voted one way and another on this issue. Show me the Hansard. There's no record of that; it has never happened. This is part of our campaign commitment. We said we'd do it and we've done it. And you're voting in favour of it. My goodness.

We talk about flip-flops. I was just reviewing the Toronto Interim Waste Authority and what happened there, and the NDP's inability, when they were the government, to come to terms with Toronto's waste. So we need no lectures from that member on the whole issue of waste management.

With respect, when we find new landfill sites, the first challenge is diversion. I noted that the member opposite, Mr Hampton, didn't talk about diversion. He didn't even mention it. We've set some of the most aggressive diversion targets in the western world as part of our plan and we campaigned on that: 60%, something that was never achieved under the NDP. I wish my colleague Mr Bradley could be here tonight.

Hon David Ramsay (Minister of Natural Resources): Mr Blue Box.

Hon Mr Duncan: Mr Blue Box. There was a government that knew how to deal with waste and divert it.

At the end of the day there have been a number of initiatives that this government will take. We don't need lessons about how to deal with the Toronto situation from a government that simply failed to do anything. This party has set tough diversion goals. We will achieve them. I'm glad the member for Kenora-Rainy River is supporting this bill. We're delighted to have his support, recognizing that this is the right thing for the government to do.

Mr Barrett: The member for Kenora-Rainy River described some of the earlier positions taken not only by the member from Timiskaming-Cochrane but also by the Liberal government. The question was raised, "Show me the Hansard." Well, there's an awful lot of information in the standing committee debates on this. I suggest that people do some historical research on that.

You mentioned a former Liberal environment minister, Mr Bradley, and I guess I ask the question, with

environmental issues, show us some legislation. Have you ever passed a piece of environmental legislation?

Hon Mr Duncan: Yes.

Mr Barrett: Please name the bill.

Hon Mr Duncan: In this session?

Mr Barrett: No. Let's go back to the mid-1980s. I have raised this question again and again. I asked the Liberal members, "Give me the name of an environmental piece of legislation that has been passed." I have yet to receive an answer.

It is important to take a look at Hansard, to take a look at what Mr Ramsay has explained over the years in standing committees where the issue of the Adams mine has been discussed. When you look at the history, go back at least to 1989 under the Liberal regime. At that time, the Adams mine was listed as a possible landfill for Metro Toronto in response to a request for proposal from, at the time, the Solid Waste Interim Steering Committee. Fast-forward to 1990. Metro Toronto, back in 1990, selected Adams mine as the preferred site. To use that expression, the rest is history.

1920

Mr Baird: I want to associate with my comments the comments of the member for Haldimand-Norfolk-Brant, and I want to congratulate the member for Kenora-Rainy River.

I'm surprised the member for Kenora-Rainy River has not talked about his experiences on the doorsteps of Hamilton East. I am surprised he didn't include that.

I have some questions for the member for Kenora-Rainy River. First, I want to know, are people thanking you for Dalton McGuinty keeping his promises at the door? That's my first question. My second question is, are they bringing up the corrupt federal scandal involving sponsorships at the door? My third question is, has anyone said to you they think Dalton McGuinty is honest and is keeping his campaign promises? My fourth question is, are they saying that they might have to put more garbage in the Hamilton dump because of this bill passing?

My other question is, are they asking the member for Kenora-Rainy River why they have not kept their promise to close the P3 hospitals? My other question to the member from Kenora-Rainy River is, are people asking him why they broke their promise not to raise taxes? My other question to the member for Kenora-Rainy River is, are they asking you why they didn't allow a free nomination meeting in that by-election?

I also want to ask the member for Kenora-Rainy River, have they talked about this government's orgy of new spending of \$3 billion? I want to ask the member for Kenora-Rainy River, in Hamilton East are they talking about breaking the taxpayers' protection pledge? I want to ask the member for Kenora-Rainy River, when he goes to Hamilton East, are they asking about this government breaking all of its promises? I want to ask the member for Kenora-Rainy River, are they saying that this government and this Premier are a breeding ground and cesspool for cynicism in politics? I look forward to the answers.

Mr Jeff Leal (Peterborough): On a point of order, Mr Speaker: My good friend, my learned friend, from Nepean-Carleton certainly is not talking about Bill 49, the Adams mine issue, so I would ask your guidance, Mr Speaker, on this matter to rein him in a bit and get him back to the topic.

The Acting Speaker: I heard the member for Nepean-Carleton make reference to the speech by the member for Kenora-Rainy River. I'm not going to entertain any more points of order on this.

I would call for one additional question and comment.

Mr Dave Levac (Brant): Unlike the ranting of the last member, which hurt my ears a little bit, I'd like to refer to the bill. What I'd like to refer to in the bill is to remind the environment critic from Haldimand-Norfolk-Brant—I believe he's the critic of the environment. He indicated and brought up the concern that city council got the bid from Kirkland Lake. I want to take it to the next step, which I'm sure he would want to us recognize, and that is that it was done on an agreement that, after the negotiation process, they would be able to come to the final conclusion in the vote. Quite frankly, what happened, and I remind this House again, was that Toronto city council was told by the proponent that the proponent wanted city council to take liability in case anything went wrong. City council went back and said to the proponent, "There's no way we should be taking responsibility and liability if anything goes wrong with the Adams mine. Why should we be doing that? Don't you have enough faith in your project to take liability for the project if it goes astray, if it leaks and leaches?" So quite frankly, that's the second part of the picture that the critic did not give us.

I want to make it clear that Dr Howard, who took care of Walkerton, did a study on this and said quite clearly that there were some concerns that he had about the water leaching into the property. For the member who asked us the very same question, let's talk about Bill 218, the Environmental Protection Amendment Act, from the Honourable Mr Bradley, the Minister of the Environment. It got royal assent on June 19. That's just one journal, and we can give you all kinds of examples.

Quite frankly, speaking to the member from Kenora-Rainy River, I would suggest to him very clearly I'm waiting for him to stand up and vote "yes" on the bill.

The Acting Speaker: The member for Kenora-Rainy River has two minutes for reply.

Mr Hampton: I look forward to this opportunity to respond. To the government members who say, "Name names," all you have to do is review your own Hansards, because Mr Berardinetti from Scarborough Southwest was here just the other day, and in his speech, he said, "Hey, when I was on city council, I voted in favour of the Adams mine project." And I know that Mr Duguid, the member for Scarborough Centre, voted in favour of it as well. I remember in about 1991, when the infamous Mr McGuinty was making the rounds, trying to get support for his proposal, he said very clearly, "I have the support of the MPP for Timiskaming, Mr Ramsay." So I've

named names. This is all part of the written history. You're welcome to go back and review the votes at city council, to review the Hansards here and so on.

I was asked a number of other questions, so I want to reply to those. Yes, in Hamilton East, broken promises by the Liberals are indeed an issue on the doorstep everywhere, and the atrocious way that the Liberal Party has treated Sheila Copps is on the doorsteps everywhere, and the \$100-million sponsorship scandal is everywhere. Yes, also on the doorstep is the party that says that it believes in a broader, more open, more full democracy, yet doesn't have nomination processes for their candidates. They appoint them. That's also on the doorstep.

Do you know something else? You know what else is on the doorstep? Andrea Horwath, the NDP candidate, is an excellent candidate. That's on the doorstep too.

The Acting Speaker: Further debate?

Mr Norm Miller (Parry Sound-Muskoka): It's my pleasure to join the debate this evening on Bill 49, An Act to prevent the disposal of waste at the Adams Mine site and to amend the Environmental Protection Act in respect of the disposal of waste in lakes.

For me, the problem with this bill is not what it's trying to achieve. I don't think it's a good idea to dispose of waste at the Adams mine site. In fact, just a few weeks ago, I met with the Ontario Federation of Agriculture in my riding of Parry Sound-Muskoka, and that issue was raised at that meeting. In fact, constituents in my riding have raised the issue of being concerned about garbage being trucked through my riding on rail and what would happen if there was a train derailment. So the issue is not whether it's a good idea or not a good idea. I think some people are in favour, some are against. I personally don't think it's a good idea to dispose of waste at the Adams mine, but it's the way the government is going about it. I'm concerned with property rights and I'm concerned also with them dealing with the real issue, and the context of the debate.

The context of the debate is that each and every day, we have 125 trucks heading to Michigan, taking Toronto's garbage to Michigan. What is going to happen when the border shuts in Michigan? I would like to just quote from the current Democratic leader and presidential candidate John Kerry, who recently stated: "I don't like it.... We shouldn't import trash from other countries. I plan to review this issue in the first 120 days of my presidency." So what is going to happen when the US decides to shut that border?

That's why I think that what we should really be looking at is diverting more waste from landfills. That's why I have just recently introduced a private member's bill which works toward that goal. My private member's bill is the LCBO Deposit and Return Act, 2004. I think that act would have great benefits for the province of Ontario. So we need to look at waste diversion. The government has a goal of 60% diversion, but they are now sticking to a blue box program which has proved in many jurisdictions not to be the optimum way of keeping garbage out of landfills.

Let's look at beverage containers, for instance. In this case, a deposit return system would be a far better way to divert waste from getting to landfill. This is the kind of program we should be looking at. As I mentioned, on Earth Day I introduced a private member's bill that would be, I think, a first step.

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You just need to look at British Columbia, where they have a complete deposit-return system. It's on pretty much all beverage containers, not only liquor and wine bottles—soft drink containers, Tetra Paks—and it works. I think it's human nature. If they put money down and know they're going to get the money back, they're keen to get that money back. So you have people out collecting waste on the side of the road. You have people returning bottles—soft drink bottles, liquor bottles—for that deposit.

There was a study done in 2000 on the situation in British Columbia. This is the kind of difference their deposit-return system is making:

Beverage materials recycled in short tons: 21,420 tons.
If they had Ontario's system, they would only recover 12,890 tons.

Landfill space saved in cubic yards: 140,665 cubic yards of landfill space saved in British Columbia in the year 2000 with their deposit-return system. If they had Ontario's system, which is the optimum, the best, curbside system, the best blue box system, they would have only saved 69,747 cubic yards.

Litter on the sides of our roads: In British Columbia, they have about a 50% reduction in the amount of litter scattered around the province because they have a deposit-return system which includes all containers. So in British Columbia—I don't know how they get this exact number—5,749,986 containers didn't end up on the side of the road that would have had they not had a deposit-return system.

Barrels of oil conserved: 178,284 barrels of oil conserved because they have a deposit-return system.

Additional reduced atmospheric emissions in metric tonnes: 1,667 metric tonnes of reduced atmospheric emissions.

Reduced waterborne emissions in metric tonnes: 301.

Reduced industrial emissions in metric tonnes: 18,818.

Those are some of the environmental benefits that British Columbia is enjoying. This was based on a year 2000 study of their deposit-return system. Those are some of the environmental benefits they're enjoying because they have a deposit-return system.

In this country, eight out of 10 provinces currently have a deposit-return system, but Ontario does not. So I think it's time for the government to be looking at getting serious. I think they should, as a first step, implement my private member's bill to start with the liquor store and wine and liquor bottles, then move from there on to all containers and implement a complete deposit-return system.

You only need look at the Beer Store to see the huge success here in Ontario, with a voluntary system, that the

Beer Store has had. They recycle—reuse—97% of the bottles in the Beer Store. In British Columbia, with their complete deposit-return system, 87% of liquor bottles are recycled, compared to Ontario, where it's a much lower figure. The LCBO generates approximately 74,000 tonnes of container waste each year here in Ontario, much of the glass put in blue boxes that ends up in landfills anyway because there are few markets for the green glass bottles. So I think we need to move toward that deposit-return system. I think it would be a huge improvement and would help deal with some of the waste challenges we're facing.

I think we also need to look at other systems. I'd just like to go back to British Columbia for a second. In British Columbia, where they've had this system for a few years, one of the interesting points is that there is a very high level of support for the BC system. There was a study done of attitudes and behaviours and how they feel about the deposit-return system. That study showed that 96% of the people in BC who were surveyed think the deposit program is a good idea. That's a pretty amazing number; 96% of the people living with this system think it's a good idea. The main reason for their support of the program is that the program gives people an incentive to recycle. The inconvenience of returning containers for deposit appears only to be a minor concern.

So we can have some huge environmental benefits if we implement a deposit-return system. It's something I would like to see moving ahead, and I hope the government supports my private member's bill—Bill 61, the LCBO Deposit and Return Act, 2004—as a first step toward being more environmentally responsible.

I also think that Toronto needs to find solutions to deal with its own garbage. We have to look at all possibilities, including incineration. We need to look at how Europe uses incineration very effectively; some of the benefits include generating electricity from incineration. The damage you're doing to the environment, you can measure and improve the process as time goes on, as compared to a landfill site. As far as I'm concerned, a landfill site is a time bomb which risks one of our most important resources, and that is water. So I think we need to be open-minded and at least consider incineration.

In terms of this bill, the other issue I have with it—and I've only got a minute left—is the question of property rights. As I said, I'm not in favour of landfill sites, but the fact of the matter is, there was a long process that the proponents of this landfill went through over many years, spending many millions of dollars in following the process. So their property rights need to be respected. I think government needs to stick to its word. It needs to respect its processes and give businesses and individuals some warning when it's going to change its mind on things.

In conclusion—because I'm down to 15 seconds—I would like to say that I think the government really should be looking at a deposit-return system. I think that would go a long way to solving the waste problems in this province.

The Acting Speaker: Questions and comments?

Mr Cameron Jackson (Burlington): First of all, I want to commend my colleague from Parry Sound-Muskoka. As he was speaking about his commitment to diversion of potentially recyclable products at the LCBO, I'm reminded that it was his father in this House—I know because I served under both him and the environment minister he appointed, Andy Brandt. I find it passing strange that Mr Brandt is now running the LCBO. I recall when he was the minister, he commented with a certain degree of commitment and passion about this whole issue of diversion.

I want to encourage my colleague, the member for Parry Sound-Muskoka, in his efforts with his bill, but also in any discussions that the government may be having with Mr Brandt, who is running the LCBO. The original environment minister for this province was George Kerr, my predecessor, and Andy Brandt ended up being about the seventh or eighth environment minister in our province's history. I look forward to the continuation of that debate.

I come from Halton. My colleague referenced in his comments the issues around diversion. Halton has one of the highest rates of diversion in the province of Ontario. We're very proud of that. It also means that our success makes us very vulnerable to the fact that the actions of this legislation have rather dramatically limited the options for the city of Toronto. Halton simply cannot be one of the solutions to receive the garbage from Toronto that can no longer go to Michigan, as we are concerned. So I want to commend my colleague for his eloquent comments. I support them.

Mr Baird: I want to congratulate the member for Parry Sound-Muskoka. I may not always agree with the member for Parry Sound-Muskoka, but he has been pushing this issue of environmental recycling and reuse. I had questions and concerns about the policy that he had talked about. A few short hours later, folks were in my office and had more information for me to read about the reuse of products. So he's someone who not only takes this issue incredibly seriously, but is someone who has done his homework in this public policy process. So I want to congratulate him for his remarks.

I, too, share the member's concern with respect to property rights. I agree with him when he says that no one likes landfill and we've got to do more to encourage reduction, reuse and recycling, so that our landfills are less. I did notice that the Liberal government has delayed their deadline for 60% reduction for a number of years. They delay a lot of promises and delay a lot of commitments. They say it'll take place in so many years, and I'm sure it will be in so many years. We just don't know in which so many years it will be introduced.

I want to congratulate the member for some good remarks. I do hope that the members attending will look at the issue of property rights. You have the majority, you will do what you wish with the vote, but section 5 of the legislation is wrong. It's bad public policy. I ask you to consider it, to reflect on it. Just strike that part out of

the bill. There will be no garbage going to Adams mine. I think that's conceded, but section 5 is wrong. All governments, my own included, have made mistakes, and I say to you that this is one. This is a thoughtful objection. You should reflect on it and remove section 5 from this piece of legislation.

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

Mr Miller: Thank you to the member for Burlington for his comments about diversion and my private member's bill to encourage a deposit-return system, which I see as a first step toward having a deposit-return system on all containers.

The member for Burlington brought up the Halton dump. I note in the Hamilton Spectator of April 17 that the Halton area is very concerned that they're going to end up having to deal with Toronto's garbage. I read the headline: "Halton Fears Getting TO's Trash; Environment Minister Points Out Her Powers to Force Acceptance in Landfill Crisis." It sounds like the member for Burlington is raising some very valid concerns. I say that Toronto should be dealing with its own garbage in its own area.

I also thank the member for Nepean-Carleton for raising some very valid concerns to do with property rights. He mentioned section 5 in the bill. I think that is a very valid concern. I'll just read section 5:

"Any cause of action that exists on the day this act comes into force against the crown in right of Ontario, a member or former member of the executive council, or an employee or agent or former employee or agent of the crown in right of Ontario in respect of the Adams mine site or the lands described in schedule 1 is hereby extinguished."

I think that's the key part, "is hereby extinguished." We have to be very careful about taking away property rights in this province. We have to be very concerned that we respect property rights and business rights for lots of good reasons. The member from Nepean-Carleton raises some very valid concerns.

This government has to deal with the waste problem. It has to deal with where they're going to be putting new landfill sites, and it has to look very seriously at improving diversion. I think they should consider a deposit-return system.

The Acting Speaker: Further debate?

Mr Jackson: I'm very pleased to comment on this legislation because I am, as I said earlier, from Halton. We in Halton are in a very unique position in this province. In the limited time that I have, I'd like to scope out some of the history of landfills and political interference that has occurred in this province. I believe that the testimony to this legislation is that it is about to fall into the same problem and the same consequence if it doesn't heed the lessons of history.

The story in Halton goes back quite a few years. In fact, it was over 30 years. As high school students, we were confronted with the challenges of the environment

and living in a shrinking global environment. We were just becoming sensitized as a society. Ontario appointed its first Environment Minister, George Kerr, who came from Burlington. We had a landfill site that was in a watershed area not far from Burlington Bay or Hamilton Harbour. It was the Bayview site. It was very controversial, but the government of the day, of to which I attach my loyalty, took it upon itself to interfere in the process of the selection of this site by suggesting that other options would be considered outside of the area and then interfered with the decision to put one in the Milton area. This, in turn, cost the Conservatives the seat and brought forth Julian Reid as a Liberal to this Legislature.

The first point I want to make is that this government is about to make the same mistake we made. It cost the Tories a seat over it and it took them many years to get it back.

The reason I raise it is because I read with interest the member for Oakville's comments about this bill, and not once in his comments did he defend Halton. He's very proud of Halton. He was very clear to say he was proud of the diversion rates. But Mr Flynn, having served on regional council, has a virtual library of public comment where he has condemned any government that would in any way, shape or form compromise the principle that the Halton landfill site should at any time be forced by any level of government to receive their neighbours' garbage.

The reason he was able to say that as a councillor was very clearly that Halton was the first test case in Ontario's history. Halton is, per square foot, the most expensive landfill site that has ever been developed in Canada. Just to get it to an environmental assessment was \$40 million.

The story went on. The government of the day had to actually come up with new legislation as it followed all the court challenges and the private property rights that were being abused through the processes and refined it to what we have today, which is probably one of the best environmental assessment processes anywhere in the world, and it works. But it doesn't work when there's political interference.

What I find interesting is that the member for Oakville, who was one of the strongest voices as a councillor against any attack on that site, is now not only silent in defence of the Halton landfill site but silent in the defence of Halton taxpayers and silent on the support for his colleagues on Halton regional council, whom he sat with for a dozen or so years, where they have by resolution told this House and this government that under no circumstances should Halton have to be forced to take garbage from a neighbouring jurisdiction.

Our regional chair, Joyce Savoline, wrote to the new minister, Mrs Dombrowsky, in a letter of April 8 in response to her letter of March 24, "The regional chair expresses dismay that the minister refuses to provide assurances that Halton will not be forced to take garbage from within the GTA at some point in the future."

This is a guarantee, I might add, that the previous Conservative government was able to give to Halton on

several occasions. As a member of Privy Council representing Halton region at the cabinet table, I was called upon many times as we in this province developed our greater Toronto area planning frameworks, as we discussed the division of local services review, and the decisions to ensure that upper-tier municipalities retain responsibility for waste management, that upper-tier municipalities maintain their autonomy and their protection for their landfill sites.

This is perhaps the number one issue, along with making sure that a full environmental assessment occurs with any potential highway that might cut through the Niagara Escarpment in Halton region. These are the two most significant issues facing our community, and we will fight tenaciously.

With the government's intervention with the Adams mine bill, they have set in motion a set of circumstances which are going to compromise the future of the member for Oakville. By his own hand and by his own comment, he has not defended vigorously that he will fight his own government, and put it on the public record that he will fight his own government, and insist that he get a commitment.

I find it interesting that the Minister of Northern Development can go to the cabinet table and demand that his promises be kept, and that a bill of this magnitude could be crafted in order to protect his political future, but, as we know, the member for Oakville does not sit at the Privy Council or the cabinet table, and perhaps his voice, like his concerns on behalf of Halton, will not be heard as seriously as Mr Ramsay's, nor are they being considered for a clear and unequivocal statement from the minister. So the government is willing to tell the people of Kirkland Lake that they won't have to have a landfill site, but the government is unwilling to provide the assurances for those of us in Halton region.

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I make these comments on behalf of my colleague the member for Halton, Ted Chudleigh, who has worked along with me for the last 10 years directly with the regional chair, Joyce Savoline, and members of council, including the current member for Oakville, while he was on council in Halton, to ensure that Halton's excellent example has been—

Mr Levac: On a point of order, Mr Speaker: I was listening very carefully to the member, and I'll try to give him as much time as possible to try to not do this, but in the standing orders in "Rules of Debate," section 23: "In debate, a member shall be called to order by the Speaker if he or she ... imputes false or unavowed motives to another member." I am quite concerned about this type of talk about the member from Oakville and I'd like to know whether or not that's an appropriate way to speak about another member in this House.

The Acting Speaker: Quite clearly, the standing orders preclude a member imputing a motive in context of a speech, and I would certainly remind all members of the House that that is the standing order. I'll return now to the member for Burlington.

Mr Jackson: For the record, I did not indicate that the member from Oakville enjoyed the position he's now taking. That would impute a motive. I said that he finds himself in a position where he cannot defend the very region and the very policies and the very motions that he approved and passed by his own hand when he was a councillor. That's what I put on the record.

The member's here, and if he wishes to put on the record tonight his absolute commitment—listen, all of these are tests for those of us in public life. I had no difficulty saying to my Minister of Transportation that under no circumstances should any extension of the mid-peninsula highway going through Halton proceed without a full EA. I had no difficulty making that statement. I had no difficulty making that statement when I was sitting at the cabinet table, I had no difficulty making that statement when I stood in the public and I had no difficulty in this House. If I suffered any consequences from that, it certainly wasn't my ability to sleep at night, because that's what I told my constituents I would do, and that's in fact what I did do.

Bottom line: Halton is in a very precarious position, and the Adams mine has been a lightning rod of concern for Halton residents that we are very vulnerable at this point. We are concerned that property rights are being trampled by this government in this legislation. In all likelihood, that's a major reason for why it should not be approved and passed at this time.

The Acting Speaker: Questions and comments?

Mr Kevin Daniel Flynn (Oakville): I didn't feel impugned or imputed, or whatever happened there, but I certainly did want to stand up. The Minister of Colleges and Universities has changed somewhat since I was in the House last, and may want to shave.

I did want to speak to the Halton issue, though, because I did hear some of the comments that were made previously. I think the Adams mine and the landfill situation in Halton aren't linked in the way that the previous speaker has just outlined. They certainly are issues about landfill, they are certainly issues about waste diversion and a waste strategy, but to try to link them in the way they've been linked is simply not sensible, in my opinion.

The Adams lake mine would have taken Toronto's garbage, trucked it up to the mine and thrown it in a hole some hundreds of miles away from Toronto. What we've done in Halton is exactly the opposite, and that is, we've become a self-sustainable community. We took our responsibility seriously as a community, we were able to locate a landfill site in our community and now the time has come where other municipalities in the GTA are finding that they have a problem with landfill. What we are saying is that we fulfilled our responsibility in the past in a proper manner and that Halton does not have a problem. If you leave Halton alone, if you leave its landfill alone, it is a region that has solved its own problems. It's time to get serious about the Toronto problem and the GTA problem. The solution to that, however, is not the Adams mine.

Mr Barrett: The member from Burlington did talk about Halton and the Halton landfill site. We just heard

that the rail haul recycling site in the Adams mine may not be linked to any concern in Halton. I beg to differ. I've certainly had discussions with the member from Halton. He's concerned, and as we heard from the member from Burlington, there's a landfill site there. It's a very expensive landfill site, and there is concern in Halton about taking garbage from other jurisdictions.

Why would they be concerned? Well, because one option is in the process of being eliminated, and that's rail haul to a distant site. Another reason to be concerned is that there is a large body of opinions opposed to the 125 tractor-trailers that are travelling Ontario's highways. There's certainly opposition coming from London, opposition coming from Sarnia and, certainly, opposition coming from the state of Michigan.

The member from Parry Sound-Muskoka made mention of the tractor-trailers travelling Ontario's highways. As I understand, the full load goes through Sarnia across the border, the empty tractor-trailer is returned through Windsor, and then back up to the Toronto area. That's a movement every single day of a million tonnes of Toronto area garbage, waste from not only Toronto but also York, Peel and the Durham region. This waste goes from Toronto to Sumpter township, Michigan, the Carleton Farms landfill, and that's not going to go on forever.

The Acting Speaker: Further questions and comments? I'll return to the member for Burlington. You have two minutes to reply.

Mr Jackson: First of all, I can't believe that the member for Oakville, who took his two minutes to say some nice things about Halton, still did not take the occasion to put clearly and unequivocally on the record that he'll fight any efforts to dump Toronto's garbage in Halton.

The reason I haven't taken a shot at the member for Timiskaming-Cochrane is simply because I admire any person who will stake their political career on a principle, which he did. He said, "I will resign if you go ahead with this site." You have to respect that, you have to admire it, and you have to acknowledge it. Now, I don't think that's terribly good public policy in every case, but he has delivered on the promise he made to his constituents that he would find a way, politically or otherwise, to eliminate it.

What we're pleading with the member for Oakville is for him to use his influence to whatever degree that is to support his region and his colleagues that he sat on regional council with for so many years. He has been silent in that regard in his lengthy speech on April 22, which doesn't reference the fact that Halton is genuinely concerned, by resolution, that this intervention in the legislative process for finding landfills is going to have a consequence with dire repercussions for the citizens of Halton.

As I said, historically, when our government did it 25 years ago, it cost us a seat. I suspect that if it isn't for your own political seat, it should be for good, sound, environmental reasons, I say to the member for Oakville.

My regional chair, Joyce Savoline, expects me to stand in this House and to argue vigorously that this government must commit to a strategy that will not allow Toronto's waste diversion to find its way into Halton's dump.

The Acting Speaker: I'm pleased to recognize the member for Oxford.

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Mr Ernie Hardeman (Oxford): With the permission of the House, I will be sharing my time with the member from Cambridge. It's a privilege to be able to stand up and speak to Bill 49, An Act to prevent the disposal of waste at the Adams Mine site. It does go on to say it's going to amend the Environmental Protection Act with respect to the disposal of waste in lakes. I guess I have to take it from that that there are two separate parts to the bill.

When you look at the bill and you read it carefully, it in fact changes the definition of "lake" to include the Adams mine. If we could have done that under the Environmental Protection Act, then it would just be to stop disposing of garbage in a lake. I'm not aware of anyone else having a proposal before anyone that they were going to dispose of garbage in a lake. So I presume that that's the intent here.

There are two things that bother me as the member representing the people of Oxford. One is the present disposal of waste in Michigan. Obviously, all the waste—and I think it is 125 trailer loads every day—is being trucked to the US, to Michigan, for disposal. All the municipalities along the 401 corridor to Windsor are concerned about that happening. What's happening here is that we all know that it's the municipal government, the towns and the cities, that are responsible for waste disposal.

Toronto and the people have been working toward achieving a disposal site, but now the province has stepped in. I think it's been going on since 1989. They've been trying to get approvals for this site. All of a sudden it goes back to square one, so there is no site in sight. I guess that's a bit of a play on words, but there's no site in sight, so we have to assume that it will continue to be transported down the 401, where all of our communities have grave concern.

I also share the concern of the member for Burlington, who just spoke. He suggested that the municipalities along that corridor that do have landfill capacity at the present time for their own use are very concerned that when Toronto no longer has a place to put the waste, they will blame the province for stopping it from going to this site that they've been working on all this time, so then the province will be looking at capacity and all the sites along that corridor to fill.

I can tell you that last year, when we had the border closed because of the BSE situation with our cattle, it was only closed for a day or two when I was contacted by my municipal officials, who said that under no conditions would they be willing to discuss, or have discussed, the possibility of using the landfill site in Oxford

for disposal of Toronto's waste. In fact, my local paper stated that one of the county councillors said he would lie on the driveway and stop the trucks from getting in. So they're very serious. They didn't want to do that, but the bill, although it stops the further processing of this new pit, does nothing to suggest what we're going to do with the waste.

We're making some gestures: We're going to start recycling; we're going to do waste reduction. I want to say that I got into politics on the issue of landfill. The regional landfill site in my area is close enough to my house that I hear the bulldozer backing up every morning with the alarm—unless, of course, I get up early enough to get ahead of him.

My municipality, which I had the honour of serving, was the first in Ontario—the second in Canada; there was one in British Columbia—that started mandatory recycling. Incidentally, that reduced the waste being produced by 20%. So far, we haven't seen that anywhere in Toronto's future, that they will do that in order to reduce the need. Even if they do, we have to remember that they will still need landfill capacity. Reducing the 125 trailers a day by 20%, there will still be far too many to put into the sites that are presently available.

There's absolutely nothing in the legislation that tells us what they're going to do with the waste, other than, "We're not going to put it there." The minister has been asked a number of times in this House to suggest what the alternatives are if the border should close, or if they can no longer truck it that far. She said they were going to find alternatives: "We're going to try recycling, we're going to do a lot of things, but we're going to find alternatives."

If this is an example, since 1989, and every step of the way, the applicants have received approvals, yet here we are: With the stroke of a pen everything is gone and we go back to square one. If we're looking at 15 years before we get another site, and then still have to take a chance as to whether it will be approved, I don't know what they are going to do with the waste.

More importantly, I just want to ask the government, as they introduce this bill, why they think anyone in the private sector or in the public sector would start this process and go through all this, if at the end of it, having done exactly what they were supposed to do every step of the way, the answer is still, with the stroke of a pen, "Sorry, but not here." There is absolutely nothing that deals with that.

If that's what they were going to do or intended to do, I would have thought the bill would have changed the Environmental Assessment Act, I think it is. I would have thought they would have changed the rules so that people would know the reason this application didn't make it is because what we had in place was not appropriate, so we can't follow that same process. That's not what it does. They're just saying: "This one's no good. Follow those same rules." Why would anyone follow those same rules to get to where these individuals got to with this legislation being introduced when they

were, I believe, one approval away from starting the development of the site? I think it's the wrong thing to do.

Incidentally, I have no idea whether it's the right thing to do as far as if it's a good landfill site. I want to say that I have some people whom I know quite well, who are somewhat related to me, and live rather close to the site. I can assure you they are not supportive of having the site there. I'm not qualified to suggest it's the right site, but I am qualified to read all the things the applicants have done. They followed every rule and got every approval. To take their rights away from them at this stage of the game is wrong.

Mr Gerry Martiniuk (Cambridge): There are only three minutes left so I will restrict my comments to property rights. One issue that hasn't been emphasized now is that this bill, in fact, removes property rights from various individuals. That, in itself, is not unusual in Canada, and that is the unfortunate aspect of Canadian life I wish to address.

Unfortunately, when our Constitution was passed some years ago, property rights were not enshrined as rights. As a matter of fact, the net result of the Constitution was the removal of property rights as enshrined rights because the common law, laws that grew up over the centuries in the United Kingdom, recognized some aspects of property rights. But people have been trying to reverse that situation because property is important. Taking away property from an individual without compensation is not something that should be applauded.

One Garry Breitkreuz, the Alliance MPP for Yorkton-Melville, has tried four times at the Canadian Parliament to strengthen the Constitution to include property rights. On his last attempt, Paul Macklin, who is a Liberal member for the Ontario riding of Northumberland and parliamentary secretary to the Minister of Justice, came out against the enshrinement of property rights, saying, "We cannot support a motion that could result in the reopening of the question of increased property rights protections that would disrupt the current democratic balance of property rights and other rights, thereby putting into jeopardy social and economic laws and policies that are important to the people of Canada." So that fourth attempt again died on the order paper.

I bring you that aspect of Canadian life to contrast it with life in China. It would seem that China, which is one of the few remaining Communist countries, did in fact incorporate in their present rights and freedoms the use of property as a fundamental right. Whether that's worth much in the glorious republic of China, I can't say, but I think it makes for an interesting contrast.

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The Acting Speaker: Questions and comments?

Mr Barrett: The member for Cambridge made mention yet again of property rights. This legislation does raise the question: What is our right to own property worth in, I suggest perhaps, the developing republic of Ontario? There is concern, and it's focused through this Adams mine debate.

Both the member for Cambridge and the member for Oxford are former municipal councillors. They know of what they speak with respect to landfill issues, and the not-in-my-backyard sentiments that will continue to grow. We certainly see this with a number of other municipal councillors. I make mention of the mayor of Sarnia, Mike Bradley. He is very concerned about these tractor-trailers that are loaded up with Toronto garbage going through his community. He has indicated: "The main issue is that Toronto should deal with its own waste ... there are already too many trucks on the road and if this garbage has to be transported, it should be done by rail."

I quote the mayor of London, Anne Marie DeCicco, head of what's referred to as the Southwestern Ontario Trash Coalition: "We frankly feel that if you have another 200-300 trucks (a day) without widening the lanes on the highway, it's going to have an impact on traffic and an impact on safety."

Going back to Sarnia's Mayor Bradley, he is quoted as saying, referring to Michigan: "They will craft legislation that will limit what can be taken across the border." This is actually happening. The Governor of Michigan, Jennifer Granholm, on March 26, signed a package of legislation designed to curb the flow of trash into Michigan.

Mr Baird: I was impressed with both the speeches of my colleagues, particularly about their steadfast support for property rights. We do live under the rule of law, and the people of Ontario deserve their day in court to have their disputes with governments adjudicated.

As this debate wraps up, I say to the members present that you might consider striking section 5 of the bill in committee, before this comes back for third reading. It's wrong. It's bad. It's bad politics; it's bad public policy. To bring in a retroactive measure such as this is going to send a terrible message.

This is not an issue which is going to be, regrettably, top of mind among Ontario voters at the next election campaign, but it's still important. And I would ask them to consider it.

I say to the member for Haldimand-Norfolk-Brant, this is an issue for Michigan voters. Not only is Governor Granholm looking to cut Toronto garbage off in Michigan, but Senator Debbie Stabenow is collecting petitions, some 160,000 to the best of my knowledge. And every county in the state of Michigan is a key battleground in the upcoming federal election campaign. If it's not a political decision, it will be a health and safety decision, as when the BSE problem emerged, or with another infectious disease like SARS in the future.

I want to thank these two members for standing up for the environment and for property rights, because this legislation, section 5 particularly, is a disgrace.

Mr Richard Patten (Ottawa Centre): I couldn't not say something. When I hear the member from Nepean talk about the environment and protecting health and safety and one thing and another, it is somewhat of a disparaging joke. What the Tories are really talking about

is placating some of their friends who had a big-business arrangement in order to—

Mr Baird: One guy's name is McGuinty.

Mr Patten: Well, there's no relationship to our Premier, as you well know.

The Tories now are backing down the field. Now they're interested in the environment. Now they have a concern about health and welfare. They didn't before; they were looking at big bucks, for some of their big friends to make a hell of a lot of big dollars on all this.

This bill will not only protect the Adams mine and the people of that particular area, but we're talking about a principle of respecting the reality of the environment. You don't dump garbage in a lake, period. It's so fundamentally basic, it's absolutely unbelievable. They bring up issues of property rights for individuals; it has got nothing to do with that. It's a body of water.

Mr Baird: It's a body of water.

Mr Patten: Yes. Now, all of a sudden, my Tory friends have had a conversion. They now care about property rights, which we all do, of course.

Mr Baird: No, you don't.

Mr Patten: Yes, we do. We care about that very much. But we also care about the environment. We care about the flora and fauna. We care about keeping the land in Ontario pure. And we care about making sure that municipalities respect the responsibility that they have to deal with their own garbage, and that's the most important thing.

Mr Jackson: I just want to commend my two colleagues for their comments in the House. All I wanted to put on the record was that clearly our caucus feels strongly about this legislation, that it should have more exposure to the public, that there should be more involvement and public consultations on this snap bill that was crafted so quickly and craftily.

We in Halton certainly would appreciate an opportunity to have a hearing in our community so that its excellent recycling and diversion numbers can be exposed to the rest of the province, and more importantly, so we can express to the government the absolute political will of the people of Halton that we do not get Toronto's garbage. There has been a process in place; it should be followed. So I will continue to fight for the residents of Halton, and fight this legislation until our citizens receive the justice they deserve.

The Acting Speaker: One of the Conservative members has an opportunity to reply for two minutes.

Mr Hardeman: There has been a lot of debate on whether the decision to introduce this bill was made on scientific grounds or whether it was politically motivated.

Just in wrapping up, I have here a page out of the House book of the Minister of the Environment. This

would be an answer to a question that someone could pose to the minister. She would then look through her book and find this in there:

"The ministry received an executive summary of a report commissioned by the Timiskaming Federation of Agriculture, which states that the hydraulic containment design proposed for the Adams mine landfill site has not been adequately proven."

Then her answer would be, "The ministry is more than willing to review the full report if and when it is received. If the TFA or anyone have information that indicates the design of the hydraulic trap is not sound, then we urge them to bring this evidence forward for review and consideration."

"To date, the ministry has not been provided with any information that would lead the ministry to have concerns with the approvals that have been issued to date."

"The proposed landfill has received approval under the Environmental Assessment Act, the Environmental Protection Act and the Ontario Water Resources Act."

This is the answer that the minister would give. I find it hard to take that she would read that page out of the briefing book to the general public, and then turn around, bring this bill forward and say—after all the work the proponents have done—that no further evidence is needed: "The bill says we cannot deposit waste at this site."

The Acting Speaker: Further debate?

Mrs Dombrowsky has moved second reading of Bill 49, An Act to prevent the disposal of waste at the Adams mine site and to amend the Environmental Protection Act in respect of the disposal of waste in lakes.

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

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

All those opposed will please say "nay."

In my opinion, the ayes have it.

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

Order. I've received notification from the chief government whip asking that the vote be deferred until tomorrow at the appropriate time when we do deferred votes.

Hon Mr Duncan: I move adjournment of the House.

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

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

The House stands adjourned until tomorrow morning at 10 am.

The House adjourned at 2021.

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