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Monday 25 October 2010

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Lundi 25 octobre 2010

**Standing Committee on
General Government**

Water Opportunities and Water
Conservation Act, 2010

**Comité permanent des
affaires gouvernementales**

Loi de 2010 sur le développement
des technologies de l'eau
et la conservation de l'eau

Chair: David Oraziotti
Clerk: William Short

Président : David Oraziotti
Greffier : William Short

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES**

Monday 25 October 2010

Lundi 25 octobre 2010

The committee met at 1410 in room 228.

**WATER OPPORTUNITIES AND WATER
CONSERVATION ACT, 2010
LOI DE 2010 SUR LE DÉVELOPPEMENT
DES TECHNOLOGIES DE L'EAU
ET LA CONSERVATION DE L'EAU**

Consideration of Bill 72, An Act to enact the Water Opportunities Act, 2010 and to amend other Acts in respect of water conservation and other matters / Projet de loi 72, Loi édictant la Loi de 2010 sur le développement des technologies de l'eau et modifiant d'autres lois en ce qui concerne la conservation de l'eau et d'autres questions.

The Chair (Mr. David Oraziotti): Good afternoon, everyone. Welcome to the Standing Committee on General Government. We're going to continue with the clause-by-clause portion of Bill 72, An Act to enact the Water Opportunities Act, 2010 and to amend other Acts in respect of water conservation and other matters.

Before we proceed, are there any comments or questions? Mr. Barrett.

Mr. Toby Barrett: Thank you, Chair, for the request for comments. I do wish to make a motion right at the outset, and I communicated this to the clerk, as you may know, ahead of time.

I move that the Standing Committee on General Government's deliberations on Bill 72, Water Opportunities and Water Conservation Act, 2010, be deferred until such time as elected municipal councils are in place and a mechanism for their input to committee deliberations is agreed upon.

The Chair (Mr. David Oraziotti): Mr. Barrett has moved this motion, which I understand from the clerk is in order, prior to us discussing the motions that have been put forward by all parties.

Mr. Barrett, do you want to speak to this motion?

Mr. Toby Barrett: Yes, just by way of explanation to members of the committee, as you will know, our deliberations, our hearings, as a committee with respect to the Water Opportunities Act had been held during the time period of Ontario's municipal elections. We know that this legislation impacts directly on, obviously, water service providers. By and large, that does include municipalities.

The Chair (Mr. David Oraziotti): Ms. Jaczek.

Ms. Helena Jaczek: Thank you, Mr. Chair. We will not be voting in favour of the motion as introduced by the Progressive Conservative Party.

Certainly, there has been tremendous consultation with municipalities, not only since introduction of this bill but prior to.

Specifically, AMO has written to us. We know, in their response to Bill 72, that they support the policy direction of the government on municipal water, waste water and stormwater facilities, as taken in Bill 72.

We've had comments from some 13 municipalities on the Environmental Bill of Rights. There were meetings with other municipalities throughout the summer. We feel that the process has certainly looked at their concerns.

Also, the AMO MOU table: This was discussed at AMO's AGM. There were a number of presentations on the proposed act.

In summary, we will not be supporting this motion.

The Chair (Mr. David Oraziotti): Any further comments? Mr. Clark.

Mr. Steve Clark: It's almost like we're going to get a reputation that we don't want to consult with people.

I can appreciate what the parliamentary assistant has said. I brought up the same point last week in the House. I know that it was mentioned, I believe, by Mr. Mauro at the time, the memorandum of understanding, and I read with interest the AMO brief.

However, I spent a lot of time this weekend attending events in my riding. I had occasion, obviously, because there's a municipal election today, to see a lot of candidates and a lot of existing incumbents—incumbents who are very active in AMO and some of the other conferences. I was shocked at how most of them, if not all of them, had little or no idea about Bill 72.

I certainly concur with Mr. Barrett's motion and I hope that the government will reconsider their position.

The Chair (Mr. David Oraziotti): Any further comment? Mr. Levac, go ahead.

Mr. Dave Levac: Not to belabour, but to support the parliamentary assistant, and also take under advisement Mr. Clark's observation of the communication process between AMO and its members—I appreciate that very deeply. Quite frankly, I would actually think that that might be a point to be made.

Interjection.

Mr. Dave Levac: I thought heckling was just for the House. Is heckling just for the House, Mr. Chairman?

The Chair (Mr. David Oraziotti): Mr. Clark, we appreciate your comments. You've had your opportunity to speak. Mr. Levac's got the mike.

Mr. Dave Levac: Thank you very much, Mr. Chairman.

Having said that, the parliamentary assistant was absolutely correct, and my understanding is that there was even feedback from non-AMO members, of which there are a few.

Quite frankly, I look forward to moving through the agenda today. I will not be supporting this motion.

The Chair (Mr. David Oraziotti): Any further comment?

Mr. Toby Barrett: Again, I recognize that 13 municipalities did send in comments, but I'm not sure when those comments were forwarded.

You did mention the input you received last summer. But we are towards the end of October, and I've attended probably seven or eight all-candidates' nights down in my area. As we all know, municipal councillors are pre-occupied right now.

I just feel that, as we continue with our deliberations, with discussing amendments, the input we received from other organizations—in fact, during the hearings, we did not receive any input from municipalities; it was from other organizations. I don't know whether the government has had the ability to pass that information back to the municipalities and whether municipal councillors have had the time to digest that over the past week, because they are very busy with other things.

For that reason, I just feel that they have a very limited ability to provide input to our committee deliberations. For example, as we discuss amendments to the bill, today is election day; they have other things on their mind. I just don't see how they can be involved or adequately participate in this process.

The Chair (Mr. David Oraziotti): Seeing no further comment, I'll put the motion. All those in favour of the motion?

Mr. Toby Barrett: Recorded vote.

The Chair (Mr. David Oraziotti): A recorded vote has been called for.

Ayes

Barrett, Clark.

Nays

Jaczek, Kular, Levac, Mangat, McNeely, Tabuns.

The Chair (Mr. David Oraziotti): The motion is lost.

We're going to move on to the package you have in front of you. There is a total of 77 amendments. We're going to move to schedule 1. We'll come back to the first three sections following the schedules.

We'll ask for the first motion, a government motion, to be read into the record. Ms. Jaczek, go ahead.

Ms. Helena Jaczek: I move that clause 1(a) of the Water Opportunities Act, 2010, as set out in schedule 1 to the bill, be amended by striking out "technologies and services" and substituting "technologies, services and practices."

The Chair (Mr. David Oraziotti): Any further comment?

Ms. Helena Jaczek: The reason that we have added "practices" to this particular clause is that it was something that was requested by a number of stakeholders, including Ecojustice and the Canadian Environmental Law Association.

We're looking at a broad range of activities. Specifically, we want to ensure that we foster innovative practices with respect to water, waste water and stormwater in the public and private sectors, not just innovative technologies and services. This is where we would include practices such as stormwater harvesting and water re-use and practices that promote the use of leafy green infrastructure as a means to better protect and conserve water resources.

As we go through some of our motions, you'll note that we've included "practices" in a number of subsequent motions.

The Chair (Mr. David Oraziotti): Further debate? Further comment? All those in favour? Opposed? The motion is carried.

Conservative motion number 2: Mr. Barrett.

Mr. Toby Barrett: I move that section 1 of the Water Opportunities Act, 2010, as set out in schedule 1 to the bill, be amended by striking out "and" at the end of clause (b), by adding "and" at the end of clause (c) and by adding the following clause:

"(d) to recognize watersheds as the fundamental water management unit and to recognize the importance of integrated watershed management."

The Chair (Mr. David Oraziotti): Further comment, Mr. Barrett, on the motion?

Mr. Toby Barrett: As we heard during hearings, this concept was presented to this committee by Conservation Ontario, advising us on the importance of thinking in terms of watersheds, as the conservation authorities do throughout the province.

1420

To recognize the need to manage water on a watershed basis, they use the term "integrated watershed management" and recommend that it be incorporated into this legislation to allow the province to ensure sustainable water resources, not only with respect to the consumption of water by human beings but to take into consideration an ecosystem approach and also an economic approach.

The Chair (Mr. David Oraziotti): Further comment? Ms. Jaczek.

Ms. Helena Jaczek: In listening to our stakeholders, in fact, in municipalities in particular, they've expressed concern about any potential duplication of effort between the requirements of this act and any other legislation and

regulations. Broadening the purpose of the proposed act to include integrated watershed management may overlap and duplicate other legislation—for example, the Clean Water Act, where source protection plans, which include an assessment of drinking water risks, are considered on a watershed basis.

The act is essentially enabling. At the time of developing regulations, it may be appropriate to require or encourage that some elements be implemented on a watershed basis so that certain targets, performance measures, could be established on a watershed basis and there could be coordination across a region or a watershed.

We're not precluding that kind of effort, where municipalities would carry out their planning efforts with other municipal partners within their watersheds. They could certainly submit some joint plans. But we don't feel that we should be introducing this type of amendment.

The Chair (Mr. David Oraziotti): Any further comment?

A Conservative motion is on the floor. All those in favour? All those opposed? The motion is lost.

Our third motion is an NDP motion. Mr. Tabuns, go ahead.

Mr. Peter Tabuns: I move that section 1 of the Water Opportunities Act, 2010, as set out in schedule 1 to the bill, be amended by striking out “and” at the end of clause (b) and by adding the following clause:

“(d) to ensure the public ownership and delivery of drinking water and wastewater systems; and”

If I may just speak briefly, Chair. I've had an opportunity to talk with the parliamentary assistant. I understand that the government's interpretation of this bill is that it does not do anything that will increase the risk of privatization, nor does it facilitate the privatization of water delivery infrastructure or practices—activities.

My guess is that the government will vote against this because it feels that it already has a resolution that addresses that, rather than that the government supports privatization.

It would be useful to have the government say that in fact, if it doesn't support this resolution, it's not because it supports privatization.

I believe that it is useful in this case to have a belt-and-suspenders approach, as some of my lawyer friends have said. There will be huge pressure to privatize public infrastructure. Multiple mentions of this in the bill is to the government's and Ontario's advantage. That's my argument.

The Chair (Mr. David Oraziotti): Ms. Jaczek.

Ms. Helena Jaczek: Yes, we certainly have had conversations on this particular subject, because during the hearings we did hear from OPSEU and CUPE that there was a fear around privatization. We will reiterate that there are no provisions in the proposed act that remotely deal with privatization, but because of those concerns we will see in government motion 5 wording

that we feel will allay the fears around that. We feel that our wording is actually clearer, with the same intent.

The Chair (Mr. David Oraziotti): Mr. Barrett.

Mr. Toby Barrett: I think I mentioned during the hearings as well that the government does not provide water for probably 50% of the people that I represent. God does, I suppose, primarily through rain and groundwater. Government does not provide a system.

I think our farms, on my mother's side of the family, have been there for 200 years. We're on our own. We'll probably be on our own for the next 200 years as well. Nobody's going to run a pipeline out that far.

On occasion, people have to purchase water. It's not a government truck that shows up. You're on your own. You buy your own water. You foot the bill for a cistern, for example, to store water. You also foot the bill yourself—there's no government grant or anything—to build a septic system as well. There is no public ownership, and I doubt there will be public ownership either. So I just wanted to raise that for people like myself who live out in the sticks.

The Chair (Mr. David Oraziotti): Thank you. Further comment?

NDP motion, all those in favour? Those opposed? The motion's lost.

Motion number 4: Mr. Tabuns.

Mr. Peter Tabuns: I move that section 1 of the Water Opportunities Act, 2010, as set out in schedule 1 to the bill, be amended by adding the following clause:

“(e) to recognize the human right to safe and clean drinking water and sanitation as proclaimed by the United Nations General Assembly.”

Chair, very simply: There's an opportunity, as we adopt a water bill, to take on board the obligation to provide safe and clean drinking water, an issue that unfortunately is a very sharp one in many First Nations communities in this province. I suspect that everyone around the table is familiar with this concept and understands what's at stake. I would urge the government to support this amendment.

The Chair (Mr. David Oraziotti): Thank you. Ms. Jaczek?

Ms. Helena Jaczek: Certainly, we would acknowledge the noble sentiment in the motion and certainly want to ensure that everyone understands that our government continues to strive for all Ontarians to have access to safe, clean drinking water and sanitation services. However, the suggested amendment is beyond the scope of the act. Other acts govern the operation of drinking water systems and sewage systems, such as the Safe Drinking Water Act, 2002, the Ontario Water Resources Act, the building code, 1992, and the Health Protection and Promotion Act.

We feel we have the appropriate legislation to ensure that Ontarians are provided with safe and clean drinking water and appropriate sanitation systems. We don't feel the addition of this motion will assist us in any particular way.

The Chair (Mr. David Oraziotti): Further comment?

All in favour of NDP motion number 4? All those opposed? The motion is lost.

Number 5: government motion, Ms. Jaczek.

Ms. Helena Jaczek: I move that section 1 of the Water Opportunities Act, 2010, as set out in schedule 1 to the bill, be amended by adding the following subsection:

“Same

“(2) For greater certainty, the purposes of this act do not include the privatization of publicly owned water, wastewater and stormwater services.”

By way of explanation, this is in response to those fears that we did hear from stakeholders about some intent to privatize. We feel that it was certainly important to add this into the act to ensure that there is clarity. It’s a simple statement, but I think it captures our intent very clearly.

The Chair (Mr. David Oraziotti): Any further comments?

Mr. Peter Tabuns: Yes. I just want to go back to put on the record that I understand, in this resolution, you to mean “services” in the broadest sense of the word: as both infrastructure and activities for delivery of water. I would appreciate it if the parliamentary assistant could confirm that.

The Chair (Mr. David Oraziotti): Ms. Jaczek?

Ms. Helena Jaczek: Certainly, we’re saying the intent is not to privatize in any fashion. We do know that certain water systems are operated by private companies to date. Certain municipalities have taken that route, as they have every authority to do under the Municipal Act.
1430

Mr. Peter Tabuns: So you see the word “services” understood very broadly. Is that correct?

Ms. Helena Jaczek: I see the word “services” to mean the privatization of publicly owned services.

Mr. Peter Tabuns: Owned, and the operations—because you can own a water system and have privatized the actual operation or delivery of it. This bill is not meant to facilitate that.

Ms. Helena Jaczek: This bill is not meant to facilitate in any way. However, the Municipal Act does allow municipalities to have that particular power.

Mr. Peter Tabuns: I understand that. I just wanted to note before we go to the vote that I’d like it recorded.

The Chair (Mr. David Oraziotti): Okay. Any further comment on the government motion? A recorded vote has been called for.

Ayes

Jaczek, Kular, Levac, Mangat, McNeely, Tabuns.

The Chair (Mr. David Oraziotti): Seeing none opposed, the motion is carried.

That completes the schedule 1 amendments.

Shall section 1, as amended, carry? Opposed? Schedule 1, section 1, as amended, is carried.

NDP motion number 6: Go ahead, Mr. Tabuns.

Mr. Peter Tabuns: I move that subsection 2(1) of the Water Opportunities Act, 2010, as set out in schedule 1 to the bill, be amended by striking out “may, to further the purposes of this act, establish aspirational targets” and substituting “shall, to further the purposes of this act, establish provincial targets”.

Very simply, I believe that the term “aspirational” is too vague, that in fact if we’re going to set targets, they should be substantial.

The Chair (Mr. David Oraziotti): Further comment?

Ms. Helena Jaczek: We feel that this amendment is actually limiting in terms of the government’s flexibility to develop ambitious yet achievable targets for municipalities.

We feel that the targets should be developed in consultation with municipalities and other stakeholders so that in fact they are ambitious but realistic. Again, inserting the word “provincial” would be very limiting. We feel that some targets may not be province-wide. We do need to have that consultation, as I’ve already said.

The government certainly intends that once these targets are set, they will be ambitious benchmarks that certainly will encourage behaviour change.

We will not be supporting this motion.

The Chair (Mr. David Oraziotti): Any further comment?

All those in favour of NDP motion number 6? All those opposed? The motion is lost.

That takes care of schedule 1, section 2.

Shall schedule 1, section 2, carry? Carried.

NDP motion number 7: Go ahead, Mr. Tabuns.

Mr. Peter Tabuns: I move that the Water Opportunities Act, 2010, be amended by adding the following part:

“Part I.1, Definitions,

“Definitions

“2.1 In this act,

“‘green infrastructure’ means ecological processes or structures, whether natural or engineered,

“(a) that process, capture or direct water, stormwater or wastewater in a manner that emulates natural systems and has multiple ancillary societal benefits;

“(b) that function on a site specific scale or on a regional scale; and

“(c) that include urban forests, natural areas, greenways, streams, riparian zones, meadows, agricultural lands, green roofs and walls, parks, gardens, landscaped areas, green open spaces, bioswales, engineered wetlands, stormwater ponds, soil and technologies such as porous paving, rain barrels, cisterns and structural soils;

“‘soft path approach to water use’ means examining service needs and determining whether water is necessary for service delivery and if it is necessary determining what quality of water is needed, with the overall aim of ensuring current and future water needs do not overstrain or degrade the quality of water flows, systems or overburden infrastructure;

“technologies, services and practices’ includes stormwater and wastewater technologies, services and practices, particularly those technologies and services that,

“(a) take a soft path approach to water use; and

“(b) focus on water services for ecosystem and human needs, low impact development ideas, innovative water practices and promotion of green infrastructure.”

I think the motion speaks for itself. It provides a clearer picture to those who deal with this legislation of how broadly we want to see the idea of green infrastructure.

The Chair (Mr. David Oraziotti): Okay, thank you. Ms. Jaczek?

Ms. Helena Jaczek: Certainly, we understand the intent of this motion. We certainly feel that these are the sorts of practices that will be extremely beneficial for municipalities to consider as they do develop their sustainability plans. However, we feel that being very specific like this within the definitions is unnecessary and potentially even somewhat limiting.

We would also like to emphasize that we do intend for stormwater to be obviously a specific area of examination for municipalities. Certainly within section 3, there is a definition, as it relates to WaterTAP, of waste water that definitely includes stormwater. We would not want anyone to be concerned that we are not looking at stormwater technologies as well.

In summary, we feel that, at this point, we might even be limiting innovation if we’re so specific as including this as a definition.

The Chair (Mr. David Oraziotti): Thank you.

NDP motion number 7: All those in favour? Opposed? Okay, the motion is lost.

Schedule 1, section 3: There are no amendments. Shall it carry? Carried.

Conservative motion number 8: It’s a notice. Do you want to speak to that—

Mr. Toby Barrett: PC?

The Chair (Mr. David Oraziotti): Yes. Mr. Barrett, go ahead.

Mr. Toby Barrett: Committee, you’ll see before you a notice with respect to section 4 of schedule 1, the Water Opportunities Act, 2010.

The Progressive Conservative Party recommends voting against section 4 of the Water Opportunities Act, 2010, as set out in schedule 1 to the bill.

Just by way of explanation, there is a reason for a notice rather than a motion. If the committee were amenable to this and wishes to remove an entire section from the bill, the rules of parliamentary procedure require that the committee vote against the section, rather than pass a motion to delete it.

For that reason, this was not put forward as a motion. In essence, this calls for a submission questioning the need for a completely separate, new corporation to promote and develop the province’s clean water sector. We have OCWA. We have the MRI, the Ministry of Research and Innovation. We have the Ministry of the Environment, where responsibility lies for this function.

I know that during the public hearings, the Ontario Sewer and Watermain Construction Association presented to this committee and advised us, as I recall their words, “Do not waste your time or money on developing a completely new organization to accomplish these kinds of goals. You already have the Ministry of the Environment and other bodies.”

The Chair (Mr. David Oraziotti): Ms. Jaczek?

Ms. Helena Jaczek: We will be voting against the notice. We have heard from innovators and many stakeholders that actually felt quite strongly that there was a need for a dedicated entity that would bring key partners together. In particular, those entrepreneurs with new ideas have occasionally found it difficult to connect to the capital they need.

We feel that this is an excellent idea. It is supported, as I say, by many of those in the business community. Therefore, we will not support this notice.

The Chair (Mr. David Oraziotti): Any further comments? Just for clarification, we are not voting on the notice; we are voting on whether or not schedule 1, section 4, will carry.

So schedule 1, section 4: All those in favour? Opposed? Okay, section 4 has passed.

1440

Schedule 1, section 5, government motion number 9: Ms. Jaczek.

Ms. Helena Jaczek: I move that subclause 5(b)(i) of the Water Opportunities Act, 2010, as set out in schedule 1 to the bill, be amended by striking out “technologies” and substituting “technologies and services.”

The Chair (Mr. David Oraziotti): Comment?

Ms. Helena Jaczek: This amendment expands the objects of the Water Technology Acceleration Project corporation to include assisting Ontario’s water and waste water sectors by increasing their capacity to develop tests, demonstrate and commercialize innovative technologies and services for the treatment and management of water and waste water. This is so that we don’t just focus on the development of innovative technologies but also the provision of innovative services that support the delivery of these services.

This, we feel, is a very important service dimension that is required as part of the work that WaterTAP will do. It was specifically requested by the city of Toronto and Conservation Ontario. The Ontario Environment Industry Association did note during their presentation to this committee that we, in fact, recognize the importance of services in the environmental sector; things like engineering design services as an example. It’s not just the technology side that is critical.

The Chair (Mr. David Oraziotti): Any further comment? All those in favour of government motion number 9? Those opposed? The motion is carried.

NDP motion number 10: Go ahead, Mr. Tabuns.

Mr. Peter Tabuns: Withdrawn.

The Chair (Mr. David Oraziotti): Okay.

Motion number 11.

Mr. Peter Tabuns: I move that clause 5(c) of the Water Opportunities Act, 2010, as set out in schedule 1 to the bill, be amended by,

(a) striking out “the private sector” and substituting “the private sector, municipalities, First Nations”; and

(b) striking out “technologies” and substituting “technologies, services and practices.”

Very simply, it would be to the province’s benefit to more explicitly include First Nations within this bill. I think that this amendment does that.

The Chair (Mr. David Oraziotti): Ms. Jaczek.

Ms. Helena Jaczek: We do not feel that this is necessary. In terms of (a), the current object is sufficiently broad. Obviously, important partners could include First Nations and other aboriginal communities and organizations. We respect that First Nations have existing governments, and we certainly want to work co-operatively and in a respectful manner with these governments.

In terms of the (b) part of the motion, we do have a very similar one in our motion number 12.

The Chair (Mr. David Oraziotti): Any further comment?

Mr. Peter Tabuns: No.

The Chair (Mr. David Oraziotti): All those in favour? All those opposed? The motion is lost.

Government motion number 12: Ms. Jaczek.

Ms. Helena Jaczek: I move that clause 5(c) of the Water Opportunities Act, 2010, as set out in schedule 1 to the bill, be amended by striking out “technologies” and substituting “technologies and services.”

Similarly, we do want to expand the objects of the Water Technology Acceleration Project to ensure that there is a forum for governments, the private sector and academic institutions to exchange information and ideas on how to make Ontario a leading jurisdiction in the development and commercialization of innovative technologies and services for the treatment and management of water and waste water. We’re simply adding the word “services” to the object of the corporation. Some examples would be innovative information management services critical to operating leading-edge water and waste water treatment technologies, and also training services. We feel that this is a useful addition. It was requested by Ecojustice, the conservation authority and the Ontario Environment Industry Association during their presentations.

The Chair (Mr. David Oraziotti): Any further comment? Government motion number 12: All those in favour? Opposed? The motion is carried.

Conservative motion number 13: Mr. Clark, go ahead.

Mr. Steve Clark: I move that section 5 of the Water Opportunities Act, 2010, as set out in schedule 1 to the bill, be amended by adding the following clauses:

“(c.1) to encourage water technology research and innovation within existing corporations and small businesses;

“(c.2) to encourage the overall development of stronger domestic environmental firms;”

The Chair (Mr. David Oraziotti): Any further comment?

Mr. Steve Clark: Mr. Barrett’s going to make a few comments.

The Chair (Mr. David Oraziotti): Mr. Barrett, go ahead.

Mr. Toby Barrett: We know that certainly the province of Ontario and the federal government have put millions of dollars into so many institutions with the mandate of commercialization. We think of MaRS, for example, just down here at College Street and University Avenue, and so many other centres of excellence that are there to conduct technology research and, most importantly, to get them to market, to provide research that can be commercialized. That suggestion was put forward by the Ontario Sewer and Watermain Construction Association as well.

I’ve spoken with the Ontario Environmental Industry Association and they testified here in addition. In their submission to us with respect to encouraging innovation, they stress that while funding research, and funding university-based research, is important, it’s also important to think about existing companies, not necessarily very large corporations but Ontario homegrown companies, in many cases small companies that can ramp things up a little more quickly than universities.

I spent 20 years working for a research organization. I don’t think we were a government agency. I don’t think we commercialized an awful lot during those 20 years—a number of pharmaceuticals, as I recall. It can take decades for this kind of research to come to fruition or to hit the marketplace.

The environmental industry association encourages this government to place an equal emphasis on encouraging research within existing companies and to make use of a company structure that is driven by the marketplace and perhaps is better positioned to get these things out on the market.

The Chair (Mr. David Oraziotti): Ms. Jaczek?

Ms. Helena Jaczek: The government basically feels it’s unnecessary to add these particular clauses. The first object of WaterTAP is in fact to assist in promoting the development of the water and waste water sectors. These include both small and large businesses. We see no particular need to specify, as this motion does, these activities.

The Chair (Mr. David Oraziotti): Any further comment? Conservative motion number 13: All those in favour? Those opposed? The motion is lost.

Number 14: Mr. Tabuns, go ahead.

Mr. Peter Tabuns: I’ve withdrawn it, Mr. Chair. It’s redundant.

The Chair (Mr. David Oraziotti): Government motion 15: Go ahead, Ms. Jaczek.

Ms. Helena Jaczek: I move that clause 5(e) of the Water Opportunities Act, 2010, as set out in schedule 1 to the bill, be amended by striking out “technologies” at the end and substituting “technologies and services”.

Essentially, as we've already stated, we want to expand the objects of WaterTAP to include services. The NDP's previous motion, which was withdrawn, essentially had a very similar intent.

We certainly heard from stakeholders such as Ecojustice that this is an area in which WaterTAP could play a greater role, as an example, developing Ontario's certification labelling and verification programs so that companies developing homegrown technologies and services are not obliged to seek such certification using institutions in the United States or elsewhere. It also is something that the city of Toronto requested that we add.

The Chair (Mr. David Oraziotti): Further comment? Government motion number 15: All those in favour? Opposed? The motion is carried.

Mr. Tabuns, motion 16.

Mr. Peter Tabuns: I move that clause 5(f) of the Water Opportunities Act, 2010, as set out in schedule 1 to the bill, be amended by striking out "government of Ontario" and substituting "government of Ontario and public agencies."

I think, Chair, that we should be very clear that this body, WaterTAP, can also advise the Ontario Clean Water Agency as well as other publicly owned water suppliers.

The Chair (Mr. David Oraziotti): Ms. Jaczek?

Ms. Helena Jaczek: Certainly we would acknowledge that as a fact, but we feel that this proposed amendment is not necessary. Simply stating the "government of Ontario" does include all provincial crown public agencies; they do not need to be expressly mentioned.

The Chair (Mr. David Oraziotti): Any further comment? All in favour of NDP motion 16? Opposed? The motion is lost.

Number 17: Mr. Tabuns.

Mr. Peter Tabuns: I move that section 5 of the Water Opportunities Act, 2010, as set out in schedule 1 to the bill, be amended by striking out "and" at the end of clause (f) and by adding the following clause:

"(f.1) to provide opportunities for First Nations, their members and their water professionals to pursue research, innovation, commercialization and application of water and wastewater technologies, services and practices that provide for the treatment and conservation of water and the protection of human health and the environment; and"

Chair, I believe that for this bill to be fully useful to First Nations in Ontario, it's important that we're very explicit about their role and reaching out to them.

The Chair (Mr. David Oraziotti): Ms. Jaczek?

Ms. Helena Jaczek: We certainly believe that there are already many opportunities to work together with aboriginal communities under the proposed act and through other provincial initiatives. The Ministry of the Environment plans to continue to reach out to aboriginal organizations and communities as future regulations, programs and policies are developed, should the act pass.

The experience of aboriginal communities and technical experts will be valuable in the development of

water solutions for remote northern communities with small populations, including the climate extremes and geology typical of the near and the Far North.

In addition to envisaging, designing and implementing water research and demonstration projects with aboriginal communities, there is an opportunity to ensure that these projects include training and job opportunities for aboriginal youth and young professionals.

The province is already working with our aboriginal organizations to provide support on water issues. Aboriginal communities can participate in source protection planning under the Clean Water Act, receive technical training through the Walkerton Clean Water Centre and request our officials to provide advice about their systems.

We're committed to continuing a dialogue with aboriginal communities on water-related issues. Certainly, Ontario is interested in further discussions with aboriginal communities on how we can work together through the proposed Water Opportunities and Water Conservation Act.

The Chair (Mr. David Oraziotti): Further comment? NDP motion 17: All in favour? Opposed? The motion is lost.

NDP motion number 18: Mr. Tabuns.

Mr. Peter Tabuns: I move that section 5 of the Water Opportunities Act, 2010, as set out in schedule 1 to the bill, be amended by adding the following subsection:

"Public ownership

"(2) In carrying out its objects, the corporation shall respect the province of Ontario's continued commitment to the public ownership and delivery of water and wastewater systems."

My guess again, Madam Parliamentary Assistant, is that you won't be supporting this, but I'm sure that you will state that it's not because you think we should be privatizing these services.

Ms. Helena Jaczek: I'm happy to do that, Chair. There's nothing in the Water Opportunities Act to do with privatization of publicly owned services. We respect the contribution made by those deputants who came to the hearings, that this was a fear they had. But we think that in motion 5, which we've already passed, we have made it very clear that the purposes of the proposed act do not include privatization.

The Chair (Mr. David Oraziotti): NDP motion number 18: All those in favour? Opposed? The motion is lost.

That concludes amendments in this section. Shall schedule 1, section 5, as amended, carry? Opposed? The section is carried.

There are no amendments in schedule 1, section 6. Shall it carry? Carried.

NDP motion number 19, section 1, schedule 7: Mr. Tabuns.

Mr. Peter Tabuns: It is withdrawn, Mr. Chair.

The Chair (Mr. David Oraziotti): Okay. There are no other amendments. Schedule 1, section 7: Shall it carry? It's carried.

There are no amendments from section 8 through to and including section 14. Schedule 1, sections 8 to 14, there are no amendments. All those in favour? Carried.

Mr. Tabuns: motion 20, schedule 1, section 15. Go ahead.

Mr. Peter Tabuns: I move that section 15 of the Water Opportunities Act, 2010, as set out in schedule 1 to the bill, be struck out and the following substituted:

“Crown agency

“15. The corporation is a crown agency within the meaning of the Crown Agency Act.”

I think we need to reinforce the public nature of our efforts in this matter, and an amendment such as this would send a clear signal that that is where the government wants to go.

The Chair (Mr. David Oraziotti): Ms. Jaczek.

Ms. Helena Jaczek: This is certainly something that we don't feel is actually necessary. It was deliberate to make WaterTAP a non-crown agent so that the corporation can act at arm's length of government and serve as a forum for all partners in the water, waste water and stormwater sectors.

We do have an example of this, because this was something that certainly intrigued me. We have an example in a non-crown corporation that the government established in 2008 called the Centre for Research and Innovation in the Bio-Economy, known as CRIBE. CRIBE focuses on commercializing new bioproducts such as eco-friendly fuels, composites and chemicals, and replacing products and services which have traditionally relied on fossil fuels that contribute to climate change, so this is sort of a parallel situation, certainly the way that we see it.

However, to ensure accountability, the bill does include checks and balances for WaterTAP; for example, by requiring the organization to make publicly available an annual report of its affairs. Further, the corporation has to report to the Minister of Research and Innovation, and the minister can give directions to the corporation. Essentially, we did hear from innovators and other stakeholders that they wanted a dedicated organization that will bring stakeholders together and they need the flexibility for this organization to respond especially quickly and effectively. So we will be voting against this motion.

The Chair (Mr. David Oraziotti): Any further comment?

Mr. Peter Tabuns: No, no further comment. Vote, please.

The Chair (Mr. David Oraziotti): NDP motion 20: All in favour? Opposed? The motion is lost.

That's it for section 15. Shall schedule 1, section 15, pass? Carried.

NDP notice: Mr. Tabuns.

Mr. Peter Tabuns: Withdrawn.

The Chair (Mr. David Oraziotti): Withdrawn? Okay.

There are no proposed amendments in sections 16, 17 or 18. Schedule 1, sections 16 through and including 18: Shall it carry? Carried.

Mr. Tabuns: motion 22, section 19.

Mr. Peter Tabuns: Twenty-two? I will withdraw that.

The Chair (Mr. David Oraziotti): Twenty-three is yours as well.

Mr. Peter Tabuns: Withdrawn as well.

The Chair (Mr. David Oraziotti): Okay.

Schedule 1, section 19: Shall it carry? Carried.

Mr. Tabuns, section 20, amendment 24: That's yours.

Mr. Peter Tabuns: I move that section 20 of the Water Opportunities Act, 2010, as set out in schedule 1 to the bill, be amended by adding the following subsection:

“Notice of other reports

“(2) As soon as possible after receiving a report required under this section, the minister shall publish notice of the report on the Environmental Registry established under section 5 of the Environmental Bill of Rights, 1993, together with any other information that the minister considers appropriate.”

It's a motion made in the effort to make things more transparent.

The Chair (Mr. David Oraziotti): Ms. Jaczek.

Ms. Helena Jaczek: Certainly the government is committed to transparency and public consultation. I just want to state that if the minister does direct WaterTAP to prepare a report, the minister can take steps to ensure the report is provided to the public, so we feel this provision is essentially unnecessary. Also, just to state that in section 42, the minister's triennial report is required and it will include a summary of the achievements and the activities of WaterTAP.

1500

The Chair (Mr. David Oraziotti): Any further comment? All in favour of NDP motion 24? Opposed? The motion is lost.

Shall schedule 1, section 20, carry? Carried.

Motion 25, Ms. Jaczek.

Ms. Helena Jaczek: I move that section 21 of the Water Opportunities Act, 2010, as set out in schedule 1 to the bill, be amended by,

(a) striking out “assets and liabilities” in subsection (2) and substituting “assets, liabilities, rights and obligations”;

(b) striking out “assets and liabilities” in clause (3)(b) and substituting “assets, liabilities, rights and obligations”; and

(c) striking out “assets and liabilities” in subsection (4) and substituting “assets, liabilities, rights and obligations.”

The Chair (Mr. David Oraziotti): Further comment?

Ms. Helena Jaczek: This is essentially a technical amendment to clarify that any assets, liabilities, rights and obligations of WaterTAP would be transferred upon the winding up and dissolution of the corporation. It's essentially to cover off the windup of the corporation. This amendment maintains consistency of language with similar provisions and amendments to schedule 3 of Bill 72.

The Chair (Mr. David Oraziotti): Any further comment? All those in favour of the government motion? Opposed? The motion is carried.

Shall schedule 1, section 21, as amended, carry? Carried.

NDP motion, or notice—

Mr. Peter Tabuns: No, 26.

The Chair (Mr. David Oraziotti): Sorry: motion 26. Mr. Tabuns, go ahead.

Mr. Peter Tabuns: I move that the Water Opportunities Act, 2010, as set out in schedule 1 to the bill, be amended by adding the following section:

“Freedom of Information and Protection of Privacy Act

“21.1 The corporation is an institution for the purposes of the Freedom of Information and Protection of Privacy Act.”

Again, very simply, I think the people of Ontario should be able to inquire into the business of the corporation that will be set up.

The Chair (Mr. David Oraziotti): Thank you, Mr. Tabuns. Ms. Jaczek.

Ms. Helena Jaczek: The Freedom of Information and Protection of Privacy Act already provides the government with a mechanism to apply the act to WaterTAP by designating it as an institution. At this point, the government needs to develop the details about implementing WaterTAP’s mandate and governance structure in consultation with stakeholders. Only then will it be an appropriate time to discuss with stakeholders and for the government to determine if the corporation should be designated under FIPPA. We will not be supporting this motion.

The Chair (Mr. David Oraziotti): Any further comment? All in favour of NDP motion 26? Opposed? The motion is lost.

There are no amendments in sections 22 or 23 to schedule 1. Shall they carry? Carried.

Mr. Tabuns: section 24, amendment 27. Go ahead.

Mr. Peter Tabuns: I move that section 24 of the Water Opportunities Act, 2010, as set out in schedule 1 to the bill, be amended by adding the following definition:

“‘low input sustainable agriculture’ means approaches to profitable agriculture that seek to optimize the management and use of on-farm resources and to minimize the use of off-farm purchased resources, including fertilizers and pesticides.”

Simply put, it’s advancing another part of the water agenda.

The Chair (Mr. David Oraziotti): Ms. Jaczek?

Ms. Helena Jaczek: Part III of this act is focused on the long-term sustainability of municipal water, waste water and stormwater services, and the regulation of agricultural practices is addressed under other provincial statutes, including the Nutrient Management Act. Therefore, we feel that this proposed definition is beyond the scope of this part and will not be supporting it.

The Chair (Mr. David Oraziotti): NDP motion 27: All those in favour? Opposed? The motion is lost.

Shall schedule 1, section 24, carry? Carried.

Schedule 1, government motion 28: Ms. Jaczek.

Ms. Helena Jaczek: I move that clause 25(2)(b) of the Water Opportunities Act, 2010, as set out in schedule 1 to the bill, be struck out and the following substituted:

“(b) new or different information.”

This is essentially a technical amendment. The amendment clarifies the circumstances under which a regulated entity must amend a municipal water sustainability plan prepared under part III of the Water Opportunities Act, 2010. The purpose of the amendment is to ensure that if the regulations governing the contents of a municipal water sustainability plan are amended, municipal service providers would be under an obligation to amend their plans to satisfy the new content requirements set out in the regulations.

The Chair (Mr. David Oraziotti): Further comment? Government motion number 28: All in favour? Opposed? That’s carried.

Government motion number 29: Ms. Jaczek.

Ms. Helena Jaczek: I move that section 25 of the Water Opportunities Act, 2010, as set out in schedule 1 to the bill, be amended by adding the following subsection:

“Approval and submission of amended plans

“(2.1) A regulated entity shall, in accordance with such requirements as may be prescribed, approve amendments to its plan and, in such circumstances as may be prescribed, submit its amended plan to the minister.”

Again, this is a technical amendment. The amendment adds a new subsection to clarify that when a regulated entity amends its municipal water sustainability plan, it is required to approve the amendments to its plan in accordance with any requirements set out in the regulations.

The Chair (Mr. David Oraziotti): Any further comment? Government motion number 29: All in favour? Opposed? The motion is carried.

Conservative motion number 30: Mr. Clark.

Mr. Steve Clark: I move that section 25 of the Water Opportunities Act, 2010, as set out in schedule 1 to the bill, be amended by adding the following subsection:

“Amalgamation not required

“(3.1) A regulated entity is not required to prepare or amend a plan if the plan or amendment would have the effect of,

“(a) requiring the regulated entity to amalgamate with another municipal service provider; or

“(b) requiring a municipal service to which the plan applies to be amalgamated with a municipal service provided by another municipal service provider.”

Mr. Barrett is prepared to speak to that amendment.

The Chair (Mr. David Oraziotti): Mr. Barrett, go ahead.

Mr. Toby Barrett: By way of explanation, this motion came from the presentation by CUPE. They indicated that their membership feels this proposed legislation falls short on a number of issues. We focused on one,

which was recommendation number 4 from the Canadian Union of Public Employees. I'll just read it for the committee:

"Smaller, northern, remote and aboriginal water utilities should not be put in the position of being forced to join or amalgamate with other jurisdictions. This will erode accountability for residents of 'have-not' municipalities."

Oftentimes, if it's a smaller municipality or organization, decisions are being made by the larger one, or the perception is that decisions are being made by the organization or the municipality that, in effect, has the decision-making or is in control. Whether it's real or not, that perception can be problematic.

They did go on. They talked about the municipal plans in the bill, which they felt were unclear. As they said, the language allows for mergers instead of best practices and does not address, as I indicated before, the unique needs of aboriginal communities, remote communities and northern communities.

One other point that they made with respect to First Nations: There's no mention of the ability to form full public partnerships between a First Nation and, I would assume, a neighbouring municipality, despite the fact that some of the First Nations do have responsibility to ensure safe and clean water for their members.

I know this is done. I know, down our way, that the Mississaugas of the New Credit have an arrangement with Norfolk county with respect to a water line. I don't know whether that kind of an arrangement is accommodated in this Water Opportunities Act. I think it should be. Norfolk county and the Mississaugas worked this out; there is a precedent there for this to be captured in legislation.

1510

The Chair (Mr. David Oraziotti): Ms. Jaczek?

Ms. Helena Jaczek: Certainly, if there is some perception that there's something in part III to affect the management structure of municipal services or to force their amalgamation, that perception is false. Part III has nothing to do with this. It's focused on ensuring the long-term sustainability of our municipal water, waste water and stormwater services. So we believe that this motion is completely unnecessary.

The Chair (Mr. David Oraziotti): Conservative motion number 30: All those in favour? All those opposed? The motion is lost.

Government motion number 31: Ms. Jaczek.

Ms. Helena Jaczek: I move that subsection 25(4) of the Water Opportunities Act, 2010, as set out in schedule 1 to the bill, be struck out and the following substituted:

"Review of plans

"(4) A regulated entity shall ensure that such review of its plan as may be required by the regulations is undertaken and completed in accordance with such requirements as may be prescribed and that the report of the review is approved and submitted to the minister in accordance with such requirements as may be prescribed."

This is a technical amendment. It clarifies that a report of a review of a municipal water sustainability plan must be approved by the municipal service provider that prepared the plan. The current bill is silent on whether approval of a report dealing with a plan review is required.

The Chair (Mr. David Oraziotti): Any further comment? Government motion number 31: All those in favour? Opposed? The motion is carried.

Number 32: Ms. Jaczek.

Ms. Helena Jaczek: I move that subsection 25(5) of the Water Opportunities Act, 2010, as set out in schedule 1 to the bill, be struck out and the following substituted:

"Approval by municipality

"(5) In such circumstances as may be prescribed, if a regulated entity that has jurisdiction over a municipal service is not a municipality, a plan, amendment to a plan or proposed report of a required review of a plan that relates to the municipal service shall not be submitted to the minister without the approval of the municipality in which the municipal service is provided."

Again, this is a technical amendment. It essentially cleans up the language of the existing provision. There are instances in Ontario, and perhaps Mr. Barrett alluded to one of these, where municipal services are not provided by a municipality but by a body that is established by one or more municipalities. There's a case, for instance, in the London area where several participating municipalities came together in the late 1990s to form water boards to own and operate the joint board of management for the Lake Huron and Elgin area primary water system. In order to address these situations, this amendment is required.

The Chair (Mr. David Oraziotti): Any further comment? Government motion number 32: All those in favour? Opposed? The motion is carried.

That's it for section 25. Shall schedule 1, section 25, as amended, carry? Opposed? That's carried.

Section 26, government motion 33: Ms. Jaczek.

Ms. Helena Jaczek: I move that section 26 of the Water Opportunities Act, 2010, as set out in schedule 1 to the bill, be amended by adding the following subsection:

"Requirements for plan

"(0.1) A plan must satisfy the requirements prescribed by the regulations."

The Chair (Mr. David Oraziotti): Further comment?

Ms. Helena Jaczek: Under the existing provisions of the bill, a municipal water sustainability plan must have all the components listed in subsection 26(1). The purpose of this amendment, and the one immediately following this, is to provide greater flexibility in the phasing in of municipal water sustainability plans.

Many municipalities—the city of Hamilton, the city of Toronto, the city of London—and, in fact, AMO, with whom clearly we have consulted considerably, asked the government to ensure that the regulations provide flexibility in the rollout of municipal water sustainability plans. They pointed out that there are a wide range of

municipal service providers. There are some that oversee very large municipal water, waste water and stormwater services in urban settings and others that oversee much smaller-scale services in rural settings. Essentially, this amendment allows for phasing in of these plans.

The Chair (Mr. David Oraziotti): Thank you, Ms. Jaczek. Any further comment? Government motion number 33: All those in favour? Opposed? The motion is carried.

Number 34: Ms. Jaczek?

Ms. Helena Jaczek: I move that subsection 26(1) of the Water Opportunities Act, 2010, as set out in schedule 1 to the bill, be amended by striking out the portion before paragraph 1 and substituting the following:

“Contents of plan

“(1) Without limiting the generality of subsection (0.1), the regulations may require a plan to include any of the following matters, prepared in accordance with such requirements as may be prescribed, with respect to each municipal service to which the plan applies:”

Again, a very similar explanation: As in the previous motion, this was requested by municipal stakeholders to allow them some flexibility in the rollout of municipal water sustainability plans.

The Chair (Mr. David Oraziotti): Any further comment? Government motion number 34: All those in favour? Opposed? The motion is carried.

Mr. Tabuns, NDP motion number 35.

Mr. Peter Tabuns: I move that paragraph 1 of subsection 26(1) of the Water Opportunities Act, 2010, as set out in schedule 1 to the bill, be struck out and the following substituted:

“1. A sustainable asset management plan for all infrastructure, including green infrastructure.”

The purpose of this amendment is to further reinforce the idea that green infrastructure has got to be part of any sensible or useful conservation plan.

The Chair (Mr. David Oraziotti): Ms. Jaczek?

Ms. Helena Jaczek: It’s our feeling that the amendment is unnecessary. Green infrastructure that is related to a municipal water, waste water or stormwater service is part of its physical infrastructure. Definitely, green infrastructure will be encouraged as part of a diverse suite of sustainable water management options to be included in these plans, but we don’t feel that we need this specified in this way in the act.

The Chair (Mr. David Oraziotti): Any further comment? NDP motion: All those in favour? Opposed? The motion is lost.

Number 36: Mr. Clark.

Mr. Steve Clark: For fear that the parliamentary assistant would call this amendment unnecessary also, I’ll move it anyway.

I move that paragraph 2 of subsection 26(1) of the Water Opportunities Act, 2010, as set out in schedule 1 to the bill, be struck out and the following substituted:

“2. A financial plan, including cost estimates.”

I’ll turn the show over to my colleague.

Mr. Toby Barrett: I know when Fred Hahn testified on behalf of his membership with the Canadian Union of Public Employees that the concern for his members—tough economic times, concerns around salary and wages, as I recall. I know with former minister David Caplan’s sewage bill, or water and sewer bill, there were some dollar figures bandied about—\$600 a year, I think it was. I know the Premier was asked what would be the cost of this water bill. There was no answer. I asked Mr. Fred Hahn about this, and he indicated during testimony here at the witness table that if municipalities are responsible for introducing new technologies and upgrading the current systems—if all of this is done only on the backs of residential users, Mr. Hahn told this committee that, in his estimate, the costs would be astronomical. That was the phrase that he used. That’s worrisome.

I don’t know whether anybody around this table has looked at their electricity lately, but there’s certainly a very real concern on behalf of the opposition about what this legislation will cost. At minimum, we ask, as the motion indicates, for a financial plan, and we ask for some cost estimates.

The Chair (Mr. David Oraziotti): Ms. Jaczek?

Ms. Helena Jaczek: Mr. Clark is certainly correct: The government does feel that the provision is unnecessary.

In 2007, our government put in place a regulation governing financial plans under the Safe Drinking Water Act, 2002: Ontario regulation 453/07. It set out in detail what is required of financial plans by owners of municipal residential drinking water systems. Part III of this act will give the government the authority to require financial plans for municipal waste water and stormwater services.

1520

We intend to work with our municipal service partners in developing the regulations that will detail the content of financial plans and to build upon what is already required under the Safe Drinking Water Act. So in summary, we feel that this is unnecessary.

The Chair (Mr. David Oraziotti): Any further comment? Conservative motion 36: All those in favour? All those opposed? The motion is lost.

Motion 37: Mr. Clark.

Mr. Steve Clark: I move that paragraph 3 of subsection 26(1) of the Water Opportunities Act, 2010, as set out in schedule 1 to the bill, be amended by striking out “a water conservation plan” at the end and substituting “a water conservation plan, including a framework with targets for industrial water users and others”.

I’ll ask Mr. Barrett to make his comments.

Mr. Toby Barrett: Further to that, the concern with this legislation is that it does not provide any distinction between the water use by residential homes and industry. I know CUPE, again, made mention that with respect to addressing conservation needs, residential consumers need to be informed about their use and purchasing decisions. As he indicated, the residential sector only makes up about 10% of the use of water in the province of

Ontario. He feels there must be industrial solutions beyond, say, developing new technology, developing new companies, for that matter.

That seemed to be the concern: that Bill 72 is silent with respect to heavy industrial water users, with the exception—there's one exception—referring to building codes and referring to procurement. But other than that, there's very little mention of industrial water use.

The Chair (Mr. David Oraziotti): Ms. Jaczek, do you want to respond to that?

Ms. Helena Jaczek: Again, we feel that the addition of this provision is unnecessary. Such detail is not necessary in the act. How water conservation plans deal with industrial water users and other users of a municipal water service can be determined in consultation with stakeholders during the development of the regulations. Secondly, industrial and commercial water takers are regulated under the Ontario Water Resources Act. They are required to obtain a permit to take water from the Ministry of the Environment. One aspect of that permit to take water is water conservation. So there's ample authority, essentially, within the Ontario Water Resources Act by regulation to impose water conservation measures on industrial and commercial water users.

The Chair (Mr. David Oraziotti): Conservative motion 37: All those in favour? Opposed? The motion is lost.

Motion 38: Ms. Jaczek.

Ms. Helena Jaczek: I move that subparagraph 5 ii of subsection 26(1) of the Water Opportunities Act, 2010, as set out in schedule 1 to the bill, be amended by striking out “technologies and services” and substituting “technologies, services and practices.”

As we previously stated, we want to broaden the scope of the purpose of the act and, in this particular part, ensure that municipal water sustainability plans will, in accordance with the regulations, consider practices such as stormwater harvesting, water reuse and practices that promote the use of leafy green infrastructure.

This was a response to stakeholders such as Eco-justice, the Canadian Environmental Law Association and Conservation Ontario, which all called on the government to ensure that these practices are included in the scope of the bill.

The Chair (Mr. David Oraziotti): Any further comment? Government motion number 38: All those in favour? Opposed? The motion is carried.

NDP motion number 39: You'll notice in your package that there are two. The first one you can ignore. Mr. Tabuns, I understand, will read into the record 39R.

Mr. Peter Tabuns: Mr. Chair, I'm withdrawing 39R. I think the government has made clear its position on most of the substance in this resolution.

The Chair (Mr. David Oraziotti): Thank you, Mr. Tabuns.

Conservative motion number 40: Mr. Clark, go ahead.

Mr. Steve Clark: I move that section 26 of the Water Opportunities Act, 2010, as set out in schedule 1 to the bill, be amended by adding the following subsection:

“Sustainability of water

“(2.1) Every plan shall recognize the need for sustainability of water for ecosystem functions as well as for human consumption.”

The Chair (Mr. David Oraziotti): Mr. Barrett.

Mr. Toby Barrett: This was an idea put forward by Conservation Ontario, again building on their advocacy for a watershed-based approach and advocating for an integrated watershed management approach. They indicated that municipal water sustainability plans must be completed under the umbrella of an integrated watershed management to ensure sustainable management and funding for all components of water, waste water and stormwater management, emphasizing the plans must recognize sustainability of water for ecosystem functions as well as human consumption.

The Chair (Mr. David Oraziotti): Ms. Jaczek.

Ms. Helena Jaczek: Again, we feel this amendment is unnecessary. These are the kinds of issues that will be considered in consultation during the development of regulations. How matters like the ecosystem and how that affects the delivery of water, waste water and stormwater services will be worked out as we go forward.

The Chair (Mr. David Oraziotti): Any further comment?

Mr. Toby Barrett: There was further comment from Justice O'Connor in his report from the Walkerton inquiry. He indicated at that time—this was about 10 years ago, or Walkerton was 10 years ago—“Although the Clean Water Act is based on a watershed approach to develop source protection plans, it does not address water uses for all purposes”—in other words, both municipal private systems or water for both human and ecosystem needs. I don't know whether Justice O'Connor's advice has been picked up in any subsequent legislation, but we don't see that advice represented in this proposed legislation.

The Chair (Mr. David Oraziotti): Ms. Jaczek, do you want to respond?

Ms. Helena Jaczek: Again, clearly these are important considerations, and certainly in consultation with stakeholders, as we look at the regulations governing the content of municipal water sustainability plans, these are the things that will be considered at that time.

The Chair (Mr. David Oraziotti): Okay. Conservative motion number 40: All those in favour? Opposed? The motion is lost.

Mr. Clark, number 41. Go ahead.

Mr. Steve Clark: I move that section 26 of the Water Opportunities Act, 2010, as set out in schedule 1 to the bill, be amended by adding the following subsection:

“Timetables

“(3.1) A plan that specifies a time for a person to do something shall ensure that the time is realistic, having regard to the financial resources of the person.”

The Chair (Mr. David Oraziotti): Further comment?

Mr. Toby Barrett: Again, as elected representatives we certainly hear the reports from our constituents with respect to the fact that electricity bills are heading

upwards to a 50% increase by the year 2015. Much of that is perhaps unintended—I would hope unintended—consequences of the Green Energy Act. People are struggling. They're struggling to make ends meet with their current bills, and the concern is that this has to be phased in. We need time to ensure that people know what to expect and what changes they could make with respect to any hit from the McGuinty water bill.

The Chair (Mr. David Oraziotti): Any further comment? Ms. Jaczek, go ahead.

Ms. Helena Jaczek: I think we've shown that we are sensitive to the issue of timing and flexibility in relation to the phasing in of plans. We have now passed motions 33 and 34 which address this issue and therefore we don't feel PC motion 41 is one that we will support.

1530

The Chair (Mr. David Oraziotti): Any further comment? Conservative motion number 41: All those in favour? Opposed? That motion is defeated.

That's all the amendments in section 26. Shall schedule 1, section 26, as amended, carry? Carried.

Section 27, government motion number 42.

Ms. Helena Jaczek: I move that section 27 of the Water Opportunities Act, 2010, as set out in schedule 1 to the bill, be amended by adding the following subsection:

"Review of joint plans

"(4) Unless otherwise directed by the minister, any review of a joint plan or a joint part of a plan must be undertaken by the regulated entities that originally prepared the joint plan or part or by their successors."

This is a technical amendment. We did talk about those situations where there are joint municipal water service plans and it requires that such plans be amended jointly. This basically ensures that the review is also prepared jointly.

The Chair (Mr. David Oraziotti): Any further comment? All those in favour of government motion number 42? Opposed? The motion is carried.

Shall schedule 1, section 27, as amended, carry? Carried.

NDP motion number 43: Mr. Tabuns.

Mr. Peter Tabuns: Withdrawn.

The Chair (Mr. David Oraziotti): Okay. Number 44 is yours as well.

Mr. Peter Tabuns: Withdrawn, noting that the government has already made its position clear on a variety of these matters in the debate so far.

The Chair (Mr. David Oraziotti): Fair enough. Government motion 45: Ms. Jaczek.

Ms. Helena Jaczek: I move that section 28 of the Water Opportunities Act, 2010, as set out in schedule 1 to the bill, be amended by adding the following subsection:

"Publication

"(3) The minister shall publish performance indicators established under this section on the Environmental Registry established under section 5 of the Environmental Bill of Rights, 1993, together with a summary of

the information the minister relied on to establish each performance indicator."

This amendment is being proposed to provide greater transparency under the bill. This provision would require the minister to publish any performance indicators established under the section on the Environmental Registry established under the Environmental Bill of Rights, 1993. Many stakeholders such as Ecojustice and the Canadian Environmental Law Association called on the government to consider amending the bill to ensure greater transparency, and we feel that this motion responds to their concerns.

The Chair (Mr. David Oraziotti): Any further comment? All those in favour of the government motion? Opposed? That's carried.

Shall schedule 1, section 28, as amended, carry? Carried.

NDP motion number 46.

Mr. Peter Tabuns: I move that section 29 of the Water Opportunities Act, 2010, as set out in schedule 1 to the bill, be amended by adding the following subsections:

"Mandatory performance targets

"(2) The minister shall, by direction, establish performance targets for municipalities with projected population growth.

"Targets to be more stringent over time

"(3) The minister shall, in respect of the performance targets established under subsection (2), establish more stringent targets over time."

Very simply, there's an expectation that we will face greater and greater difficulties in the decades to come to provide ourselves with clean, safe water. It's now that we need to set the targets to reduce our water consumption.

The Chair (Mr. David Oraziotti): Ms. Jaczek?

Ms. Helena Jaczek: We just want to emphasize again that the proposed Water Opportunities Act is intended to be enabling legislation. Before establishing performance targets, the government wants to work with its partners in the municipal service sector, with the public and other stakeholders to ensure that appropriate performance targets are established, ones that are sensitive to the circumstances and challenges faced by the wide range of municipal service providers in Ontario. We don't feel there's any need to make this provision mandatory, and we look forward to working with our municipal partners as we go forward.

The Chair (Mr. David Oraziotti): NDP motion number 46: All those in favour? Opposed? The motion is lost.

Number 47: Ms. Jaczek.

Ms. Helena Jaczek: I move that section 29 of the Water Opportunities Act, 2010, as set out in schedule 1 to the bill, be amended by adding the following subsection:

"Publication

"(2) The minister shall publish performance targets established under this section on the Environmental Registry established under section 5 of the Environ-

mental Bill of Rights, 1993, together with a summary of the information the minister relied on to establish each performance target.”

By way of explanation, this amendment is being proposed to provide greater transparency to the act. Many stakeholders, such as Ecojustice and the Canadian Environmental Law Association, called on the government to consider amending the bill to ensure greater transparency, and we believe that this motion responds to their concerns.

The Chair (Mr. David Oraziotti): Any further comments? Government motion number 47: All those in favour? Opposed? The motion is carried.

That’s it for section 29. Shall schedule 1, section 29, as amended, carry? Okay, it’s carried.

NDP motion number 48: Mr. Tabuns.

Mr. Peter Tabuns: Withdrawn.

The Chair (Mr. David Oraziotti): Number 49 is yours as well.

Mr. Peter Tabuns: Withdrawn.

The Chair (Mr. David Oraziotti): That’s it for 30. Shall schedule 1, section 30, carry? Carried.

Sections 31 through and including 34, there are no proposed amendments. Shall those sections carry? Carried.

Government motion number 50, section 35, Ms. Jaczek.

Ms. Helena Jaczek: I move that clause 35(b) of the Water Opportunities Act, 2010, as set out in schedule 1 to the bill, be struck out and the following substituted:

“(b) deeming a water service, wastewater service or stormwater service under the jurisdiction of a regulated entity to be a municipal service.”

By way of explanation, this is a technical amendment. The definition of “municipal service” in section 24 “means, subject to the regulations, municipal water services, municipal wastewater services or municipal stormwater services.” This is in fact just simply to clarify exactly what we mean in this particular section. As I said, it’s a technical amendment.

The Chair (Mr. David Oraziotti): Further debate? Mr. Tabuns, go ahead.

Mr. Peter Tabuns: I don’t fully understand. I must be missing something. What advantage is there to moving this amendment?

Ms. Helena Jaczek: It’s simply a question of clarity. We just want to make sure what a municipal service is. As an example, I referenced the joint board of management for the Lake Huron and Elgin area primary water system. It is operated on behalf of many municipalities, and we’re simply saying—I believe, and I’ll ask legal counsel if they wish to clarify further—that this is to include those types of joint services.

Mr. Peter Tabuns: Okay.

The Chair (Mr. David Oraziotti): Any further comment? Government motion number 50: All those in favour? Opposed? Motion carries.

Number 51.

Ms. Helena Jaczek: I move that clause 35(c) of the Water Opportunities Act, 2010, as set out in schedule 1 to the bill, be amended by striking out “approval, amendment” in the portion before subclause (i) and substituting “approval, submission, amendment”.

Again, by way of explanation, the addition of the word “submission” is a technical amendment. It’s done to ensure the regulations can deal with the submission of the plan to the minister. As an example, the regulations can then specify the circumstances when a plan has to be submitted to the minister after it has been amended.

The Chair (Mr. David Oraziotti): Further questions or comments? Government motion number 51: All those in favour? Opposed? The motion is carried.

Number 52.

Ms. Helena Jaczek: I move that clause 35(f) of the Water Opportunities Act, 2010, as set out in schedule 1 to the bill, be struck out.

Again, a technical amendment: Clause 35(f) gives the Lieutenant Governor in Council the authority define any work or expression used in this part that is not defined in this part. A later motion we have, motion 62, would, if passed, add a provision to the bill so that this regulation-making authority would apply to the entire proposed act, not just part III.

1540

The Chair (Mr. David Oraziotti): Any further comment? All in favour of government motion 52? Opposed? It’s carried.

Conservative motion 53: Mr. Clark, go ahead.

Mr. Steve Clark: I move that section 35 of the Water Opportunities Act, 2010, as set out in schedule 1 to the bill, be amended by adding the following subsection:

“Phasing of plan regulations

“(2) Regulations made under subsection (1) with respect to municipal water sustainability plans shall be made in a manner that permits each regulated entity to prepare its plan in phases.”

I think that was spurred on by the member for Burlington, who attended the hearings. As well, when I look at AMO’s response, certainly they mention the impact on some small municipalities, rural municipalities and remote northern communities. Even AMO talked about the fiscal and human resource impacts, so I believe that’s why the amendment was placed to allow the opportunity for a phased-in plan.

The Chair (Mr. David Oraziotti): Any further comment? Mr. Barrett, do you want to add to that?

Mr. Toby Barrett: Yes, a further comment. We feel this should be presented within the legislation itself rather than waiting for a regulation down the road. The municipal water sustainability plans include a number of requirements which suggest the advisability of a number of phases. There’s an asset management plan required, a financial plan required—we’d like to see more of that right now, actually—a water conservation plan required, a plan for strategy, a plan for maintaining the service, a plan for improving the service, a plan for risk assessment

and plans for other prescribed information, which is unknown to me what that would be.

We feel that it's important to make clear to everyone that this kind of planning can be rolled out in phases, especially with respect to sorting out the cost for not only municipalities but the cost for the users of water themselves.

As far as phasing something out, we have legislation here that comes on the heels of legislation by the previous government. That was seven years ago. This has waited seven years to be phased in. I don't know whether it's fair to ask municipalities to come up with these multi-faceted plans on a certain date without giving them some leeway to ease into it, especially on the financial side.

The Chair (Mr. David Oraziotti): Thank you, Mr. Barrett. Ms. Jaczek, do you want to respond?

Ms. Helena Jaczek: We certainly are sensitive to the need for municipalities to have that kind of phasing in. That's why we proposed our motions 33 and 34, which have been passed earlier today. We feel that that will allow municipalities to have the flexibility that they require and have told us they need.

The Chair (Mr. David Oraziotti): Conservative motion 53: All those in favour? Opposed? The motion is lost.

Number 54: Mr. Clark, go ahead.

Mr. Steve Clark: I move that section 35 of the Water Opportunities Act, 2010, as set out in schedule 1 to the bill, be amended by adding the following subsection:

“Consultation and implementation

“(3) A regulation under subsection (1) with respect to municipal water sustainability plans;

“(a) shall not be made unless there has been adequate consultation with the private sector and municipalities; and

“(b) shall take effect as soon as possible after the consultation referred to in clause (a).”

The Chair (Mr. David Oraziotti): Mr. Barrett, go ahead.

Mr. Toby Barrett: Consultation doesn't hurt. We've included in this motion a concept of further participation, to be spelled out in this legislation, for both municipalities and companies that would be involved.

One reason we brought this forward: We sat through the committee hearings, and there was no deputation from a municipality and there was only one deputation from a company. We had a fairly small number of deputations, primarily from certain interest groups. In speaking with people in the business, there is always that concern that they be invited, that they be involved, in the regulations stage, to have an opportunity to participate and be part of the process.

Today is municipal election day. Clearly, as we've indicated with the very first motion today, municipalities and municipal councillors in the last several months have had very little opportunity to participate in the proposed legislation. At minimum, I think it's important that they,

along with companies, be invited and be heavily involved in participation in the regulations.

The Chair (Mr. David Oraziotti): Ms. Jaczek, go ahead.

Ms. Helena Jaczek: While we feel that this suggested amendment is unnecessary, the Ministry of the Environment is subject to the Environmental Bill of Rights. If this act is passed, the government is committed to ensuring that proposed regulations under this act are subject to the public participation requirements in the EBR by prescribing this act under the EBR.

Again, as I've had the opportunity to state many times, the government is committed to working with its partners in the municipal service sector, and other stakeholders, including businesses and the public, when developing regulations under this act.

The Chair (Mr. David Oraziotti): Any further comments? Conservative motion number 54: All those in favour? Opposed? The motion is lost.

That's it for section 35. Shall schedule 1, section 35, as amended, carry? Carried.

Section 36: There are no amendments. Shall section 36 carry? Carried.

Motion number 55: Ms. Jaczek.

Ms. Helena Jaczek: I move that paragraph 1 of subsection 37(4) of the Water Opportunities Act, 2010, as set out in schedule 1 to the bill, be amended by striking out “the public agency's operations” at the end and substituting “the public agency's prescribed operations”.

By way of explanation, what we're doing here is making sure it's understood that this amendment applies to public agencies, such as ministries of the Ontario government, or entities including municipalities, or classes of entities that are prescribed as public agencies in the regulations.

This addresses concerns of municipalities like the city of Toronto—and we have some other stakeholder requests—that public agencies need more flexibility in reporting requirements related to their water conservation plans.

The amendment limits the requirement that a water conservation plan contain a summary of annual water use so that it applies only to those operations of the public agency that are prescribed in the regulations.

There was a feeling that the way the act was originally worded—our new wording removes the potentially onerous requirement that a public agency summarize its water use for every one of its operations. It may not be actually possible. There may not be sufficient data. So this is why we're proposing this amendment.

The Chair (Mr. David Oraziotti): Any further comments? Government motion number 55: All those in favour? Opposed? The motion's carried.

Shall schedule 1, section 37, as amended, carry? Carried.

Section 38: There are no amendments. Shall section 38 carry? Carried.

Section 39: Mr. Tabuns has a revised motion 56R.

Mr. Peter Tabuns: It's withdrawn, Mr. Chair.

The Chair (Mr. David Oraziotti): Okay.

Government motion 57: Ms. Jaczek.

Ms. Helena Jaczek: I move that subsection 39(1) of the Water Opportunities Act, 2010, as set out in schedule 1 to the bill, be amended by striking out “technologies and services” and substituting “technologies, services and practices”.

I think as we’ve said before, this is to broaden the purpose. I believe that the previous, now withdrawn, NDP motion was very much on the same wavelength as what we’re proposing here.

1550

The Chair (Mr. David Oraziotti): Any further comments? Those in favour? Opposed? The motion is carried.

Mr. Tabuns’ motion 58R, is that—

Mr. Peter Tabuns: Also withdrawn.

The Chair (Mr. David Oraziotti): Ms. Jaczek, motion 59.

Ms. Helena Jaczek: I move that subsection 39(2) of the Water Opportunities Act, 2010, as set out in schedule 1 to the bill, be amended by striking out “technologies and services” and substituting “technologies, services and practices”.

Again, this is complementary to the previous government motion and the same intention as the now withdrawn NDP motion.

The Chair (Mr. David Oraziotti): Any further comment? All those in favour? Carried.

Shall schedule 1, section 39, as amended, carry? Carried.

Sections 40 and 41, there are no amendments. Shall those sections carry? Carried.

Section 42: Ms. Jaczek, motion 60.

Ms. Helena Jaczek: I move that clause 42(1)(c) of the Water Opportunities Act, 2010, as set out in schedule 1 to the bill, be amended by striking out “technologies” and substituting “technologies and services”.

Again, we want to ensure that the report prepared by the Minister of the Environment at least once every three years under the Water Opportunities Act, 2010, also include the report on the broadened purpose, I think in this case, of the agency. Actually it’s to expand the Ontario Clean Water Agency’s objects. Again, it’s to expand the opportunity to report on technologies and services.

The Chair (Mr. David Oraziotti): Any further comment? Motion 60: All those in favour? Opposed? The motion is carried.

Ms. Jaczek, motion 61.

Ms. Helena Jaczek: I move that clause 42(1)(e) of the Water Opportunities Act, 2010, as set out in schedule 1 to the bill, be amended by striking out “technologies and services” and substituting “technologies, services and practices”.

Again, this is consistent throughout a number of our motions to ensure that we have broadened the purpose to include practices.

The Chair (Mr. David Oraziotti): Any further comment on 61? All those in favour? Carried.

That’s it for amendments on section 42. Shall schedule 1, section 42, as amended, carry? Agreed.

Motion 62.

Ms. Helena Jaczek: I move that the Water Opportunities Act, 2010, as set out in schedule 1 to the bill, be amended by adding the following part:

“Part VI.1, Regulations

“Regulations

“42.1 The Lieutenant Governor in Council may make regulations,

“(a) defining any word or expression used in any part of this act that is not defined in that part;

“(b) exempting any person or thing from this act or any provision of this act, subject to such conditions as may be prescribed by the regulations.

“Amendments to adopted documents

“42.2(1) If a regulation made under this act adopts a document by reference and requires compliance with the document, the regulation may adopt the document as it may be amended from time to time.

“When adoption of amendment effective

“(2) The adoption of an amendment to a document that has been adopted by reference comes into effect upon the ministry publishing notice of the amendment in the Ontario Gazette or in the Environmental Registry established under section 5 of the Environmental Bill of Rights, 1993.”

By way of explanation, this motion adds a new part to the proposed Water Opportunities Act. The new part would simply ensure that the Lieutenant Governor in Council can make regulations that: (1) exempt a personal entity from a provision of the act; (2) define a term or expression not defined in the act; and (3) adopt a document as it may be amended from time to time.

These ancillary types of regulation-making authorities are consistent with other statutes administered by the Ministry of the Environment.

The Chair (Mr. David Oraziotti): Any further comments on 62? Those in favour? Opposed? The motion is carried.

Motion 63.

Ms. Helena Jaczek: I move that the Water Opportunities Act, 2010, as set out in schedule 1 to the bill, be amended by adding the following part:

“Part VI.2

“Amendments to this act

“Bill 65—Not-for-Profit Corporations Act, 2010

“42.3(1) This section applies only if Bill 65 (Not-for-Profit Corporations Act, 2010), introduced on May 12, 2010, receives royal assent.

“(2) References in this section to provisions of Bill 65 are references to those provisions as they were numbered in the first reading version of the bill.

“(3) On the later of the day section 13 of this act comes into force and the day subsection 4(1) of Bill 65 comes into force, section 13 of this act is repealed and the following substituted:

“Application of Not-for-Profit Corporations Act, 2010, Corporations Information Act

“13. The Not-for-Profit Corporations Act, 2010 and the Corporations Information Act do not apply to the corporation, except as prescribed by the regulations.

“(4) On the later of the day clause 23(b) of this act comes into force and the day subsection 4(1) of Bill 65 comes into force, clause 23(b) of this act is amended by striking out ‘Corporations Act, and substituting ‘Not-for-Profit Corporations Act, 2010’.”

By way of explanation, I think we’re all aware that we now have the new Not-for-Profit Corporations Act, 2010, and it is simply replacing references to the Corporations Act with the Not-for-Profit Corporations Act.

The Chair (Mr. David Oraziotti): Any further comment? Government motion number 63: All those in favour? Opposed? It’s carried.

Number 64: Ms. Jaczek, go ahead.

Ms. Helena Jaczek: I move that section 43 of the Water Opportunities Act, 2010, as set out in schedule 1 to the bill, be struck out and the following substituted:

“Commencement

“43(1) Subject to subsection (2), the act set out in this schedule comes into force on the day the Water Opportunities and Water Conservation Act, 2010 receives royal assent.

“Same

“(2) Part II comes into force on a day to be named by proclamation of the Lieutenant Governor.”

By way of explanation, this is a technical amendment which provides that schedule 1 of Bill 72, the Water Opportunities Act, 2010, with the exception of part II of the act dealing with the Water Technology Acceleration Project, comes into force on royal assent rather than on a later date to be named by proclamation of the Lieutenant Governor. So, as I say, a technical amendment.

The Chair (Mr. David Oraziotti): Any further comment on motion 64? All those in favour? Opposed? The motion is carried.

That’s it for 43. Shall schedule 1, section 43, as amended, carry? Carried.

There are no amendments in section 44. All in favour? Opposed? Section 44 is carried.

Shall schedule 1, as amended, carry? Carried.

There are no amendments to schedule 2. Shall schedule 2 carry? Carried.

Interjection.

The Chair (Mr. David Oraziotti): Sorry, sections 1, 2 and 3: I need to get those on the record. Shall they carry? Carried.

Shall schedule 2 carry? Carried.

Schedule 3, section 1: There are no amendments. Shall section 1 carry? Carried.

Section 2: There are no amendments. Shall it carry? Carried.

Section 3, NDP motion number 65: Mr. Tabuns.

Mr. Peter Tabuns: It is withdrawn.

The Chair (Mr. David Oraziotti): Okay.

Ms. Jaczek, number 66.

Ms. Helena Jaczek: I move that clause 49(1)(b) of the Capital Investment Plan Act, 1993, as set out in section 3 of schedule 3 to the bill, be amended by striking out “technologies” and substituting “technologies and services.”

By way of explanation—again, very similar to the now withdrawn NDP motion 65—we’re broadening the scope of OCWA and their objects by including the word “services.”

The Chair (Mr. David Oraziotti): Government motion number 66: Any further comments? All those in favour? Opposed? It’s carried.

Mr. Tabuns, number 67.

Mr. Peter Tabuns: I move that clause 49(1)(c) of the Capital Investment Plan Act, 1993, as set out in section 3 of schedule 3 to the bill, be amended by striking out “encourages the conservation of water resources” and substituting “supports the achievement of any provincial targets or performance targets established under the Water Opportunities Act, 2010”.

1600

The intent is to make this a harder, more substantive commitment to conservation and reduction of water consumption.

The Chair (Mr. David Oraziotti): Any further comments? Ms. Jaczek, go ahead.

Ms. Helena Jaczek: We feel the suggested amendment is unnecessary. OCWA is a crown agency and takes its direction from the government, so we feel there is no need to include the proposed language in OCWA’s objects. For instance, if a performance target is set for a municipal service that OCWA operates, like other municipal service providers, OCWA will have to achieve that target. Further, if aspirational targets are set that affect OCWA’s operations under the proposed Water Opportunities Act, like every other crown agency, OCWA will do its part to ensure that the targets are met.

The Chair (Mr. David Oraziotti): NDP motion number 67: All in favour? Opposed? The motion is lost.

NDP motion number 68: Mr. Tabuns.

Mr. Peter Tabuns: I move that clause 49(1)(d) of the Capital Investment Plan Act, 1993, as set out in section 3 of schedule 3 to the bill, be amended by striking out “land use and settlement” at the end and substituting “land use and settlement, while ensuring that municipal official plans are fulfilled with water from conservation”.

Again, we will have increasing difficulty over the next few decades providing ourselves with clean and safe water and we need to start changing our practices now.

The Chair (Mr. David Oraziotti): Ms. Jaczek, go ahead.

Ms. Helena Jaczek: We feel that the suggested language is not clear. The wording in clause 49(1)(d) draws from the language of the existing objects of OCWA that are now contained in the Capital Investment Plan Act. Clause 49(1)(d) is simply a rewrite of the existing language and it provides that OCWA’s activities be carried out in Ontario in a manner that supports provincial policies for land use and settlement. Where those policies

include important interest such as water conservation, they will be captured.

The Chair (Mr. David Oraziotti): Any further comments? NDP motion number 68: All those in favour? Opposed? The motion is lost.

That's it for section 3, schedule 3. All those in favour of schedule 3, section 3, as amended? Carried.

NDP motion number 69: Mr. Tabuns.

Mr. Peter Tabuns: Withdrawn.

The Chair (Mr. David Oraziotti): Okay. Ms. Jaczek, number 70.

Ms. Helena Jaczek: I move that clause 52(c) of the Capital Investment Plan Act, 1993, as set out in subsection 4(1) of schedule 3 to the bill, be amended by striking out "technologies" and substituting "technologies and services".

Similar to the withdrawn NDP motion 69: We want to ensure that we expand the operations related to OCWA, and it's consistent with other amendments that we've proposed.

The Chair (Mr. David Oraziotti): Any further comments? All those in favour of number 70? Opposed? The motion is carried.

Shall schedule 3, section 4, as amended, carry? Carried.

Motion 71: Ms. Jaczek.

Ms. Helena Jaczek: I move that subsection 57.1(3) of the Capital Investment Plan Act, 1993, as set out in section 5 of schedule 3 to the bill, be amended by adding the following clause:

"(h.1) provide for and govern the winding up and dissolution of a subsidiary corporation constituted under subsection (1) and the transfer of its assets, liabilities, rights and obligations;"

By way of explanation, this amendment provides greater legal certainty with respect to the process for winding up and dissolving subsidiaries of the Ontario Clean Water Agency and transferring their assets and liabilities. This amendment provides the Lieutenant Governor in Council with the power to deal with the winding up and dissolution of any subsidiary corporation of OCWA that may be established by regulations under the Capital Investment Plan Act, 1993.

The Chair (Mr. David Oraziotti): Any further comments? All in favour of motion 71? Opposed? It's carried.

Shall schedule 3, section 5, as amended, carry? Carried.

Motion 72: Ms. Jaczek.

Ms. Helena Jaczek: I move that schedule 3 to the bill be amended by adding the following section:

"Bill 65—Not-for-Profit Corporations Act, 2010

"5.1(1) This section applies only if Bill 65 (Not-for-Profit Corporations Act, 2010), introduced on May 12, 2010, receives royal assent.

"(2) References in this section to provisions of Bill 65 are references to those provisions as they were numbered in the first reading version of the bill.

"(3) On the later of the day clause 57.1(3)(c) of the Capital Investment Plan Act, 1993 comes into force and

the day subsection 4(1) of Bill 65 comes into force, clause 57.1(3)(c) of the Capital Investment Plan Act, 1993 is amended by striking out 'Corporations Act' and substituting 'Not-for-Profit Corporations Act, 2010'."

By way of explanation, again, this is ensuring that for any reference to the Corporations Act, we substitute the new Not-for-Profit Corporations Act, 2010, if Bill 65 receives royal assent.

The Chair (Mr. David Oraziotti): Any further comment on 72? All those in favour? Opposed? The motion is carried.

Number 73: Ms. Jaczek.

Ms. Helena Jaczek: I move that section 6 of schedule 3 to the bill be struck out and the following substituted:

"Commencement

"6. This schedule comes into force on the day the Water Opportunities and Water Conservation Act, 2010 receives royal assent."

By way of explanation, this is a technical amendment which provides that the amendments to the Capital Investment Plan Act, 1993, as set out in schedule 3 to Bill 72, come into force on royal assent rather than on a later date to be named by proclamation of the Lieutenant Governor in Council.

The Chair (Mr. David Oraziotti): Any further comments? Government motion 73: Shall it carry? Carried.

Shall schedule 3, section 6, as amended, carry? Carried.

Shall schedule 3, as amended, carry? Carried.

Government motion number 74.

Ms. Helena Jaczek: I move that paragraph 5 of subsection 10(1) of the Green Energy Act, 2009, as set out in subsection 1(2) of schedule 4 to the bill, be amended by striking out "technologies and services" and substituting "technologies, services and practices".

By way of explanation, as we have said previously, we've expanded the scope by including practices. This was an amendment requested by Ecojustice, the Canadian Environmental Law Association and other stakeholders. We feel that this is very useful in terms of expanding the role that we intend in this act.

The Chair (Mr. David Oraziotti): Any further comments on 74? All in favour? Opposed? That's carried.

Shall schedule 4, section 1, as amended, carry? Carried.

There are no amendments in sections 2 or 3 of schedule 4. Shall schedule 4, sections 2 and 3, carry? Carried.

Motion 75.

Ms. Helena Jaczek: I move that section 4 of schedule 4 to the bill be struck out and the following substituted:

"Commencement

"4. This schedule comes into force on the day the Water Opportunities and Water Conservation Act, 2010 receives royal assent."

Again, this is a technical amendment, which provides that the amendments to the Green Energy Act, 2009, come into force on royal assent rather than on a later day to be named by proclamation of the Lieutenant Governor.

The Chair (Mr. David Oraziotti): Any further comment? Government motion 75: All those in favour? Opposed? The motion is carried.

Shall schedule 4, section 4, as amended, carry? Carried.

Shall schedule 4, as amended, carry? Carried.

Schedule 5, sections 1 and 2: There are no amendments. Shall those sections carry? Carried.

Section 3, motion 76: Ms. Jaczek.

Ms. Helena Jaczek: I move that section 3 of schedule 5 to the bill be struck out and the following substituted:

“Commencement

“3. This schedule comes into force on the day the Water Opportunities and Water Conservation Act, 2010 receives royal assent.”

Again, this is a technical amendment allowing the provisions of schedule 5 to Bill 72 to come into force on royal assent rather than on a later day to be named by proclamation of the Lieutenant Governor.

The Chair (Mr. David Oraziotti): Any further comment? Motion 76: All in favour? Opposed? It's carried.

Shall schedule 5, section 3, as amended, carry? Carried.

Shall schedule 5, as amended, carry? Carried.

Before we take a look at the amendment on the preamble, we need to return to sections 1, 2 and 3. Sections 1, 2 and 3: Shall they carry? Carried.

Motion 77: Ms. Jaczek.

Ms. Helena Jaczek: I move that the preamble to the Water Opportunities and Water Conservation Act, 2010 be amended by striking out “technologies and services” at the end of paragraph 4 and substituting “technologies, services and practices”.

Again, to be consistent, and in terms of broadening the purpose of the act, we're adding “practices.”

The Chair (Mr. David Oraziotti): Any further comment to motion 77? All those in favour? Opposed? The motion is carried.

Shall the preamble, as amended, carry? Carried.

Shall the title of the bill carry? Carried.

Shall Bill 72, as amended, carry? Carried.

Shall I report the bill, as amended, to the House? Carried.

Thank you. The committee is adjourned.

The committee adjourned at 1609.

CONTENTS

Monday 25 October 2010

Water Opportunities and Water Conservation Act, 2010, Bill 72, Mr. Wilkinson / Loi de 2010 sur le développement des technologies de l'eau et la conservation de l'eau, projet de loi 72, M. Wilkinson	G-167
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