



**OFFICE OF THE INTEGRITY  
COMMISSIONER**

**REPORT**

**Of**

**THE HONOURABLE ROBERT C. RUTHERFORD  
COMMISSIONER**

**RE: THE HONOURABLE MICHAEL D. HARRIS,  
PREMIER OF ONTARIO**

**TORONTO, ONTARIO  
DECEMBER 27, 2000**

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OF  
THE HONOURABLE ROBERT C. RUTHERFORD  
INTEGRITY COMMISSIONER

RE: THE HONOURABLE MICHAEL D. HARRIS, PREMIER OF ONTARIO

BACKGROUND

On 11 September 2000 Mr. David Ramsay, M.P.P. for Timiskaming-Cochrane, submitted to me a complaint under s. 30(1) of the Members' Integrity Act, 1994 ("the Members' Integrity Act") against the Premier of Ontario, the Honourable Michael D. Harris. He enclosed an affidavit of the same date that purportedly lent factual support to his complaint. A copy of Mr. Ramsay's complaint of 11 September 2000 is attached to this opinion as Exhibit "A"; a copy of Mr. Ramsay's affidavit of the same date and its exhibits is attached to this opinion as Exhibit "B".

Mr. Ramsay contended that Mr. Harris engaged in "an improper and extraordinary use of the office of Premier of Ontario". More specifically, the Premier allegedly sought to ensure that a private sector contractor received a contract to dispose of Toronto's garbage at Kirkland Lake. Therefore Mr. Ramsay requested that my office probe more deeply the plans to transfer Toronto's garbage to Kirkland Lake. He asked further that I offer an opinion as to whether Mr. Harris transgressed ss. 2, 3 and/or 4 of the Members' Integrity Act or parliamentary convention or both.

Mr. Ramsay's affidavit and its exhibits provide a chronology of Mr. Harris' alleged role from the early 1990s onwards in developing plans to dispose of Toronto's garbage.

Mr. Harris met on 6 June 1991 with four key players: Mr. Gordon McGuinty, head of Notre Dame Development, which was promoting the Kirkland Lake landfill site; Mr. Joe Mavrinac, the then Mayor of Kirkland Lake; Ms. Joan King, a Toronto councillor; and Mr. Bob Ferguson, the then Commissioner of Public Works for Toronto. A New Liskeard lawyer, Mr. Owen J.R. Smith, reportedly overheard the ensuing conversation. He added that Mr. McGuinty obviously sought Mr. Harris' support in transferring Toronto's garbage to the Adams Mine site at Kirkland Lake; furthermore, Mr. Harris appeared willing to support the plan if he could do so.

The plan to dispose of Toronto's garbage at Kirkland Lake received attention in an open line television programme of 25 February 1993. In response to a caller's question, Mr. Harris indicated that if he became Premier, he would ensure that the plan to transfer Toronto's garbage to Kirkland Lake would receive full consideration as a viable economical and environmental solution.

In a letter of 28 February 1995 to Mr. Alan Tonks, then Chairman, Metro Toronto, Mr. Harris applauded Metro's decision to proceed with environmental studies on the Adams Mine at Kirkland Lake as a possible site for Toronto's garbage.

Once Mr. Harris became Premier of Ontario in June 1995, the government scrapped the Interim Waste Management Authority, a crown corporation established to find local solutions to Toronto's waste.

The Harris government rewrote the Environmental Assessment Act in June 1996 and narrowed the scope of public hearings on landfill sites. The first proposed landfill site to be considered under the revised Act would be the Adams Mine site at Kirkland Lake.

Mr. Harris informed Mr. Ramsay in an exchange of 5 November 1996 in the Legislative Assembly that he had discussed the plan to transport Toronto's garbage to Kirkland with "hundreds of people"; he did not deny that Mr. McGuinty numbered among them. As Member for Nipissing, Mr. Harris saw himself as situated to promote the plan.

Mr. Cameron D. Clark, Deputy Minister of Northern Development and Mines, advised Mr. Bill Saundercook, Chairman, City of Toronto Works Committee, on 20 June 2000 that the Adams Mine site represents "the only complete Ontario based solution to the Greater Toronto Area waste disposal problem." He affirmed further that the Ministry did not wish the Adams Mine site excluded from consideration on the ground that there was no endorsement by a "willing host" community.

On the same day, 20 June 2000, the Honourable Dan Newman, Minister of the Environment, informed the Legislative Assembly that no decision had been taken to close the Keele Valley landfill site. He added that Ontario had legislative options to ensure that the Keele Valley landfill site was not in operation beyond 2002.

Scarcely more than one month later, on 21 July 2000, Mr. Harris wrote to Mr. Saundercook. Referring to the Keele Valley landfill, the Premier stated that his government's commitment to closing it "on the existing 2002 timeframe" was well known.

Mr. C. William Hourigan, counsel to the Office of the Premier, made submissions to me on 3 October 2000: they comprised a reply to Mr. Ramsay's complaint and accompanying affidavit dated 11 September 2000. A copy of Mr. Hourigan's submissions is attached to this opinion as Exhibit "C".

Mr. Ramsay responded to Mr. Hourigan's submissions in a letter to me of 5 October 2000. A copy of the letter is attached to this opinion as Exhibit "D". In his letter, Mr. Ramsay barely mentioned Mr. Harris; he devoted his attention mainly to Mr.

Robert Powers, a Toronto lawyer specializing in environmental law. I express no views on the merits of Mr. Ramsay's statements about Mr. Powers.

An article by one Mr. Peter Cameron that appeared in *The National Post* of 6 November 2000 reported that the Mayor of Toronto, Mr. Mel Lastman, had announced: "There's no garbage going to Kirkland Lake, ever." According to the same article, Toronto had turned to Republic Services Inc., an American firm, for disposal of commercial and industrial wastes after 2002. Toronto had an option to send all residential trash along with its commercial and industrial wastes to Republic Services' site in Michigan. A copy of this article is attached to my opinion as Exhibit "E".

On the basis of those materials submitted to me and marked as exhibits to my report, I have concluded that the extant information enables me to provide the requested opinion. No more extensive enquiry is necessary.

### **ISSUE**

The issue for my consideration is whether Mr. Harris infringed ss. 2, 3 and/or 4 of the Members' Integrity Act or parliamentary convention or both by supporting the plan to transfer Toronto's garbage to the Adams Mine landfill site at Kirkland Lake.

### **PRELIMINARY REMARKS**

I wish to emphasize that the issues surrounding Mr. Harris' role in promoting the plan to ship Toronto's garbage to Kirkland Lake are now largely moot: the plan never passed beyond debate to implementation; and the Mayor of Toronto reportedly stated that "the Adams Mine deal is completely dead." Yet the allegations that Mr. Ramsay has made about Mr. Harris are prima facie serious enough to warrant my consideration with reference to ss. 2, 3 and 4 of the Members' Integrity Act. For ease of reference, these sections are reproduced below.

### **SECTION 2 OF THE MEMBERS' INTEGRITY ACT**

Section 2 of the Members' Integrity Act stipulates:

A member of the Assembly shall not make a decision or participate in making a decision in the execution of his or her office if the member known or reasonably should have known that in the making of the decision there is an opportunity to further the member's private interest or improperly to further another person's private interest.

**SECTION 3 OF THE MEMBERS' INTEGRITY ACT**

Section 3(1) of the Members' Integrity Act stipulates:

A member of the Assembly shall not use information that is obtained in his or her capacity as a member and that is not available to the general public to further or seek to further the member's private interest or improperly to further or seek to further another person's private interest.

**SECTION 4 OF THE MEMBERS' INTEGRITY ACT**

Section 4 of the Members' Integrity Act provides:

A member of the Assembly shall not use his or her office to seek to influence a decision made or to be made by another person so as to further the member's private interest or improperly to further another person's private interest.

**FINDINGS OF FACT**

The submissions made in support of and in opposition to Mr. Ramsay's complaint against Mr. Harris have satisfied me of the following material facts:

- 1) the Adams Mine had functioned as an open-pit iron mine for over 25 years when it closed in 1990. Its closure caused almost 400 jobs to be lost.
- 2) as early as the autumn of 1990, Toronto began to contemplate using the abandoned Adams Mine as a landfill site. From that time onwards the plan to forward Toronto's solid wastes by rail to the Adams Mine for disposal received periodic attention.
- 3) on several occasions before he became Premier in June 1995, Mr. Harris appeared to express support for disposing of Toronto's garbage at the Adams Mine site. His expressions of support were tempered by a concern that the necessary environmental enquiries be made first.
- 4) according to Mr. Harris' uncontradicted statement in the Legislative Assembly, he discussed the proposed transfer of Toronto's garbage to the Adams Mine site with "hundreds of people", probably including but not limited to Mr. McGuinty.
- 5) no evidence submitted to me suggests that Mr. Harris or any member of his family has had a business relationship with Mr. McGuinty.

- 6) nor does any evidence brought to my notice show that Mr. Harris or any member of his family has had any interest, direct or indirect, in the plan to dispose of Toronto's garbage at the Adams Mine landfill site.
- 7) by the spring of 1994, the then Liberal leader, Ms. Lyn McLeod, was also amenable to the transfer of Toronto's garbage by rail.
- 8) by the mid-1990s the Keele Valley landfill site could not be expected to remain in use much longer. It would be filled completely by 2000 or shortly thereafter. Moreover, the then Mayor of Vaughan found distasteful the odours and the possible air pollution that it caused.
- 9) while the Harris government did rewrite the Environmental Assessment Act in June 1996, the revised Act makes no reference to the Adams Mine landfill site. Nor can I find any evidence showing that while the provisions of the revised Act may be facially neutral, their underlying intent related specifically to that landfill site.
- 10) in a media release dated 28 March 1994, Mr. Ramsay himself urged the government of Premier Bob Rae to allow Toronto to proceed with an environmental assessment of the Adams Mine landfill site. He opined that "[i]t would be a shame to see jobs created by waste management go [to] the United States."
- 11) after lengthy hearings, Ontario's Environmental Assessment Board approved in June 1998 the plan to exploit the Adams Mine as a landfill site. On a subsequent application for judicial review, the Ontario Divisional Court approved the Board's decision.
- 12) by November 2000 Toronto had been unable to conclude mutually acceptable arrangements with the consortium that proposed to transport Toronto's garbage to the Adams Mine site. Toronto thereupon turned to an American company to process its wastes in the United States after the Keele Valley landfill site ceases operating in 2002.

**Issue 1: Did Mr. Harris infringe s. 2 of the Members' Integrity Act by supporting the plan to transfer Toronto's garbage to the Adams Mine landfill site at Kirkland Lake?**

I have found that neither Mr. Harris nor any member of his family had any interest, direct or indirect, in the plan to dispose of Toronto's garbage at the Adams Mine landfill site. Nor did Mr. Harris nor any member of his family have any business relations

with Mr. McGuinty. Therefore I conclude that Mr. Harris' support for the plan comprised no attempt to further his private interests or to promote someone else's private interests. I answer the question stated above negatively.

**Issue 2: Did Mr. Harris infringe s. 3 of the Members' Integrity Act by supporting the plan to transfer Toronto's garbage to the Adams Mine landfill site at Kirkland Lake?**

I have found that political figures other than Mr. Harris on occasion expressed support for exploiting the Adams Mine landfill site to dispose of Toronto's garbage. Their support is objectively justifiable: the Keele Valley landfill site arouses environmental concerns and at any event, is approaching the end of its useful life; and garbage disposal at Kirkland Lake would have the beneficial effect of creating jobs.

To uphold a complaint against Mr. Harris under s. 3 of the Members' Integrity Act, I would have to be persuaded that his support for the plan described above arose not only on objectively justifiable grounds but at least partially from information not available to the general public. No evidence before me shows that his support for the plan originated thus. In addition, I reiterate my earlier conclusion that his support for the plan comprised no attempt to further his private interests or to promote someone else's private interests. Hence I answer this question, too, negatively.

**Issue 3: Did Mr. Harris infringe s. 4 of the Members' Integrity Act by supporting the plan to transfer Toronto's garbage to the Adams Mine landfill site at Kirkland Lake?**

I can find no evidence showing that Mr. Harris sought to exploit the office of Premier of Ontario to influence decisions taken by Toronto, Kirkland Lake or any other organization or person regarding the aforementioned plan. Once again, I repeat my earlier conclusion that his support for the plan comprised no attempt to further his private interests or to promote someone else's private interests. I accordingly respond negatively to this question as well.

**Issue 4: Did Mr. Harris infringe parliamentary convention by supporting the plan to transfer Toronto's garbage to the Adams Mine landfill site at Kirkland Lake?**

As a preliminary, I observe that Mr. Ramsay has not specified the way in which he alleges that Mr. Harris infringed parliamentary convention by supporting the plan. Without clarification as to precisely what parliamentary convention Mr. Harris allegedly infringed, I cannot conclude that he violated any parliamentary convention.


**OPINION**

Section 30(5) of the Members' Integrity Act states:

If the Commissioner is of the opinion that the referral of a matter to him or her is frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an inquiry, the Commissioner shall not conduct an inquiry and shall state the reasons for not doing so in the report.

For the reasons stated, it is my opinion that s. 30(5) applies, and that there are no grounds to hold an inquiry into the matters referred to me by Mr. Ramsay with respect to Mr. Harris' support for the plan to transfer Toronto's garbage to the Adams Mine landfill site at Kirkland Lake.

**DATED** at Toronto this 27th day of December 2000.

  
\_\_\_\_\_  
The Honourable Robert C. Rutherford  
Integrity Commissioner



PROVINCE OF ONTARIO

IN THE MATTER OF AN INVESTIGATION INTO THE  
CONDUCT OF THE HON. MICHAEL HARRIS, PREMIER

Made pursuant to sections 2 and 4 of the  
*Members' Integrity Act, 1994*

I, David Ramsay, of the Township of Casey, Member of Provincial Parliament for the riding of Timiskaming-Cochrane MAKE OATH AND SAY:

1. I am the Member of Provincial Parliament for the riding of Timiskaming-Cochrane and as such, have knowledge of the matters hereinafter deposed to.
2. On August 7, 2000, my office was provided with a chronology of the involvement and intervention of Premier Michael Harris, M.P.P. Nipissing in support of Rail Cycle North waste proposal which I believe to be an improper and extraordinary use of the office of the Premier of Ontario to influence the awarding of a municipal waste contract to a private sector contractor.
3. Chronology

**June 6, 1991**

5 key players meet including Joan King, Toronto Councilor then and now, Gordon McGuinty head of Notre Development, the site promoter, Joe Mavrinac, then Mayor of Kirkland Lake and willing host signatory, Bob Ferguson then Commissioner of Public Works for Toronto and Mike Harris, M.P.P. for Nipissing and PC Leader (see attached affidavit)

**February 25, 1993**

Hour long open line television show on Rogers Channel 10 where Mike Harris with guest Paul Christie, Metro Councilor and Joe Mavrinac, Kirkland Lake Mayor discusses the project (tape available if required)

In response to a caller's question Mike Harris endorses the project

"Should you become Premier and your party forms a government would you undertake now to insure that the option of rail hauling waste to Kirkland Lake would be given full consideration as a viable economical and environmental solution to Toronto's garbage?"

"Absolutely..."

**February 28, 1995**

Letter of support to Alan Tonks, Chairman Metro Toronto (see attached letter)

**1995**

Conservative Party takes office and scraps the Interim Waste Management Authority a Crown Corporation set up to find local solutions to Toronto's waste.

**June 1996**

The Province rewrites the Environmental Assessment Act and narrows the scope of hearings into landfill sites. The first project to be considered under the new act will be the Adams Mine.

**November 5, 1996**

Exchange in the legislature between David Ramsay, M.P.P. Timiskaming and the Honourable Mike Harris, Premier (see attached Hansard)

**June 20, 2000**

Cameron Clark, Deputy Minister, Northern Development and Mines in a letter to Toronto Council re-confirm that the Adams Mine region is a "willing host". This is a central issue, as the 3 signatory municipalities have no actual jurisdiction over the township where the mine is located. (see attached letter)

**June 2000**

Toronto Council's Works Committee staff issued recommendation to councilors that the preferred option is extending the life of the Keele Valley site to 2006. Second place option is the Adams Mine

**June 20, 2000**

The Minister of the Environment intervenes and closes the Keele Valley option for Toronto. "The Province does have legislative options to ensure that the Keele Valley dump is not extended beyond 2002".(see attached Hansard)

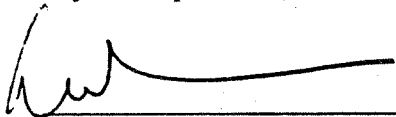
**July 21<sup>st</sup>, 2000 at 1:31pm**

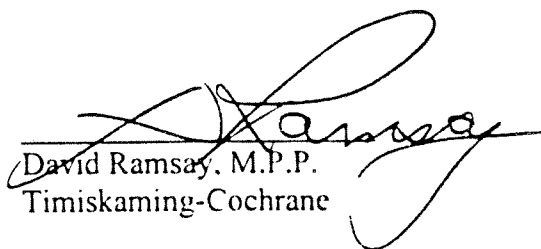
Toronto's Joint Works and Finance Committee receives a letter directly from the Premier (see attached) as they are debating the issue.

The letter effectively indicates the Premier's direct interest in the contract and closes the Keele Valley option for Toronto thus moving the Adams Mine proposal from runner up to lead contender in a group of 5 short listed business proposals.

4 I make this affidavit in support of my complaint to the Office of the Integrity Commissioner and for no improper purpose.

SWORN before me in the )  
of , this 11<sup>th</sup> )  
day of September, 2000 )

  
A Commissioner of Oaths, etc.

  
David Ramsay, M.P.P.  
Timiskaming-Cochrane

PROVINCE OF ONTARIO

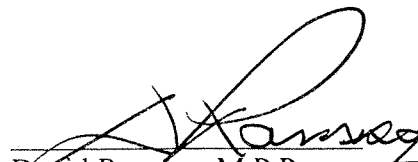
IN THE MATTER OF AN INVESTIGATION INTO THE  
CONDUCT OF THE HON. MICHAEL HARRIS, PREMIER

Made pursuant to sections 2 and 4 of the  
*Members' Integrity Act, 1994*

I, David Ramsay, of the Township of Casey, Member of Provincial Parliament for the riding of Timiskaming-Cochrane MAKE OATH AND SAY:

1. I am the Member of Provincial Parliament for the riding of Timiskaming-Cochrane and as such, have knowledge of the matters hereinafter deposed to.
2. On September 11, 2000, I served a copy of the attached complaint on the Speaker of the House.
3. I make this affidavit in support of my complaint to the Office of the Integrity Commissioner and for no improper purpose.

SWORN before me in the )  
of , this 11<sup>th</sup> )  
day of September, 2000 )  
)  
)  
)  
)  
A Commissioner of Oaths, etc.

  
David Ramsay, M.P.P.  
Timiskaming-Cochrane

OCT 03 2000

Office of the  
Premier

Legislative Building  
Queen's Park  
Toronto, Ontario  
M7A 1A1

Cabinet du  
Premier ministre

Hôtel du gouvernement  
Queen's Park  
Toronto (Ontario)  
M7A 1A1



EXHIBIT "C"

CONFIDENTIAL

October 3, 2000

The Honourable Robert C. Rutherford  
M.B.E., C.D., Q.C., LL.B.  
Commissioner  
Office of the Integrity Commissioner  
101 Bloor Street West, 13<sup>th</sup> Floor  
Toronto, ON M5S 2Z7

Dear Sir:

Please find enclosed the submissions filed on behalf of the Premier in response to Mr. David Ramsay's letter of September 11, 2000.

If you require any further information, please contact me at (416) 325-3847.

Sincerely,

A handwritten signature in black ink, appearing to read "C. William Hourigan".

C. William Hourigan  
Counsel

## Introduction

1. This is the reply on behalf of the Honourable Michael Harris in response to the request by Mr. David Ramsay, M.P.P. for Timiskaming-Cochrane, which was filed with the Office of the Integrity Commissioner by letter dated September 11, 2000.

## Overview

2. Mr. Ramsay's letter raises issues relating to Premier Harris' support for a proposal to dispose of Metropolitan Toronto's waste in a landfill to be operated on the site of the Adams Mine, near Kirkland Lake. Premier Harris, and many other politicians of all parties, as well as numerous citizens of Ontario, have openly and publicly supported a policy initiative which would see Metropolitan Toronto cease, in 2002, its disposal of waste in the Keele Valley landfill site located in York Region and dispose of its waste in a landfill site at the Adams Mine in Kirkland Lake, provided that a thorough environmental assessment process had been completed, which it has.

3. The conversion of the Adams Mine to a landfill site will not only deliver substantial economic benefits to the Kirkland Lake region, it will also deliver substantial benefits to York Region residents who have legitimate concerns about the continued use of the Keele Valley landfill site. Premier Harris' support of this initiative and the reasons for it were widely and publicly known before, at the time of, and since his government's election and re-election, demonstrating the public's mandate for the fulfilment of such initiatives. Premier Harris, in supporting the fulfilment of these initiatives, has acted in accordance with the highest standards of a member of the Legislative Assembly, as those have been set forth in the *Members' Integrity*

*Act, 1994*. He has broadly represented his constituents' interests, has acted with integrity and impartiality, and has acted – as demonstrated by his government's broad public support – in a manner which has promoted public confidence. There is simply no merit to Mr. Ramsay's suggestion that Mr. Harris is either furthering his own private interest – he has none – in the Adams Mine, or improperly furthering anyone else's private interest. It is submitted that this is a frivolous claim, wholly without merit.

### **The Adams Mine Proposal**

4. Metropolitan Toronto currently disposes of most of its waste in the Keele Valley landfill, which is located in York Region. This has given rise to widespread opposition, from residents of the region, who have voiced environmental concerns, including about odours, traffic, seagulls, etc. In 1995, the government stated that use of the Keele Valley landfill would not extend beyond 2002. Not extending the operation of the Keele Valley landfill has received widespread support, including from the Liberal Party. The City of Toronto has, accordingly, been searching for an alternative waste disposal site.

5. The Adams Mine is located south of Kirkland Lake. For over 25 years, it operated as an open-pit iron mine. When it closed in early 1990, close to 400 jobs were lost in the region.

6. As early as the fall of 1990, Toronto began to consider the possibility of using the abandoned Adams Mine as a landfill site. Over the years, although the precise economic arrangements for the proposed landfill have changed, the basic waste disposal plan has remained

equipped with a highly sophisticated water filtration plan, designed to prevent any escape of pollutants from the site.

7. In June of 1998, following numerous environmental assessments and extensive public consultation, and after a 15 day hearing before Ontario's Environmental Assessment Board, at which the Board heard evidence and legal argument from, among others, a broad coalition of local and regional groups who had concerns about the mine proposal, approval was given to the plan to use the Adams Mine as a landfill. On a subsequent judicial review application, the Divisional Court affirmed the Environmental Assessment Board's decision.

8. Toronto is now negotiating with the mine owner to settle the terms of the contract under which the city's waste will be shipped north and disposed of in the mine. The contract is to be presented to city council for its approval this month. If approved, the expectation is that the mine will meet Toronto's waste disposal needs for the next 20 to 50 years.

9. In addition to solving the garbage problems facing the city of Toronto, the plan also offers significant economic benefits to the Kirkland Lake region, which has witnessed persistent job losses and an economic downturn in recent years. It also offers benefits to residents of York Region.

#### **Support for The Adams Mine Proposal**

10. Over the many years that this plan has been considered, it has received widespread and bi-partisan support. For example, the former leader of the provincial Liberal party, Lyn McLeod, repeatedly expressed her support for the Adams Mine solution to Toronto's



waste problem.<sup>1</sup> Other persons who have expressed support are the current leader of the Liberal party, Dalton McGuinty, a number of other former Liberal M.P.P.s,<sup>2</sup> former Metro Chair Alan Tonks<sup>3</sup> and the current mayor of Toronto, Mel Lastman.<sup>4</sup> Indeed, even Mr. Ramsay, who has initiated the within complaint against the Premier, has, in the past, expressed support for the plan. In 1994, he issued a press release, a copy of which is attached at Tab 4, stating:

David Ramsay, M.P.P. for Timiskaming, calls the proposal to ship Metro Toronto garbage to Ohio ridiculous.

“It is ridiculous to think that the Province would even consider allowing this to happen,” said Mr. Ramsay.

A bid by WMI Waste Management of Canada Inc. has proposed to dispose of tons of Metro Toronto waste over a twenty year span. The proposal is quite similar to the Rail Haul North/Adams Mine proposal.

“Because of Bill 143, the government won’t even consider approving a government sponsored environmental assessment but would let hundreds of jobs leave Ontario in order to solve their waste problem,” added Mr. Ramsay.

“It’s interesting to note that the Americans can see the economic advantages of disposing waste but that our government is blind to that fact. It would be a shame to see jobs created by waste management go to the United States. The government should allow Metro Toronto to proceed with an environmental assessment of the Adams Mine proposal.” said Mr. Ramsay. (emphasis added)

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<sup>1</sup> See articles in The Toronto Star, February 12, 1993 and April 28, 1994, attached at Tab 1.

<sup>2</sup> See, for example, Hansard, May 28, 1991, p. 1 – support by Charles Beer; Hansard, November 26, 1991 – support by Eleanor Caplan; and Hansard, October 15, 1992 – support by Joseph Cordiano, attached at Tab 2.

<sup>3</sup> See article in The Toronto Star, February 12, 1993, attached at Tab 1.

<sup>4</sup> See article in The National Post, September 8, 2000, attached at Tab 2.

11. It is in this context that the specific allegations made by Mr. Ramsay should be assessed.

**No Merit To Mr. Ramsay's Complaints**

12. Mr. Ramsay has asked the Integrity Commissioner to consider whether certain of the Premier's actions have contravened either sections 2, 3 or 4 of the *Members' Integrity Act, 1994*. The specific legislative provisions are as follows:

- s.2: A member of the Assembly shall not make a decision or participate in making a decision in the execution of his or her office if the member knows or reasonably should know that in the making of the decision there is an opportunity to further the member's private interest or improperly to further another person's private interest.
- s.3(1): A member of the Assembly shall not use information that is obtained in his or her capacity as a member and that is not available to the general public to further or seek to further the member's private interest or improperly to further or seek to further another person's private interest.
- s.4: A member of the Assembly shall not use his or her office to seek to influence a decision made or to be made by another person so as to further the member's private interest or improperly to further another person's private interest.

13. With respect to s.3(1), there does not appear to be any suggestion, express or implied, relating to any use by the Premier of information that is not available to the general public. Therefore, it does not appear that s.3(1) has any application to the present case.

14. Mr. Ramsay refers to a number of occasions where the Premier expressed support for the Adams Mine plan. For example, it is alleged that the Premier (while leader of the opposition) attended a dinner meeting in 1991 with the owner of the Adams Mine, as well as

with Metropolitan Toronto Councillor Joan King, Kirkland Lake Mayor Joe Mavrinnac and Metropolitan Toronto Commissioner of Works, Bob Ferguson, at which time they discussed and expressed support for the project. Mr. Ramsay does not say what is wrong with attending such a meeting, which included public officials from the affected constituencies, to discuss such a proposal. There is no suggestion of any favouritism, personal benefits or improper benefits, nor is there anything "clandestine" about the meeting. Premier Harris' support for the project, which it is said he voiced at the meeting, has also been widely and publicly voiced.

15. Similarly, reference is made by Mr. Ramsay to comments made by the Premier (as leader of the opposition) on a television show in 1993, in the legislature in 1996, and to a letter written to then Metro Chair, Alan Tonks, in 1995. Mr. Ramsay does not say why these public expressions of support for the project are improper. As noted, numerous other politicians, including members of Mr. Ramsay's party and Mr. Ramsay himself, have made such statements.

16. There is no suggestion that the Premier stands to gain either directly or indirectly from the Adams Mine project. Indeed, there cannot be. He has no interest, direct or indirect, in it.

17. There is no suggestion that any member of the Premier's family stands to gain either directly or indirectly from the project. There cannot be. They have no interest, direct or indirect, in it.

18. Nor can there be a credible suggestion that the Premier is supporting the Adams Mine project because Mr. McGuinty, who is the president of a company that has an interest in the

Liberal leader Dalton McGuinty) has ever had any business relationship with the Premier. To suggest that this, rather than:

- (a) the need to solve Metropolitan Toronto's waste disposal issues;
- (b) the need to cease the operation of the Keele Valley landfill site to meet the concerns of York Region Residents;
- (c) the economic benefits to the community of Kirkland Lake from the Adams Mine proposal;
- (d) the wide bi-partisan and public support for these initiatives;
- (e) the environmental approvals given by the Environmental Assessment Board, and affirmed by the Court,

is the reason for the Premier's support is absurd. It is also important to note that there is a diversified consortium behind the Adams Mine project. That consortium, Rail Cycle North, consists of several corporations including, the C.N.R. and Miller Waste Services and is not limited to the company that Mr. McGuinty heads.

19. As alluded to in the preamble to the *Members' Integrity Act, 1994*, a member's primary duty is to represent the interests of his or her constituents. A member is to perform this duty in a manner that promotes public confidence in and respect for the provincial legislative assembly.

20. Throughout the time period at issue, the Premier has consistently and publicly expressed his support for the Adams Mine project. His reasons for doing so are that the project offers a number of benefits to the people of Ontario: it will provide a solution to the very serious waste disposal problem currently facing Toronto; it will provide jobs and other economic benefits to the Kirkland Lake region; it will ensure the continued survival of rail jobs in the north of the province; and will ensure that the economic benefits of waste disposal are enjoyed by the people of the Province of Ontario, rather than by the citizens of another jurisdiction. The benefits of this project, which have been acknowledged by Mr Ramsay,<sup>5</sup> are attested to by the fact that, at various times, politicians of all political parties have expressed their support for it, and it has received approval from the Environmental Assessment Board after a public hearing.

21. The benefits of the project are also apparent from the support which it enjoys from the local population. Indeed, in 1996, Mr. Ramsay himself acknowledged that there was “a lot of pressure” in his riding of Timiskaming-Cochrane, which includes the Adams Mine, “for this proposal to go ahead”. He said, “It has certainly been sold to many people in Kirkland Lake.”<sup>6</sup>

22. In offering his support to the project, the Premier is simply acting in the way which he has determined will best serve the interests of the various affected constituencies, including the people of Kirkland Lake. Far from violating the ethical rules contained in the *Members' Integrity Act, 1994*, such action is wholly consistent with and in the spirit of those rules.

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23. Therefore, it is submitted that the identity of the owner of the mine is irrelevant, as there is no support for the allegation that this relationship accounts in any way for the Premier's support for the project. Rather, the Premier's support for the Adams Mine plan is based on legitimate policy considerations which the Premier must consider in the interest of the Province.

24. Mr. Ramsay attached to his affidavit a letter dated July 21, 2000 which the Premier sent to the Toronto Works Committee, confirming the government's position with respect to the closure of the Keele Valley landfill by 2002. This position had been made known to the people of York Region by the present government a number of years prior and was in response to long-standing, strong local opposition to any extension in the life of that disposal site.<sup>7</sup> Indeed, this desire to close the Keele Valley landfill is shared by Dalton McGuinty, leader of the Ontario Liberal party, who has moved in the Legislative Assembly in September of this year, as follows:

Be it further resolved that Ontario Legislature demand that the Minister of the Environment keep his promise not to extend the operating licence of the Keele Valley landfill site.<sup>8</sup>

25. Mr. Ramsay attempts to portray the Premier's letter of July 21, 2000 as an improper interference in Toronto's deliberations over where to send its garbage. However, Mr. Ramsay's affidavit omits to state that the Premier's letter was sent only in response to a letter

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<sup>6</sup> Hansard, November 4, 1996, p. 60, attached at Tab 5.

<sup>7</sup> See articles in The Toronto Star, January 12, 1996 and February 29, 1996, attached at Tab 6.

<sup>8</sup> See Liberal News Release, September 20, 2000, attached at Tab 7.

dated July 20, 2000 from the chair of the Toronto Works Committee, which asked him specifically to confirm the government's policy on closure of the Keele Valley landfill site. The letter from Bill Saundercook to Premier Harris, a copy of which is attached as Tab 8, stated:

Approximately a month ago, statements were made to the media that any attempt by the City of Toronto to extend the closure date of Keele Valley will result in your government moving to legislate a closure by the end of 2002.

In view of the facts before our Committees, we would appreciate a further clarification of your government's position in a formal manner as soon as possible.

26. Thus, the Premier's letter of July 21 was simply a response to a question asked of him. The Premier took no initiative in respect of this matter and merely confirmed what was already well known, that the government had stated publicly that the Keele Valley landfill should be closed no later than 2002. The Premier did not advocate any further action by the city one way or another and the letter cannot be seen as in any way as an attempt improperly to influence Toronto's decision on the Adams Mine project.

27. Therefore, it is submitted that this letter in no way constitutes an attempt improperly to influence the decision then being made by the City of Toronto, as referenced in section 4 of the *Act*.

28. Mr. Ramsay also refers to amendments made in 1996 to the *Environmental Assessment Act*. His implication seems to be that these amendments were simply part of a scheme to advance the fortunes of the Adams Mine project. This is not correct.

29. In 1996, it was apparent that the process whereby new waste disposal sites were approved was overly cumbersome, consuming millions of dollars of municipalities' money, taking years to complete, and frequently producing recommendations which were environmentally unsound.

30. In order to remedy this problem, the government introduced Bill 76, which later was proclaimed as *The Environmental Assessment and Consultation Improvement Act, 1996*. The goal of that legislation was to make the province's environmental assessment system less costly and less time-consuming, while ensuring a continued adherence to high environmental standards. The legislation was introduced, debated and passed by a democratically elected Legislative Assembly.

31. The legislation requires that proponents of a project consult with members of the public. It also provides for the definition, early in the assessment process, of "terms of reference", which will guide the entire environmental assessment process, thereby avoiding unnecessary and wasteful lines of inquiry. It imposes clearly defined time-lines for the completion of the various regulatory steps, grants new power to the Minister of the Environment to send contentious issues to mediation and requires environmental assessments whenever municipalities contract with third parties for waste disposal. All of these features were designed to meet the goals of the new legislation – namely, a faster, more efficient and more reliable environmental assessment process.

32. There is nothing in the *Act* which is specific to the Adams Mine proposal, nor is there any support for the allegation that the *Act* was drafted specifically with the Adams Mine



project in mind. The goals furthered by the *Act* are in the interests of all citizens of the province and include fast, efficient and effective environmental assessments of new landfill sites.

33. Indeed, the need for this legislative change is evidenced by the acts of previous governments when faced with problems such as the waste disposal crisis currently confronting the City of Toronto. For example, in 1990, the provincial government, headed by then Premier David Peterson, simply exempted a waste disposal site in Pickering from the application of the *Environmental Assessment Act*. The reason for doing so was that there was insufficient time to conduct an environmental assessment, as the process then existed.

34. The amendments to the *Act* effected by Bill 76 prevent such an eventuality from occurring again, by ensuring that assessments are conducted quickly, efficiently and effectively. Contrary to the implication of Mr. Ramsay, the legislation was designed not to dilute current environmental protections, but rather to enhance them.

35. For all of these reasons, it is submitted that none of the acts listed in the affidavit supporting the request for an inquiry support the allegation that the Premier has acted improperly in supporting the Adams Mine project.

OCT 05 2000

Legislative Building  
Queen's Park  
Toronto, ON M7A 1A4  
Tel: (416) 325-7137  
Fax: (416) 325-9007



LEGISLATIVE ASSEMBLY

P.O./C.P. 429  
524 Ferguson Avenue  
Halleybury, ON P0J 1K0  
Tel: (705) 672-2488  
Fax: (705) 672-3241

www.davidramsay.on.ca  
david@davidramsay.on.ca

**DAVID RAMSAY**  
M.P.P./Depute provincial  
TIMISKAMING - COCHRANE

29 Duncan Avenue  
Kirkland Lake, ON P2N 1X5  
Tel: (705) 567-4650  
Toll Free: 1-800-461-2186  
Fax: (705) 567-4208

October 5, 2000

## EXHIBIT "D"

Office of the Integrity Commissioner  
The Honourable Robert C. Rutherford  
Commissioner  
101 Bloor St. West, Suite 1301  
Toronto, ON M5S 2Z7

Dear Commissioner:

Further to my submission re: Michael Harris, I wish to point out the role of Mr. Robert Powers, a Toronto lawyer who specializes in environmental law.

During 1994-1995, Mr. Power was involved in the environmental assessment process commenced by the council of Metropolitan Toronto.

During this time, he was advising the PC Party on environmental issues for their 1995 election platform.

After assuming office, the Harris government hired Robert Power to advise the Ministry of Environment on rewriting the Environmental Assessment Act.

I believe the dramatic changes were made to push the Adams Mine proposal through.

The two major changes were to eliminate intervenor funding which assisted the opposition to a project to hire experts. The other change gave the Minister the discretion to scope an environmental assessment, thereby restricting what aspects of a proposal could be considered at the hearing stage.

The Adams Mine was the first proposal where this was done. For one of the largest and most technically complicated landfills in North America aspects, such as economic impact on the district, cost and feasibility of repair and cessation in the event of failure, were not allowed to be considered.

Only the principal of hydraulic containment could be considered.

Mr. Robert Powers was the lawyer representing the proponent Notre Development (owned by Mr. Harris friend Gordon McGuinty) during the hearing.

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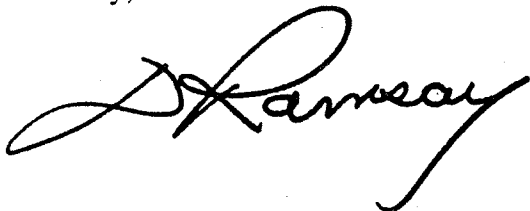
The hearing had all the earmarks of a political process (i.e. Mr. Powers' first remark to me during his cross-examination was "you were a former member of the NDP government were you not?").

He got this wrong but referring to the fact I used to belong to that political party. This doesn't seem to be much environmental consideration in that line of questioning.

Mr. Powers since has received his political reward being appointed Chair of the Trillium Foundation. And, recently has been caught using the Foundation's client list to fundraise for the PC Party.

I apologize for not elaborating on this issue in my initial correspondence.

Sincerely,

A handwritten signature in black ink, appearing to read "D Ramsay". The signature is fluid and cursive, with a large initial "D" and a long, sweeping underline.

David Ramsay, M.P.P.  
Timiskaming-Cochrane

# TORONTO

EXHIBIT "E"

## Adams Mine a dead issue? Don't bet on it, critic warns

### PROPOSAL WON'T GO AWAY

Consortium hopes to reopen talks after the election, but Mayor says no

By Peter Cameron

An abandoned open pit mine in northern Ontario could still become Toronto's garbage dump, despite public assurances to the contrary by Mel Lastman, the Mayor, says an opponent to the plan.

The controversial proposal to ship millions of tonnes of Toronto's residential garbage to the Adams Mine near Kirkland Lake

is "still on the table," says Richard Denton, Mayor of the Northern Ontario city.

And Gord McQuinty, who heads up Rail Cycle North, a consortium of five companies that want Toronto's garbage, said the offer to the city still stands and he expects talks could resume after the Nov. 13 municipal elections.

"I'm confident there are no major obstacles," said McQuinty, reiterating that the consortium was prepared to meet Toronto's liability conditions.

"We're offering the best price, we're No. 1 environmentally, and we're offering an open contract."

But Mr. Lastman denied that there was any possibility the Adams Mine deal would be resurrected.

"There's no garbage going to Kirkland Lake, ever," he said last

night. "It's dead. Mr. McQuinty is out of the running. He's completely gone."

Toronto is known to continue to "favour a Canadian solution" to the residential garbage problem and has turned to the U.S. firm only for commercial and industrial waste after 2002, said Will Flower of Republic Services Inc.

But Angelos Bacopoulos, general manager of the city's waste management services, said that Toronto has an option to send all its residential trash, plus its commercial and industrial waste, to the Republic site in Michigan but has not decided yet.

"We haven't officially got a deal on residential trash, but we have the option to send them all of our trash if we want to," he said.

There were sighs of relief from opponents last month when the

Adams Mine deal with Rail Cycle North fell apart.

Mr. Lastman, in the throes of a municipal election campaign where the plan had become a political hot potato, said last month the deal had died over a liability issue.

Although the waste-management contract was approved by council after a protracted four-day debate, its signing was conditional on RCN agreeing to remove a clause that would have required the city to accept responsibility for "unavoidable" future cost increases.

But city officials said the consortium refused to remove the clause.

Mr. Lastman announced the city was negotiating with a Michigan landfill operated by Republic that would take Toronto's garbage after the Keele Valley landfill shuts down, calling it "the best deal for taxpayers."

"The city is taking care of our future disposal needs and is protecting the taxpayers of Toronto."

"This is the best deal at the best price that protects taxpayers," Mr. Lastman said.

He added the ultimatum offered to Rail Cycle North was simple: Accept the terms or Toronto's

trash will automatically be sent to Michigan.

The U.S. firm says it has indeed signed a deal with Toronto, but it doesn't include the city's residential garbage.

"There has been no decision from Toronto" on shipping residential garbage to a landfill near Flat Rock, Mich., after 2002, said Mr. Flower.

In fact, there have not even been discussions about it, Mr. Flower said. The Republic contract with Toronto for 2003 is for industrial,

### [MEL LASTMAN] WAS LOOKING FOR A WAY OF GETTING OUT AND SAVING FACE'

commercial and institutional waste.

However, Republic is ready and willing to talk with the city at any time and awaits a call, Mr. Flower added.

The contract between Toronto and Republic involves shipping annually at least 270,000 tonnes

of trash, including some residential garbage, to Michigan in 2001, and 2002.

For 2003, the contract calls for at least 90,000 tonnes on industrial, commercial and institutional waste — no residential garbage at all, he said.

Mr. Denton said Mr. Lastman merely wanted to avoid bad publicity as the municipal election loomed and public opinion polls showed most Torontonians were opposed to the Adams Mine plan.

"He was looking for a way of getting out and saving face," Mr. Denton said last month.

If Mr. Lastman wins next week's vote and gets a council he feels would vote favourably, he will likely publicly declare the deal back in business, Mr. Denton said late last week.

But Mr. Lastman scoffed at that prediction.

"It's gone. The Adams Mine deal is completely dead. We'll be signing with Michigan."

Mr. McQuinty agreed that a lot is riding on how the municipal vote goes next week, both in Toronto and Kirkland Lake.

"The results will be of interest," he said.

The Canadian Press