

Teri Pecoskie | Wed Oct 31 2012 14:27:00 | 0 Comments | 1 Recommend

St. Mary's may subpoena Dalton McGuinty in Flamborough quarry case

A parliamentary loophole could force Premier Dalton McGuinty and other senior cabinet ministers to testify in a judicial review of the Liberal government's decision to kill the controversial Flamborough quarry project.

McGuinty's decision to prorogue parliament has opened a window for St. Marys Cement to initiate the legal process for a review, the company behind the project said in a news release. The review is intended to help determine whether the government acted improperly in cancelling the quarry, which the company suggests was done "to save the seat" of Liberal MPP Ted McMeekin in the 2011 provincial election.

McMeekin, who won his Ancaster-Dundas-Flamborough-Westdale riding by about 4,500 votes, told CBC Hamilton the decision had nothing to do with saving his seat and everything to do with representing his constituents.

A common law principle protects sitting members from being subpoenaed while the house is in session or on holiday, so the prorogation is the first opportunity for the premier, along with Ministers Jim Bradley and Rick Bartolucci, to be forced to testify, St. Marys said in a release this week. The company has also filed a NAFTA claim seeking damages of at least \$275 million.

"The Liberals' decision regarding the proposed Flamborough quarry is consistent with their approach to the Mississauga and Oakville gas plants, in which they overrode due process in a way that is highly political and threatens important investment in Ontario," the company's vice-president and general manager John Moroz said in the statement.

"Dalton McGuinty's team chose to interfere with a well-defined aggregate licensing process in advance of the 2011 provincial election in a way that is prejudicial to St. Marys Cement," he added.

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The entrance to the site of the proposed St Marys quarry in Carlisle is shown in this file photo from April 2011.

Cathie Coward/The Hamilton Spectator

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