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**Official Report  
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**Monday 26 November 2001**

**Journal  
des débats  
(Hansard)**

**Lundi 26 novembre 2001**

**Standing committee on  
justice and social policy**

**Comité permanent de la  
justice et des affaires sociales**

**Food Safety  
and Quality Act, 2001**

**Loi de 2001 sur la qualité  
et la salubrité des aliments**

Chair: Toby Barrett  
Clerk: Tom Prins

Président : Toby Barrett  
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## LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON  
JUSTICE AND SOCIAL POLICY

Monday 26 November 2001

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DE LA JUSTICE  
ET DES AFFAIRES SOCIALES

Lundi 26 novembre 2001

*The committee met at 1547 in room 151.*FOOD SAFETY  
AND QUALITY ACT, 2001  
LOI DE 2001 SUR LA QUALITÉ  
ET LA SALUBRITÉ DES ALIMENTS

Consideration of Bill 87, An Act to regulate food quality and safety and to make complementary amendments and repeals to other Acts / Projet de loi 87, Loi visant à réglementer la qualité et la salubrité des aliments, à apporter des modifications complémentaires à d'autres lois et à en abroger d'autres.

**The Chair (Mr Toby Barrett):** Good afternoon, everyone, and welcome to the regular meeting of the standing committee on justice and social policy, November 26, 2001. On the agenda today is consideration of Bill 87, An Act to regulate food quality and safety and to make complementary amendments and repeals to other Acts. Our order of business today is clause-by-clause consideration of the bill.

Before we begin, I'll read a section from orders of the day: "That, at 4:30 pm on the day of clause-by-clause consideration ... those amendments which have not been moved shall be deemed to have been moved and the Chair of the committee shall interrupt the proceedings and shall, without further debate or amendment, put every question necessary to dispose of all remaining sections of the bill and any amendments thereto. The committee shall be authorized to meet beyond its normal hour of adjournment until completion of clause-by-clause consideration. Any division required shall be deferred until all remaining questions have been put and taken in succession, with one 20-minute waiting period allowed, pursuant to standing order 127(a)."

We can now give all three parties an opportunity for any opening remarks, and then we would begin with section 1.

**Mr Peter Kormos (Niagara Centre):** With respect, sir, the time allocation motion required us to go into clause-by-clause. That's not in order.

**The Chair:** It's not in order to go to section 1 or to have opening remarks?

**Mr Kormos:** You go to section 1. You don't have opening remarks. We're doing clause-by-clause by virtue of a time allocation motion moved by the government. I didn't choose to do it this way; you guys did. Let's get

moving to clause-by-clause. We don't have enough time as it is.

**The Chair:** We'll go to the Liberal Party.

**Mr Steve Peters (Elgin-Middlesex-London):** I'd just as soon get on with it, Mr Chairman. We have a lot to deal with.

**The Chair:** OK. From page 1 on our handout, we actually have an amendment before section 1, section 0.1. I would ask for a motion for this amendment.

**Mr Doug Galt (Northumberland):** I move that the bill be amended by adding the following section:

"Purposes

"0.1 The purposes of this act are to provide for,

"(a) the quality and safety of food, agricultural or aquatic commodities and agricultural inputs;

"(b) the management of food safety risks; and

"(c) the control and regulation of regulatable activities."

If I might comment, Mr Chair, the new section is being added to describe the general purpose of the bill. The corresponding amendment would remove the phrases in section 1, Definitions, "regulatable activity." In section 2, the description of the regulation-making powers will restrict the scope of the bill to that which affects or ensures food safety and quality. The general purpose clause addresses the other related purposes of the statute to manage food safety risks and to be able to do things that are currently done under existing regulations that are incidental to the regulation of food for safety and quality purposes.

**The Chair:** Any debate?

**Mr Kormos:** I want to speak to this. The amendment in and of itself has merit. I particularly note the definition of purposes as being, among other things, "the quality and safety of food ... the management of food safety risks; and the control and regulation of regulatable activities."

The issue for the New Democratic Party is in particular section 44 of the bill, which repeals the Edible Oil Products Act. I heard the input from dairy farmers, by way of their national organization and their provincial organization, and from small groups of dairy farmers from across the province. I found their arguments incredibly convincing.

I'm simply going to indicate to you now that if this bill was to be about the quality and safety of food, if it was to be about the control and regulation of regulatable

activities, if it was really to be about the management of food safety risks, then section 44, which is the repeal of the Edible Oil Products Act, would be withdrawn from this bill.

I simply want to indicate quite clearly here and now that we're not going to get through all these amendments. The government has forced this to be debated in a period of an hour—no, 35 minutes; it's five to 4 now. The government has 105 amendments. None of them are not serious. They warrant thorough discussion. I'm incredibly disappointed that we won't be able to debate it, and it's why I want to indicate right here and now that New Democrats will not support this bill if this bill continues to contain section 44, which is the repeal of the Edible Oil Products Act. We feel strongly that that section should be withdrawn, that the Edible Oil Products Act should be maintained as a piece of legislation. We heard from any number of people who said they were prepared to talk about that act in and of itself and find room for movement if movement has to be done to accommodate perhaps some of the soybean or other oil-producing people, but I think it's total repeal attacks the quality and safety of food.

We saw the ineffectiveness of the federal advertising guidelines. It attacks public safety; we heard strong and convincing arguments about the lack of healthfulness of the oil products that are used in a large number of consumable commodities, and indeed that Edible Oil Products Act regulates an industry, the dairy industry, the milk production industry and related products, which is an integral part of this province's history, of this province's economy. Where I come from, like in every other part of this province, dairy farmers work incredibly hard providing safe, quality food for the people in their communities and across this province.

I just want to make it quite clear: if section 44 is still in this bill, New Democrats are voting against it, lock, stock and barrel.

**Mr Peters:** We have 100-odd amendments in front of us, and the majority of these are just housekeeping matters that certainly we'd be in a position to support as well. I'd like to come back to section 44 as well. I would hope we could quickly—I prefer to see the committee get tight to the meat of the issues that are of utmost importance to this committee, and 44 is the one.

It was obvious, when we heard the presentations, that the grains and oilseeds industry—the soy producers, in particular—had had some input into this. And it was obvious, in speaking to the Dairy Farmers of Ontario and some of the individual county organizations, that they did not have input and that the repeal of the Edible Oil Products Act came out of the blue for them. If the minister wanted to pit commodity group against commodity group, he's certainly done that with the inclusion of the repeal under section 44.

As I say, we certainly would be supportive of the majority of these amendments, and let's deal with them quickly. But I would like us very much to get to the issue of section 44.

**Mr Marcel Beaubien (Lambton-Kent-Middlesex):** For the record—and I'm going to be very brief—I did request that research provide us some information with regard to impact of foot and mouth disease on the dairy industry in Europe. I think everyone has the documentation in front of them. I would flag the issues dealing with action taken, the economic impact in the UK and the dairy sector. Those are the three key sections. There's also another report dealing with the comparison of soy and dairy production in Ontario. I think the documents will speak for themselves. They were done by the research branch. I just wanted to point this out to the committee members and put this on the record.

**The Chair:** Any further discussion? Are members ready to vote on government motion number 1? All those in favour? Opposed? I declare this amendment carried. Government motion number 2.

**Mr Galt:** I move that clause (c) of the definition of "agricultural or aquatic commodity" in section 1 of the bill be struck out and the following substituted:

"(c) plants, plant products, animals, animal products and other agri-food products that, subject to a determination made in accordance with the regulations if applicable, are unfit for human consumption, pose a risk to or otherwise affect food quality or safety, directly or indirectly."

This definition of "agricultural or aquatic commodity" is being redrafted to delete the words "inedible or contaminated" and to clarify that animals or plants that enter the food chain indirectly can be regulated as commodities.

**The Chair:** Any further discussion? Seeing no further discussion, are members ready to vote? All those in favour? Those opposed? Amendment carried.

Page 3.

**Mr Galt:** I move that the definition of "agricultural input" in section 1 of the bill be amended by inserting "or an organism" after "a substance" and by inserting "and organisms" after "other substances."

The definition of "agricultural input" in section 1 is being amended to include "organisms" as well as "substances" to clarify that the definition also covers living things that are used in the production of plants and animals.

**The Chair:** Any discussion?

**Mr Kormos:** Yes. For example?

**Mr Galt:** Looking further down the road, an example might be a fermentation process that's producing a food. There might be organisms there. That's an example that comes to mind kind of quickly, but it's looking forward to have the act ready.

**The Chair:** Further discussion? Are members ready to vote? All those in favour of this government motion on page 3? Those opposed? Carried.

Page 4.

1600

**Mr Galt:** Under section 1, definition of "certificate," I move that the definition of "certificate" in section 1 of the bill be struck out and the following substituted:

“certificate” means a certificate described in clause 11(f), (h), (k) or (w); (‘certificat’).”

If I may, Chair, the amendment to the definition of “certificate” in section 1 is a technical one to include reference to certificates described in the clauses.

**The Chair:** Further discussion? Are the members ready to vote? All those in favour of the motion on page 4? Those opposed? The motion is carried.

We have a motion before us on page 5.

**Mr Galt:** Under section 1, definition of “fish,” I move that clauses (b) and (c) of the definition of “fish” in section 1 of the bill be struck out, and the following substituted:

“(b) shellfish, crustaceans, fresh water and marine animals and any parts of shellfish, crustaceans and those animals, and

“(c) the eggs, sperm, spawn, larvae, spat and juvenile stages of fish, shellfish, crustaceans, fresh water and marine animals; (‘poissons’).”

The definition of “fish” in section 1 is being redrafted to clarify that freshwater animals as well as marine animals can be regulated as “fish” under the act.

**Mr Kormos:** I’m just asking why that’s necessary. “Marine” implies water, be it freshwater or saltwater. Down in Port Colborne, there’s a freshwater lake, Lake Erie. We call it a marina. You’re familiar with Lake Erie. Seriously, does “marine animals” imply only saltwater fish? I see what the addition is, but it just—

*Interjection.*

**Mr Kormos:** Where? I don’t understand.

**Mr Galt:** I’d have to ask for some clarification and some legal advice on that particular one, to be specific for you.

**Mr Kormos:** It matters not. It’s just—

**Mr Galt:** It’s my understanding that this increases the clarification of “fish.” Would you like further clarification on that?

**Mr Kormos:** I suspect you’ll get it to me tomorrow or the day after.

**Mr Galt:** I can get it for you right now, if we can call a lawyer forward.

**Mr Kormos:** Yes, please. You understand I’m a simple person, and that’s my interpretation. “Marine” means from the water. You can understand why I’m asking.

**Ms Dagny Ingolfsrud:** Yes. I’m Dagny Ingolfsrud, from the ministry’s legal branch. I’ve been involved in the drafting of this bill.

Our concern, Mr Kormos, is to ensure that this bill is not interpreted as only including saltwater animals in the term “marine animals.” That distinction can be drawn. We’re trying to mirror some federal legislation that makes these distinctions as well. The purpose here is to ensure that both marine types of animals, saltwater and freshwater animals, could be regulated as “fish” under this act.

**Mr Kormos:** Thanks kindly.

**The Chair:** Any further questions or discussion? Are the members ready to vote on the motion on page 5?

All those in favour? Those opposed? I declare the motion carried.

We have a motion on page 6.

**Mr Galt:** I move that clause (a) of the definition of “food” in section 1 of the bill be struck out and the following substituted:

“(a) milk and milk products as defined in section 1 of the Milk Act, except as ingredients of food or except in the circumstances and for the purposes specified in the regulations.”

The proposed amendment will allow for exemptions to be created by regulation from the exclusion of milk and milk products under the Milk Act, from the definition of “food.” The exceptions in the regulations to the exclusion will be to address the food safety risk purposes.

**The Chair:** Further discussion?

**Mr Kormos:** I’m a little concerned, because what this is talking about again is milk as a part of a bigger package. Of course, that takes me right back to the EOPA debate that we looked at last week where the oil products people, big companies like Lever Brothers, want to use a little bit of milk product in their products and mix it in with oil products. Is this amendment accommodating them? The act doesn’t include milk, but does include milk when it is integrated into another product. Right away I’m thinking of, again, the 20-80 quasi-butter spread, vegetable spread. Is this designed to accommodate that kind of product?

**Mr Galt:** No. I can explain, Mr Chair, if you don’t mind. What it has to do with is risk management, following through on where the products come from or may have gone once a problem has been identified. It is something that I understand industry has asked for. As far as standards and quality, that’s still under the Milk Act. This has to do with risk management and the follow-through on that.

**The Chair:** Any further discussion? Are members ready to vote?

**Mr Peters:** Please excuse my ignorance; it’s the first time I’ve sat in a hearing with clause-by-clause. How do you request a recorded vote? Do you just request a recorded vote?

**The Chair:** Yes. When I ask are the members ready to vote, at that point any committee member could ask for a recorded vote.

**Mr Peters:** I’m asking for a recorded vote, please.

**The Chair:** We are voting on a government motion on page 6.

### Ayes

Beaubien, Galt, Kormos, Martiniuk, Molinari.

### Nays

Bryant, Peters.

**The Chair:** I declare the motion carried.

**Mr Galt:** I move that clause (b) of the definition of “food safety risk” in section 1 of the bill be amended by inserting “or conveyance” after “premises” in the portion before subclause (i).

**The Chair:** Any further discussion on this motion on page 7?

**Mr Galt:** Just to comment that this is being amended to correct a technical deficiency by adding “or conveyance” after “premises” in the portion before subclause (i).

**The Chair:** Any further discussion? Are the members ready to vote?

Government motion, page 7: all in favour? Those opposed? I declare the motion carried.

We have a motion on page 8.

**Mr Galt:** I move that subclause (b)(ii) of the definition of “food safety risk” in section 1 of the bill be struck out and the following substituted:

“(ii) may, by any means, directly or indirectly, in whole or in part, affect the safety for human consumption of the food or agricultural or aquatic commodity that is designated in the regulations.”

If I may comment, this definition of “food safety risk” is being redrafted to clarify that other foods, commodities, inputs, environmental conditions or a condition of a premise or conveyance that have a harmful effect on designated foods or commodities are themselves considered a food safety risk, however and wherever the harmful effect may occur in the food chain.

**The Chair:** Any further discussion? Are the members ready to vote? Government motion on page 8: all those in favour? Those opposed? I declare the motion carried.

1610

**Mr Galt:** I move that the definition of “minister” in section 1 of the bill be struck out and the following substituted:

“minister” means the Minister of Agriculture, Food and Rural Affairs or whatever other member of the executive council to whom the administration of this act is assigned under the Executive Council Act.”

This definition of “minister” in section 1 was amended to clarify which minister is responsible for the administration of this act.

**Mr Kormos:** I find this offensive, because it is suggesting that this act at some point could be assigned to somebody other than the Minister of Agriculture. It could be assigned to the Minister of Economic Development, who might be very responsive to the industrial interests which are advocating on behalf of oil-based products—last week, Lever Brothers. It could be assigned to the Minister of Finance. It could be assigned to the Minister of Culture. This is absurd and it is offensive. I think it sets a very dangerous precedent. I want the Ministry of Agriculture of any given government to be administering those bills that immediately affect agriculture here in the province of Ontario.

I will be asking for a recorded vote. I’m going to be voting against this. My opposition and concern could be argued as being without any base because we haven’t seen that happen. But why would the amendment con-

template that when the farmers I talked to, be they happy or unhappy with the Ministry of Agriculture of the day, at the end of the day have some high regard for OMAFRA, for the ministry and its expertise. These same farmers then are going to have a gang of bureaucrats from, let’s say—oh I can’t think for the life of me—the Ministry of Tourism and Recreation administering legislation that impacts on them? Sorry, no.

**Mr Galt:** My understanding here is that in the executive council there is a backup minister for every minister. If the minister is away or sick or ill for whatever reason, this is clarifying that so that it will be in order that another minister might act on behalf of that minister on that day. It is not meant that some other minister is totally going to take over the ministry and run it. But certainly there are times when—look back at something like September 11—dear knows what might happen to someone. This clarifies the opportunity to ensure that there will be somebody to cover for the minister if he or she is not available at the time.

**Mr Kormos:** With all due respect to John Baird, I don’t want him, as Minister of Community and Social Services, telling the farmers where I come from how to run their affairs.

**The Chair:** Any further discussion? Are the members ready to vote?

**Mr Kormos:** Recorded vote, please, sir.

**The Chair:** This is the motion on page 9.

#### Ayes

Beaubien, Galt, Martiniuk, Molinari.

#### Nays

Bryant, Kormos, Peters.

**The Chair:** I declare the motion carried.

Government motion, page 10.

**Mr Galt:** I move that the definition of “person” in section 1 of the bill be struck out.

Just to comment, the definition of “person” in section 1 of the bill will be struck out, as it will cause potential problems in the area of enforcement if it remains in the bill.

**The Chair:** Any further discussion? All those in favour? Those opposed? The motion is carried.

Government motion, page 11.

**Mr Galt:** I move that the definition of “regulatable activity” in section 1 of the bill be amended by striking out the portion before paragraph 1 and substituting the following:

“‘regulatable activity’ means any of the following activities.”

The definition of “regulatable activity” in section 1 of the bill will be amended to delete the words “that affects or could affect the quality or safety of food, agriculture, aquatic commodities or agricultural inputs as this concept

will be addressed in the new purpose clause in the new section 0.1 of the bill.

**The Chair:** Further discussion? Are the members ready to vote on this motion? All those in favour? Those opposed? I declare this motion carried.

Motion on page 12.

**Mr Galt:** I move that paragraph 2 of the definition of “regulatable activity” in section 1 of the bill be struck out and the following substituted:

“2. The growing, harvesting or other preparation for consumption of plants and micro-organisms that may be used as food.”

Paragraph 2, the definition of “regulatable activity,” is being redrafted to add micro-organisms to ensure that the growing and harvesting of these are covered in addition to plants.

**The Chair:** Further discussion? Are the members ready to vote? All those in favour of the motion on page 12? Those opposed? The motion is carried.

Page 13, government motion.

**Mr Galt:** I move that paragraph 4 of the definition of “regulatable activity” in section 1 of the bill be struck out and the following substituted:

“4. The collection, buying, receiving, possessing, possessing for prescribed purposes, identification, branding, handling, storage, moving, transportation, processing, preparation for use, grading, packing, packaging, marking, labelling, advertising, marketing, displaying, giving, selling by any means including on consignment, offering for sale, distribution, disposal or destruction of food, agricultural or aquatic commodities or agricultural inputs.

“4.1 The using of agricultural inputs.”

The definition of “regulatable activity” is being amended to add the additional activities that need to be covered by the legislation: possessing, possessing for prescribed purposes, giving, selling by any means including on consignment. The using of things only applies to agricultural inputs. The use of food or commodities is not a regulatable activity under the act.

Paragraph 4.1 will clarify that use of agricultural input is a regulatable activity. This is already contemplated in the regulation-making powers in clause 11(r) of the bill.

**The Chair:** Any further discussion? Are the members ready to vote? All in favour? Those opposed? Motion carried.

Motion on page 14.

**Mr Galt:** I move that the definition of “regulated activity” in section 1 of the bill be struck out and the following substituted:

“‘regulated activity’ means a licensed activity or an activity that is subject to the regulations made under section 11; (‘activité réglementée’).”

The definition of “regulated activity” in section 1 is being amended by removing the words “regulatable activity that is,” and adding the words “an activity,” after the words “licensed activity.” The newly drafted definition will now cover all activities that could be the subject of regulations under section 11, not just those that will fall under the list of regulatable activities.

**The Chair:** Any further discussion?

**Mr Kormos:** It’s 4:17 and we’re still on section 1. We’re at government motion number 14 of 106 government motions. I just want folks to understand that the opposition parties—I’m sure both opposition parties—would dearly love to talk about some very significant sections of this bill rather than vote on what is, in effect, the government cleaning up after the fact because the bill wasn’t drafted properly in the first place. But at 4:30 all discussion around any amendment or any section of the bill is going to terminate. The opposition members will not have an opportunity to raise their concerns about amendments or about sections in the bill. That wasn’t the opposition members’ choosing. It was the government that forced this. The opposition members wanted to be able to debate this bill fully. It warrants debate. It impacts on far too many people, and it impacts significantly on the agricultural industry in this province.

I just want it to be made very, very clear right now that the time allocation motion, the closure motion, that is forcing this bill through committee with this kind of haste was the doing solely of the government, and that opposition parties opposed it, oppose it now, and I’m confident we’ll continue to oppose it in the future. It’s a shame.

**The Chair:** Any further discussion? Are the members ready to vote? You’re voting on the motion on page 14. All those in favour? Those opposed? Motion carried.

Motion on page 15.

**Mr Galt:** I move that section 1 of the bill be amended by adding the following definition:

“‘regulations’ means the regulations made under this act, unless the context requires otherwise.”

A new definition is being added to clarify that the term “regulation” used in the act is in reference to a regulation under the act, unless the context indicates otherwise.

**The Chair:** Any further discussion?

1620

**Mr Kormos:** This is just plain weird. This says where the act makes reference to regulations, it means a regulation under the act—that’s what all of us understand it to mean—unless it’s not a regulation under the act by virtue of the context. This is again pretty unprecedented stuff. It means sometimes it’s a regulation, sometimes it isn’t. I can’t in good faith vote for this at all, and I’m asking for a recorded vote.

**The Chair:** Any further discussion? Are members ready to vote? This will be a recorded vote.

#### Ayes

Beaubien, Bryant, Galt, Martiniuk, Molinari, Peters.

#### Nays

Kormos.

**The Chair:** Motion carried.

This completes the amendments for section 1.

Shall section 1, as amended, carry? All those in favour? Those opposed? Section 1 carries.

Amendments under section 2: we have a motion on page 16.

**Mr Galt:** I move that subsection 2(3) of the bill be struck out and the following substituted:

“Powers

“(3) A director appointed by the minister shall have those powers of an inspector that are specified in the appointment, but not the duties of an inspector.”

Just a comment, Chair. This is being redrafted to provide that “A director appointed by the minister shall have” all the “powers of an inspector that are specified in the appointment, but not the duties of an inspector.” The newly drafted subsection 2(3) will allow the minister to select the powers that should apply rather than the director automatically having all the powers of an inspector. Amendments to section 38 will also address the powers of directors appointed by a delegate in a similar manner.

**The Chair:** Further discussion? Are members ready to vote? All in favour? Those opposed? Motion carried.

That was the sole amendment to section 2. Shall section 2, as amended, carry? Carried.

Section 3: shall section 3 carry? Carried.

Section 4: there’s a motion on page 17.

**Mr Galt:** I move that subsection 4(2) of the bill be struck out and the following substituted:

“Right to hearing

“(2) A director shall not refuse to issue a licence to an applicant unless,

“(a) before refusing to issue the licence, the director serves a written notice on the applicant stating that the applicant may request a hearing by the director within the prescribed time; and

“(b) the director has held the hearing if the applicant requests one within the prescribed time.”

Chair, if I may, this is being redrafted to provide that a director shall not refuse to issue a licence to an application unless, before refusing, the director offers the applicant a hearing and, where the applicant accepts, conducts a hearing. The director can proceed to refuse a licence without a hearing if the hearing is offered and not accepted.

**The Chair:** Further discussion? Are members ready to vote? All those in favour? Those opposed? This motion carries.

We’re on the motion on page 18.

**Mr Galt:** I move that subsection 4(3) of the bill be amended by striking out “specified” and substituting “prescribed.”

As a comment, this is a technical amendment to replace the word “specified” with the word “prescribed” to make it clear that clause 40(a) of the bill applies, which allows the minister to make regulations prescribing to fees.

**The Chair:** Any further discussion? Are members ready to vote? All those in favour? Those opposed? Motion carried.

Page 19.

**Mr Galt:** I move that subsection 4(4) of the bill be amended by adding at the end “and a director may impose those conditions.”

That’s a technical amendment that clarifies that the director has the authority to impose conditions on a licence by adding and a director may impose such conditions at the end of subsection 4(4).

**The Chair:** Any further discussion? Are members ready to vote? All those in favour? Those opposed? The motion carries.

That concludes the amendments to section 4. Shall section 4, as amended, carry? Carried.

Section 5: we have a motion on page 20.

**Mr Galt:** I move that subsection 5(1) of the bill be amended by striking out “after a hearing.”

That is being amended by striking out “after a hearing” so that the director only has to offer a hearing before refusing to renew a licence or before suspending or revoking a licence. The director will not have to hold a hearing before refusing to renew a licence or before suspending or revoking a licence if a hearing is offered but not accepted. This may reduce the number of hearings held and allow the director to focus on the hearings requested.

**The Chair:** Further discussion? Are members ready to vote? All those in favour? Those opposed? Motion carried.

**Mr Galt:** I move that section 5 of the bill be amended by adding the following subsection:

“Right to hearing

“(1.1) A director shall not refuse to renew a licence or suspend or revoke a licence under subsection (1) unless,

“(a) before doing so, the director serves a written notice on the licensee stating that the licensee may request a hearing by the director within the prescribed time; and

“(b) the director has held the hearing if the licensee requests one within the prescribed time.”

If I may comment, this will provide that a director shall not refuse to renew a licence or suspend or revoke a licence to a licensee unless, before doing so, the director offers the licensee a hearing and, where the licensee accepts, conducts the hearing; the director can proceed to refuse to renew the licence or revoke or suspend it without a hearing if the hearing is offered and not accepted. This may reduce the number of hearings held and allow the director to focus on the hearings requested.

**Mr Peters:** Here we are, one fifth of the way through. We’re coming up on 4:30 now, and further discussion on probably the most important issue, the repeal of the Edible Oil Products Act, isn’t going to occur around this table. I think that’s extremely disappointing, because this is an issue that has some very real and serious ramifications on the dairy industry in this province. This government right now is just prepared to ram these amendments through. As I said earlier, the majority of them are just of a housekeeping nature, but we’re not



going to have the opportunity to discuss the really important one today.

**Mr Kormos:** Or ever.

**Mr Peters:** Or ever, for that matter, is right. I think it's again appropriate to go on the record that the Liberal Party firmly believes that this repeal of the Edible Oil Products Act should not be happening. It is an irresponsible move to go down this road. Seeing that we are at 4:30 and we won't have a chance to comment when we eventually get to amendment 104, I just felt it was appropriate to go on the record now.

**The Chair:** Before we go to the next stage, for the information of the committee, the motion on page 104 is out of order. It's a motion that requests that section 44 be deleted. The proper course of action is to vote against a section rather than to make a motion.

**Mr Kormos:** We're not going to have the chance to delete the section anyway.

**The Chair:** I just wanted to draw that to the attention of the committee.

**Mr Peters:** We still stand behind that, that section 44 should be deleted. If there's an opportunity to amend it to make it palatable to the committee, we're certainly prepared to do that.

1630

**The Chair:** You would have time to do that, I would think.

I wish to ask the members if they're ready to vote on the motion on page 21. Are the members ready to vote? All those in favour? Those opposed? The motion is carried.

It now being 4:30, as I indicated earlier, those amendments which have not been moved shall be deemed to have been moved, and without further debate or amendment, the Chair will put every question necessary to dispose of all remaining sections of the bill and any amendments thereto.

We're now on page 22. All in favour? Those opposed? Carried.

Motion on page 23: all in favour? Those opposed? Carried.

That completes the motions for section 5. Shall section 5, as amended, carry? Carried.

On section 6, I see no amendments or motions. Shall section 6 carry? Carried.

Under section 7, there's a motion on page 24. All those in favour? Those opposed? Carried.

That's the only amendment to section 7. Shall section 7, as amended, carry? Carried.

Section 8, the motion on page 25: all those in favour? Those opposed? Motion carried.

Page 26: all those in favour? Those opposed? Carried.

Page 27: all those in favour? Opposed? Carried.

That completes amendments to section 8. Shall section 8, as amended, carry? Carried.

Under section 9, there's an amendment on page 28. All those in favour? Opposed? Carried.

Page 29: all those in favour? Opposed? Carried.

That concludes amendments to section 9. Shall section 9, as amended, carry? Carried.

On section 10, I see no amendments. Shall section 10 carry? Carried.

Under section 11, on page 30, we have a motion. Shall the motion on page 30 carry? Opposed? Carried.

Page 31: all in favour? Opposed? Carried.

Page 32: all in favour? Opposed? Carried.

Page 33: all those in favour? Opposed? Motion carried.

Page 34: all in favour of the motion? Those opposed? Motion carried.

Turn to page 35. All those in favour? Opposed? Motion carried.

Page 36: all those in favour? Opposed? Motion carried.

Page 37: all those in favour? Opposed? That motion is carried.

There's a motion on page 38. All those in favour? Those opposed? It's carried.

The motion on page 39: all those in favour? Opposed to the motion? That motion carries.

That concludes the amendments to section 11. Shall section 11, as amended, carry? Carried.

Section 12: there is a motion on page 40. All, those in favour of the motion?

**Mr Kormos:** Recorded vote.

**The Chair:** There's a call for a recorded vote, so we will stand this motion down and deal with it at the end.

The next motion is on section 14.

**Mr Kormos:** What about section 13?

**The Chair:** We have no amendments to section 13. Shall section 13 carry? Carried.

Section 14: we have a number of motions, beginning with page 41. All those in favour? Those opposed? Carried.

Page 42: those in favour of this motion? Those opposed to the motion? Carried.

Page 43: those in favour? Those opposed? Carried.

Page 44: those in favour? Those opposed? Carried.

The motion on page 45: those in favour? Opposed? Carried.

On page 46 we have a motion. Those in favour? Those opposed? The motion carries.

Page 47: those in favour? Those opposed? The motion carries.

That concludes amendments to section 14. Shall section 14, as amended, carry? Carried.

Section 15, a government motion on page 48: those in favour? Opposed? Carried.

Page 49: those in favour? Opposed? It's carried.

That concludes section 15. Shall section 15, as amended, carry? Carried.

On page 50, a government motion to section 16: all in favour? Opposed? It's carried.

Page 51: all those in favour? Opposed? That carries.

Page 52: all those in favour? Opposed? That carries.

Page 53: all those in favour? Opposed? That carries.

Shall section 16, as amended, carry? Carried.

We now turn to page 54, a government motion.

**Mr Kormos:** On a point of order, Mr Chair: Is 54 the 12-page amendment? That's 12 pages of one amendment that aren't going to be debated or discussed. Man.

**The Chair:** Shall this motion carry? Opposed? The motion carries.

**1640**

Government motion on page 55: all those in favour? Opposed? This motion carries.

Page 56: all those in favour? Those opposed? Carried.

Page 57: those in favour? Those opposed to the motion? Carried.

Page 58: those in favour? Opposed? It carries.

Page 59: those in favour? Opposed? It's carried.

That concludes amendments to section 17. Shall section 17, as amended, carry? Carried.

Section 18: a motion on page 60. Shall the motion carry? All those in favour? Those opposed? Carried.

Page 61: all those in favour? Opposed? Carried.

That concludes section 18. Shall section 18, as amended, carry? Carried.

We now turn to page 62, a government motion. Those in favour? Opposed? Carried.

We have a motion on page 63. Those in favour? Opposed? Carried.

We'll put the question on section 19. Shall section 19, as amended, carry? Carried.

Section 20: I see no amendments. Shall section 20 carry? Carried.

Section 21 does have amendments, beginning on page 64. All those in favour? Opposed? Carried.

Page 65: those in favour? Opposed? Carried.

**Mr Galt:** On a point of order, Mr Chair: Could you just check the record? I don't know how much significance it may have, but I think we approved section 16 before we passed a motion in section 16. Maybe the clerk could double-check on that.

**Mr Kormos:** We're in time allocation. You've got to do it by the rules.

**The Chair:** I'll ask the clerk just to clarify that for the record here.

**Clerk of the Committee (Mr Tom Prins):** We did the amendments on section 16, then we passed section 16, and then we went to amendment 54, the new sections 16.1 to 16.6, and then we proceeded to section 17.

**Mr Galt:** They're new sections, so that's in order.

**Clerk of the Committee:** That's right.

**Mr Galt:** Thank you. Just a procedural check.

**The Chair:** We now need to vote on section 21, as amended. Shall section 21, as amended, carry? Carried.

Section 22 has an amendment on page 66. All those in favour? Opposed? That's carried.

Shall section 22, with this amendment, carry? Carried.

Shall section 23 carry? Carried.

Section 24: there's a government motion on page 67. All those in favour? Opposed? Carried.

Page 68: all those in favour? Opposed? Carried.

Page 69: those in favour? Opposed? Carried.

Page 70: we have a motion. Those in favour? Those opposed? Carried.

That concludes section 24. Shall section 24, as amended, carry? Carried.

Section 25 has a motion on page 71. Those in favour? Opposed? Carried.

Shall section 25, with this amendment, carry? Carried.

Section 26: on page 72 there's a motion. Those in favour? Opposed? That's carried.

Page 73: in favour of this motion? Opposed? The motion carries.

Page 74: there's a motion. All those in favour? Those opposed? It's carried.

Page 75 has a motion. Those in favour? Opposed? That's carried.

The motion on page 76—

**Mr Kormos:** Good grief, Chair. This allows for tracking devices to be installed on people's vehicles or planted inside materials so that they could be tracked à la FBI-CIA without any of the protections that the Criminal Code would normally apply. It is incredible, that sort of intrusive, investigative procedure. That is regrettable.

**The Chair:** It's not a point of order, Mr Kormos.

**Mr Kormos:** I didn't say it was a point of order. I was expressing my shock.

**The Chair:** Before we vote on page 76, I would ask the question with respect to section 26. Shall section 26, as amended, carry? Carried.

The motion on page 76: all those in favour?

**Mr Peters:** Mr Chairman, I respectfully request a recorded vote on motion 76, please.

**The Chair:** A recorded vote, so we stand this one down as well.

Section 27: there are no amendments. Shall section 27 carry? Carried.

Section 28: we have an amendment on page 77. All those in favour? Those opposed? It's carried.

Shall section 28, with this amendment, carry? Carried.

Section 29: there's a motion on page 78. All those in favour? Those opposed? It's carried.

Shall section 29, with this amendment, carry? Carried.

Section 30: I see a number of amendments on page 79. Those in favour? Those opposed? Carried.

Page 80: those in favour of this motion? Those opposed? It's carried.

Page 81: all those in favour? Those opposed? This is carried.

Page 82: those in favour of this motion? Those opposed? It's carried.

Page 83: those in favour? Those opposed? It's carried.

Shall section 30, with these amendments, carry? Carried.

**1650**

Section 31: I see no amendments. Shall section 31 carry? Carried.

Section 32: I see no amendments. Shall section 32 carry? Carried.

Section 33: there's an amendment on page 84. All those in favour of that amendment? Those opposed? Carried.

Section 33: there's an amendment on page 85. Those in favour? Those opposed? Carried.

Shall section 33, as amended, carry? Carried.

Section 34: I see no amendments. Shall section 34 carry? Carried.

Page 87, a government motion: those in favour?

Actually, the clerk has asked that we reverse the order of pages 87 and 86.

**Mr Kormos:** With all due respect to the clerk, the clerk has asked, but what's the point? Number 86 comes before 87.

**Clerk of the Committee:** The Liberal amendment just deletes the section. If we passed that first, the government motion would be nonsensical. It's that it be struck out and replaced. Hypothetically, if the government motion passes, the Liberal motion could still strike it out. If the Liberal motion passed first, there's nothing for the government motion—

**Mr Kormos:** Do you know something that I don't, that the Liberal motion has a chance of winning? Should I be betting money here? Should I be going to the pari-mutuel window?

**The Chair:** If we could turn to page 87, those in favour of the motion—

**Mr Kormos:** Recorded vote, please.

**The Chair:** We have to stand page 87 down. The clerk has advised that we should stand down page 86 as well.

Section 36 has no amendments. Shall section 36 carry? Carried.

Section 37: there's one amendment on page 88. Those in favour? Those opposed? It is carried.

Shall section 37, as amended, carry? Carried.

There's a motion on page 89. All those in favour of this motion? Those opposed? It's carried.

Page 90: we have a motion. Those in favour? Those opposed? It's carried.

Page 91: we have a motion. Those in favour? Those opposed? It's carried.

Shall section 38, as amended, carry? Carried.

Section 39: there are several amendments. The first one's on page 92. All those in favour? Those opposed? It's carried.

Page 93: those in favour? Those opposed? It's carried.

Page 94: those in favour? Those opposed. That carries.

Shall section 39, as amended, carry? Carried.

If we turn to page 95, there's a government motion. Those in favour? Those opposed? This amendment carries.

Shall section 39.1, as amended, carry? Carried.

Section 40 has a government motion on page 96. Those in favour? Those opposed? Carried.

Page 97: those in favour? Those opposed? That carries.

Shall section 40, as amended, carry? Carried.

Section 41 has amendments beginning on page 98. Page 98: those in favour? Those opposed? Carried.

Page 99: those in favour? Those opposed? It's carried.

Page 100: those in favour? Opposed? It carries.

Page 101: those in favour? Those opposed? That's carried.

Shall section 41, as amended, carry? That's carried.

Section 42: there is an amendment on page 102. Those in favour? Those opposed? It's carried.

Shall section 42, as amended, carry? Carried.

Now we're at section 42.1, and there is an amendment found on 103. Shall this motion carry?

**Mr Peters:** Mr Chair, I'd ask that this motion be stood down and a recorded vote taken, please.

**The Chair:** A recorded vote on page 103. We'll stand that one down.

Section 43: there are no amendments. Shall section 43 carry? Carried.

We indicated earlier that the amendment on page 104 was out of order.

**Mr Peters:** Could you explain why, Mr Chair?

**The Chair:** I'd ask the clerk to better enable us to understand why it's out of order.

**Clerk of the Committee:** The proper procedure, if you want to take a section out of a bill, is to vote against it. You don't move a motion to vote against it; you simply vote no.

**Mr Peters:** I just want to be on the record that we oppose this.

**The Chair:** As I understand it, we will have a vote, which would give you the opportunity to be on the record.

**Mr Peters:** I ask that a recorded vote be taken on section 44 then, please.

**The Chair:** So we'll have a recorded vote. We would then stand this one down.

We turn to section 45: there are no amendments. Shall section 45 carry? Carried.

Section 46: I see no amendments. Shall section 46 carry? Carried.

Section 47: on page 105 we have a government motion. Those in favour? Those opposed? That's carried.

Shall section 47, as amended, carry? Carried.

We go to section 48: there is an amendment on page 106. Those in favour? Those opposed? It's carried.

**Mr Peters:** I ask that a recorded vote be taken.

**The Chair:** We've gone past that stage.

I'll call the vote on section 48. Shall 48, as amended, carry? Carried.

Section 49 has no amendments. Shall section 49—

**Mr Kormos:** Recorded vote, please.

**The Chair:** A recorded vote, so we will stand down section 49, the short title.

We'll now go back and do those requests for recorded votes.

**Mr Kormos:** On calling the first vote, I request a 20-minute adjournment as per the rules, please.

**The Chair:** OK. This committee will be recessed for 20 minutes.

*The committee recessed from 1702 to 1723.*

**The Chair:** Welcome back, committee.

A number of items were stood down. There is an amendment on page 40, a government motion. This is a recorded vote.

**Ayes**

Beaubien, Bryant, Galt, Martiniuk, Molinari, Peters.

**Nays**

Kormos.

**The Chair:** I declare that amendment carried.

Shall section 12, as amended, carry? Carried.

We now turn to page 76, a government motion to add a new section. This is also a recorded vote.

**Ayes**

Beaubien, Galt, Martiniuk, Molinari.

**Nays**

Bryant, Kormos, Peters.

**The Chair:** Motion carried.

We now turn to page 87, a government motion. This will be a recorded vote.

**Ayes**

Beaubien, Galt, Martiniuk, Molinari.

**Nays**

Bryant, Kormos, Peters.

**The Chair:** Motion carried.

Now we turn to page 86, a Liberal motion.

**Mr Kormos:** Mr Chair, is this in or out of order?

**The Chair:** This Liberal motion was in order, so we're voting on the Liberal motion on page 86, a recorded vote.

**Ayes**

Bryant, Peters.

**Nays**

Beaubien, Galt, Kormos, Martiniuk, Molinari.

**The Chair:** The motion's lost.

Shall section 35, as amended, carry?

**Mr Kormos:** Recorded vote.

**The Chair:** We have a request for a recorded vote. Shall section 35, as amended, carry?

**Ayes**

Beaubien, Galt, Martiniuk, Molinari.

**Nays**

Bryant, Kormos, Peters.

**The Chair:** That section's carried.

Page 103 is a government motion. This is a recorded vote.

**Ayes**

Beaubien, Galt, Martiniuk, Molinari.

**Nays**

Bryant, Kormos, Peters.

**The Chair:** The motion carries.

Now we go to section 44, a Liberal motion, on page 104. This is the motion that was determined to be out of order; therefore, we just vote on the section. Shall section 44 carry?

**Mr Kormos:** Recorded vote.

**Ayes**

Beaubien, Galt, Martiniuk, Molinari.

**Nays**

Bryant, Kormos, Peters.

**The Chair:** Section 44 carries.

We now consider section 49, the short title.

**Mr Kormos:** Recorded vote.

**Ayes**

Beaubien, Galt, Martiniuk, Molinari.

**Nays**

Bryant, Kormos, Peters.

**The Chair:** Section 49, the short title, carries.

We now vote on the long title.

**Mr Kormos:** Recorded vote.

**Ayes**

Beaubien, Galt, Martiniuk, Molinari.

**Nays**

Bryant, Kormos, Peters.

**The Chair:** The long title carries.

The next question is concerning the bill overall.

**Mr Kormos:** Recorded vote.

**The Chair:** Shall Bill 87, as amended, carry?

**Ayes**

Beaubien, Galt, Martiniuk, Molinari.

**Nays**

Bryant, Kormos, Peters.

**The Chair:** Bill 87 carries.

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

**Mr Kormos:** Recorded vote.

**Ayes**

Beaubien, Galt, Martiniuk, Molinari.

**Nays**

Bryant, Kormos, Peters.

**The Chair:** That is carried.

That concludes our business. This committee is adjourned.

*The committee adjourned at 1731.*





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