



Legislative Assembly
of Ontario

Third Session, 37th Parliament

Assemblée législative
de l'Ontario

Troisième session, 37^e législature

**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Wednesday 30 October 2002

Mercredi 30 octobre 2002

Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

Clerk
Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY
OF ONTARIO

Wednesday 30 October 2002

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Mercredi 30 octobre 2002

The House met at 1330.

Prayers.

MEMBERS' STATEMENTS

AGRICULTURAL RESEARCH STATION

Mr Michael Gravelle (Thunder Bay-Superior North): It is with great frustration but still some measure of hope that I address the Legislature today. As a northern member acutely conscious of the need for us to continually diversify our economy, I am appalled that the government of Ontario is doing nothing to stop the closure of the Thunder Bay agricultural research station scheduled for tomorrow.

This utterly flies in the face of economic logic because of the remarkable successes that have been the hallmark of this small but vital research facility. In its 12 years of operation, the farming sector has benefited enormously, making it possible for the northwest to dream about actually becoming a net exporter of grains in the future. The growth of soybeans, for example, a crop previously never imagined as a northwestern Ontario product, would never have gone forward without the research and advice of the station's staff. Yet the Minister of Agriculture has ignored our call for the minimal financial assistance needed to keep this facility open.

So we now turn to the Minister of Northern Development to provide us with the \$200,000 needed—small potatoes, if you will—that will allow our agricultural sector in the northwest to continue to flourish and grow. Minister, this is very much about northern development and we expect you, as our advocate, to keep this facility open. You are well aware of the issue, as not only have I spoken to you about this, but the Northwestern Ontario Associated Chambers of Commerce met with you about this vital manner during your visit to their annual meeting last month.

There is no argument about the enormous value of this facility. What we need now is for you to free up some dollars from the northern Ontario heritage fund to keep agricultural research in the northwest alive. We're at the 11th hour, but it is not too late. If you truly want to show your understanding for our needs in the northwest, you'll stop this closure now. It is simply the right thing to do.

FOODLAND ONTARIO AWARDS

Mr Toby Barrett (Haldimand-Norfolk-Brant): I'd like to take this opportunity to make mention of two grocery stores in my riding that have been recently honoured by the Ontario government with the annual distribution of Foodland Ontario awards. I'm proud to say that both Cayuga IGA and Caledonia Zehrs—these stores are in Haldimand county—garnered silver awards of merit recognizing excellence in promoting Ontario produce.

Across Ontario we obviously have some of the hardest-working farmers producing some of the highest-quality product in the world. However, there is competition in that world and it's important that we continue the efforts of all stakeholders—wholesalers, the grocers, as we mentioned here, Foodland Ontario and farmers themselves—to ensure that the consumer understands that when the Ontario name is on a product there is quality in each and every bite.

Through partnering with Foodland Ontario, retailers are able to become part of a successful marketing program that offers them a competitive edge. Based on research, there's a noted high degree of consumer trust in Ontario-grown produce. The Foodland Ontario symbol has tremendous recognition and consumers look for and ask for the Foodland Ontario logo by name.

Through their inspired attention to detail, and certainly a lot of hard work, these grocers, and of course their staff, like those at the Cayuga IGA and the Caledonia Zehrs, are showcasing the provinces' produce in a way that captures the consumer's eye.

CHILD CARE WORKER
APPRECIATION DAY

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): Today I had the opportunity to visit the Hester How Child Care Centre, where child care workers were recognized for their outstanding contributions as part of Child Care Worker Appreciation Day. The second annual Child Care Worker Appreciation Day is being marked today all across Ontario as many municipalities will acknowledge the contribution of child care workers within their communities.

Child care workers play a significant role in the early development of our most precious resource, our children. My leader, Dalton McGuinty, has made early child

development a priority to ensure that the needs of our children and their caregivers are met.

This Best Start plan is the most ambitious early child development program that will be undertaken in the province, when a Liberal government will provide over 300,000 subsidized child care spaces in its first four-year term. Professional child care workers are a key component in our plan as many studies demonstrate that quality child care enhances our children's readiness to learn.

The success of our future tradespeople, doctors, teachers and business leaders depends on the quality care they will receive between the ages of zero and six years of age. The Liberal Party is committed to its Best Start plan for Ontario's children. On behalf of Dalton McGuinty and the Ontario Liberal caucus, I am very pleased to recognize the great work that thousands of child care workers in Ontario do today.

JEAN ACHMATOWICZ-MacLEOD

Mr John O'Toole (Durham): I rise in the House today to pay tribute to a truly gracious and wonderful constituent of Durham riding, Jean Achmatowicz-MacLeod.

Jean was named to the Order of Canada. She was amongst 40 distinguished Canadians honoured recently at the investiture ceremonies in Halifax, October 26.

Jean Achmatowicz-MacLeod is a lifelong volunteer in local, provincial and national organizations. However, her main focus has been on the provision of health care quality. Indeed, she is one of Durham region's strongest advocates for equal access to quality health care. She is the former chair of the board of the Oshawa General Hospital and in that capacity she led the hospital through challenges of amalgamation. She was elected as a member of the Lakeridge Health Corporation board and also served on the board of Cancer Care Ontario.

She is a dedicated advocate for the rights of persons to live with mental illness. As a chair of the mental health implementation task force for central-east Ontario, she has worked hard and tirelessly on behalf of patients requiring institutional care. She has a talent for finding solutions to difficult issues and she is frequently in contact with Durham MPPs to express these concerns on behalf of the community.

I am pleased to inform the House of the investiture of Ms Jean Achmatowicz-MacLeod and to pay a tribute to her achievements. She is an outstanding advocate on health issues, a dedicated volunteer, leader and inspiration to others. This is truly recognition that is well deserved. I would like to say thank you to Jean for her distinguished service to our community.

HOSPITAL RESTRUCTURING

Mr Ernie Parsons (Prince Edward-Hastings): I would like to invite the Minister of Health to tour the four hospitals of the Quinte Healthcare Corp. We can

start in Trenton: a wonderful community hospital struggling financially. We could drive half an hour from there to Picton: wonderful hospital built by the citizens. From Picton we'll travel on to the Belleville site—that's about another half-hour to drive there—great hospital but underfunded. From Belleville we would then drive for an hour and a half to the Bancroft Hospital: a great vital community hospital.

Now here's the rub: we'll have been on the road two and a half hours but according to the minister we're still in the same spot where we started. The minister says all of those four buildings are in the same location, and they're funded as one large hospital. That ain't too bright. If we think about it, four separate hospitals need to be funded as four separate hospitals. It costs money to transfer bedding, it costs money to transfer food, it costs money to transfer information from one hospital site to another. The hospital in Belleville is an hour and a half away from the branch just down the road.

1340

Please give a little respect and recognize that rural Ontario needs medical service as much as the large urban areas, and use a little common sense. We told you three years ago, two years ago and last year that these are four separate hospital sites and should be funded accordingly. Minister, do the right thing finally and fund Quinte Healthcare Corp for their real costs, not your pretend world that they're all in one city.

CHILD CARE WORKER APPRECIATION DAY

Ms Shelley Martel (Nickel Belt): On behalf of the New Democratic Party, I am very pleased to acknowledge that today is the second annual Child Care Worker Appreciation Day. We want to say thanks to those incredible early childhood educators, primarily women, who provide tremendous early learning and care to our most precious resource—our children.

Over 38 Ontario municipalities have passed proclamations to recognize the valuable contribution being made by well-trained early childhood educators in our communities. Ontario child care workers shape the social, emotional, physical and cognitive development of our youngest citizens. They support Ontario families by providing safe, high-quality child care so that parents can participate in the Ontario economy. Child care workers provide an essential public service, and Ontario can't work without them.

If this government truly wanted to show its appreciation to child care workers, it would pay these workers the proxy pay equity they deserve. But this government has shown disdain for these workers by cancelling proxy pay equity in 1996. When the Divisional Court ruled against the government, this government then capped proxy pay equity back to December 1998. These workers are now in court trying to get what they are owed from the government. This capping makes a mockery of this

government's alleged commitment to children. Today, on this day, this government should pay proxy pay equity to child care workers in Ontario.

CHRONIC OBSTRUCTIVE PULMONARY DISEASE

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): I rise today to remind everyone of a terrible disease that is reaching epidemic proportions. According to the Ontario Lung Association, this disease kills one person every hour in Canada. The disease is called chronic obstructive pulmonary disease, or COPD. It is an umbrella term for two major breathing diseases: chronic bronchitis and emphysema.

Currently 3.1% of the population in Ontario has been formally diagnosed with COPD—that is, 300,000 people who are having difficulty breathing, many of them suffering from irreversible lung damage and finding it difficult to perform simple activities without having to take a break and catch their breath.

By 2020, COPD will be the third leading cause of death worldwide.

Sadly, COPD is almost entirely preventable, with cigarette smoking accounting for up to 83% to 90% of all cases.

In the members' gallery today, I am pleased to recognize Mr Alan McFarlane from the Ontario Lung Association, and Patricia Robertson.

In the spirit of Halloween, I would like to encourage all members and their staff to attend an Ontario Lung Association event called Unmasking the Face of COPD this evening at 5 o'clock in the legislative dining room. Together we can learn more about preventing and treating this devastating disease.

HYDRO DEREGULATION

Mr Dwight Duncan (Windsor-St Clair): Many parts of the world have their great myths. Scotland has the Loch Ness monster; Nepal has the abominable snowman. Here in Ontario, the NDP is spreading another myth: that Ontario can just hand its hydro problems back to the government-owned monopoly and all will be cured.

Today, we have the worst of all possibilities. The so-called open market has a supply monopoly: Ontario Power Generation. OPG is 100% owned by this government, OPG controls three quarters of our power generation and OPG consistently fails to get enough supply online to keep prices low, thanks to failures like Pickering A. The result is not enough supply and skyrocketing prices.

The NDP's response is based on myth. NDP myth would throw out new suppliers we need to get prices down. NDP myth would close the border to electricity at a time when we don't have enough supply. That means a major crunch in the summer and winter when demand is highest. NDP myth would regulate electricity Ontario

simply doesn't have because the NDP and the Conservatives have failed to invest in supply. NDP myth would replace high hydro rates with higher debt and taxes and, we think, higher rates even still.

Howard on hydro is another NDP myth, like public auto insurance. The failure to fix today's problems is the Tories' fault. The people who caused it were the New Democrats.

NEW DOCTORS IN STRATFORD

Mr Bert Johnson (Perth-Middlesex): I rise today to welcome two new doctors to the city of Stratford, Dr Stirling Keizer and Dr Heather Keizer. Stirling is a family practitioner and Heather is a psychiatrist.

Coming from Halifax, the Keizers could have gone anywhere in the world, and in fact had an interesting offer from Kentucky. As an unpaid commercial, I just wanted to let you know that Dr Keizer is looking for patients. They chose Ontario and Stratford, and we're delighted to have them in our community. There are any number of advantages to locating in southwestern Ontario, and Stratford offers a warm welcome, good schools and a good medical profession in an atmosphere where it's possible to balance raising a young family with pursuing a rewarding career.

The doctors, staff and administration at Stratford General Hospital played a key role in the Keizers' decision to come to Stratford. I'd like to commend the Stratford hospital's administrator, Andrew Williams, for his skill and judgment in highlighting what our area has to offer.

I also want to commend my colleague the Minister of Health and Long-Term Care for everything he and his ministry are doing to ensure that doctor recruitment and retention remain a top priority of our health care system.

Again, please join me in welcoming the Keizers and their children to Stratford, and in wishing them the best success in their newly chosen home.

REPORTS BY COMMITTEES

STANDING COMMITTEE ON GOVERNMENT AGENCIES

The Speaker (Hon Gary Carr): I beg to inform the House that today the Clerk received the eighth report of the standing committee on government agencies. Pursuant to standing order 106(e), the report is deemed to be adopted by the House.

VISITORS

Mr Steve Peters (Elgin-Middlesex-London): On a point of order, Mr Speaker: I'd like all members of the House to welcome Mr Bob Kerwin and his son Eric. Bob

is the father of Pierre, one of our pages. They're in the members' gallery.

Mr George Smitherman (Toronto Centre-Rosedale): On a point of order, Mr Speaker: I want to call all members' attention to the west gallery where Kevin Quach, who served as a page in the last group but didn't have time to have lunch with me then, has come back, not only to have lunch but to spy on the new group of pages.

The Speaker (Hon Gary Carr): We welcome our friend back.

Mr Alvin Curling (Scarborough-Rouge River): On a point of order, Mr Speaker: It is to recognize one of the brightest schools we have in Ontario, Henry Kelsey school. There are numbers of them on both sides. They're here to observe the wonderful behaviour of their parliamentarians, with their principal, Mr Iron.

INTRODUCTION OF BILLS

ONTARIO ENERGY BOARD AMENDMENT ACT, 2002

LOI DE 2002 MODIFIANT LA LOI SUR LA COMMISSION DE L'ÉNERGIE DE L'ONTARIO

Mr Crozier moved first reading of the following bill:

Bill 197, An Act to amend the Ontario Energy Board Act, 1998 to require notice to consumers where there is a rate increase in energy prices / Projet de loi 197, Loi modifiant la Loi de 1998 sur la Commission de l'énergie de l'Ontario pour exiger qu'un préavis soit donné aux consommateurs lors de l'augmentation des prix de l'énergie.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

The member for a short statement?

Mr Bruce Crozier (Essex): This bill, if passed, would require that when there are increases to the rate for the sale of gas to customers, the order shall provide that the increased rate does not apply until after the gas distributors and storage companies have provided consumers with 30 days' written notice of the increase. If, in approving or fixing a rate for the retailing of electricity under section 78 or in approving the rate for the delivery of electricity to rural or remote consumers under section 79, the rate for consumers increases, the order of the board shall provide that the increased rate does not apply until after the distributor has provided consumers with 30 days' written notice of the increase. This would give consumers, particularly those who are receiving variable rate increases, the opportunity to select their choices for fixed rates, for example.

1350

KEEPING THE PROMISE FOR A STRONG ECONOMY ACT (BUDGET MEASURES), 2002 LOI DE 2002 SUR LE RESPECT DE L'ENGAGEMENT D'ASSURER UNE ÉCONOMIE SAINE (MESURES BUDGÉTAIRES)

Mrs Ecker moved first reading of the following bill:

Bill 198, An Act to implement Budget measures and other initiatives of the Government / Projet de loi 198, Loi mettant en oeuvre certaines mesures budgétaires et d'autres initiatives du gouvernement.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

The minister for a short statement?

Hon Janet Ecker (Minister of Finance): If passed, the Keeping the Promise for a Strong Economy Act (Budget Measures), 2002, would implement a number of initiatives announced in the 2002 budget. These include steps to improve investor confidence and reforms to Ontario's automobile insurance system. In our ongoing efforts to ensure existing government policies remain current and effective, the bill would also implement amendments to clarify provisions in key statutes and introduce a preliminary framework for tax-incentive zones and municipal opportunity bonds.

Once in effect, this bill will benefit a broad range of taxpayers at all income levels, all business sectors and all regions of the province.

Mr Dwight Duncan (Windsor-St Clair): On a point of order, Mr Speaker: I seek unanimous consent to put the following motion:

That the Minister of Finance be directed by this House to give a ministerial statement with respect to the act which she just tabled to outline why the government is not proceeding with its tax cuts, to more clearly define what is in the bill, and to allow the opposition the opportunity to respond to what can only be considered a major piece of legislation.

Hon Chris Stockwell (Minister of the Environment, Government House Leader): On a point of order, Speaker: That's passing strange, this point of order from the member opposite who last week heard about the first reading of a bill and didn't know anything about it, but apparently he knows everything about this bill, and it's first reading again.

The Speaker: Just a second. I will ask for unanimous consent. Is there unanimous consent? I'm afraid I heard some noes.

KEEPING WATER IN PUBLIC HANDS ACT, 2002 LOI DE 2002 VISANT À MAINTENIR L'EAU DANS LE DOMAINE PUBLIC

Mr Caplan moved first reading of the following bill:

Bill 199, An Act to prevent the sale of municipally-owned water works / Projet de loi 199, Loi visant à empêcher la vente de stations de purification de l'eau dont les municipalités sont propriétaires.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

The member for a short statement?

Mr David Caplan (Don Valley East): Retaining public ownership of water utilities is fundamental to protecting drinking water. The Keeping Water in Public Hands Act evolves from Justice O'Connor's recommendations from the Walkerton inquiry. He said, "In not recommending the sale of municipal water systems to the private sector, my conclusion is based on several considerations: the essentially local character of water services; the natural-monopoly characteristics of the water industry; the importance of maintaining accountability to local residents; and the historical role of municipalities in this field." That's found in part two of his report, on page 323.

The government has had two major opportunities to act on this warning from Justice O'Connor in the Walkerton report, and they haven't done that. This bill will do it. This bill, of course, will not prohibit municipalities from entering into partnerships relating to the construction and operation of their utilities.

INVESTOR PROTECTION ACT
(BUSINESS CORPORATIONS AND
PUBLIC ACCOUNTANCY), 2002
LOI DE 2002 SUR LA PROTECTION
DES INVESTISSEURS
(SOCIÉTÉS PAR ACTIONS
ET COMPTABILITÉ PUBLIQUE)

Mr Hampton moved first reading of the following bill:

Bill 200, An Act to amend the Business Corporations Act and the Public Accountancy Act to protect investors / Projet de loi 200, Loi modifiant la Loi sur les sociétés par actions et la Loi sur la comptabilité publique pour protéger les investisseurs.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

The member for a short statement?

Mr Howard Hampton (Kenora-Rainy River): At the heart of the Arthur Andersen-Enron scandal was a conflict of interest. Andersen made more money offering consulting and related services to Enron than it made from properly auditing the company's books. We want to ensure that this kind of conflict of interest is no longer permitted in Ontario. It's not good enough just to hand off to the champion of deregulation, Mr Ron Daniels, and ask him to think about accountancy. We need to eliminate the conflict of interest in accountancy, and this bill will do that.

MOTORCYCLE AWARENESS WEEK
ACT, 2002

LOI DE 2002 SUR LA SEMAINE
DE SENSIBILISATION
À LA MOTOCYCLETTE

Mr Stewart moved first reading of the following bill:

Bill 201, An Act to proclaim Motorcycle Awareness Week / Projet de loi 201, Loi proclamant la Semaine de sensibilisation à la motocyclette.

The Speaker (Hon Gary Carr): Is it the pleasure of the House that the motion carry? Carried.

The member for a short statement?

Mr R. Gary Stewart (Peterborough): This bill is all about safety and awareness. If the bill is proclaimed, it proclaims the week beginning on the first Monday in May of each year as Motorcycle Awareness Week.

MOTIONS

APPOINTMENT OF PRESIDING
OFFICERS

Hon Chris Stockwell (Minister of the Environment, Government House Leader): I seek unanimous consent to move a motion without notice with respect to the rotation of the Deputy Speakers.

The Speaker (Hon Gary Carr): Is there unanimous consent? Agreed.

Hon Mr Stockwell: I move that notwithstanding the order of the House dated October 29, 2001, Bert Johnson, member for the electoral district of Perth-Middlesex, be appointed Deputy Speaker and Chair of the Committee of the whole House; Mike Brown, member for the electoral district of Algoma-Manitoulin, be appointed First Deputy Chair of the Committee of the whole House; and David Christopherson, member for the electoral district of Hamilton West, be appointed Second Deputy Chair of the Committee of the whole House.

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

ORAL QUESTIONS

HYDRO RATES

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): My question is to the Minister of Energy and it concerns electricity prices. Minister, can you help the electricity consumers of Ontario understand the following: in late May—early June, billing period of May 29—June 4, well after the market opened, during that week electricity demand averaged 16,232 megawatts and the price for that week in the open market this past spring averaged about 3.35 cents per kilowatt hour. Now we get into a similar

situation for the first week of October, this month. We see electricity demand averaging 16,434 megawatts and a price that averaged, during that week, 5.28 cents a kilowatt hour, an increase of approximately 60% in price at a time when demand is virtually the same as it was four months earlier.

1400

Can you explain to the electricity consumers why the price has gone up by over 60% for a demand that is about the same?

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): The member opposite talked about the first week of October and demand being in the neighbourhood of 16,000 megawatts. The peak load in the first week was certainly always in excess of 17,000, even as much as 20,000, 21,000. I would indicate that in the spring we had a very good runoff. There was a lot of water available for our hydroelectric stations right across the province of Ontario. That, coupled with a low amount of maintenance, certainly I would suspect contributed to the lower cost of electricity.

We had the hottest summer on record in 50 years, and that obviously meant we had less rainfall, which means our hydroelectric dams did not have the same amount of water that they would have had available in May. Depending on the given hour or a given five-minute interval, depending on which plant in the province of Ontario, be it that one operated by Ontario Power Generation or be it operated by an alternative generator—it depends whether it's a gas plant, like a Lennox, which would often be a price-setter if it was required, or if it was more baseload in nuclear or in fossil fuels.

Mr Conway: I want to be clear. I'm talking about the summer. We're not talking about July, August or September. I'm talking about comparing apples with apples. I'm talking about the shoulder seasons of the spring and fall, when demand is approximately the same, around 16,500, 17,000, 17,500 megawatts. In the spring, when we faced that kind of demand, price—and you were bragging about it—was down around 3.5 cents. In this part of the shoulder season, when demand is the same, well below the summer peak, around 17,000 or 18,000 megawatts, all of a sudden, demand, with the same mix of generation, is 60% higher at 5.2 and 5.3 cents.

Electricity consumers in Ontario want to know, since your company, Ontario Power Generation, is the dominant supplier—over 70% of this market is supplied by Ontario Power Generation: what possible explanation is there for, in these shoulder seasons, May, June and October of this year, same demand, same suppliers, price has increased in the fall over the spring by approximately 60%?

Hon Mr Baird: Again, the member opposite talks about 16,000 load. The peak load in the first week of October, let me say: October 1, 21,500; October 2, 20,000; October 3, 19,000; October 4, 19,000; October 5, 17,000. I did indicate to the member opposite two

particular factors off the top of my head. One is with respect to how much water, which is the fuel that runs the turbines. In the spring, when you have a huge amount of water from the winter runoff, you have more water at our various hydroelectric dams, which do represent about a third of the capacity in the province of Ontario. When you go through a hot summer in July and August, you obviously have less water in September and October. The loss of some of that water certainly has an effect on price, because what we see is we have to use some of the price-setting plants in the province of Ontario, such as gas at Lennox, which is not one of the more efficient operations which we'd like to see brought on-line—that, coupled with the facts on imports. We also had to do some scheduled maintenance when we ran the system all-out in the months of July and August.

Mr Conway: I thought you'd get to maintenance, and I just really appreciate the opportunity to talk about maintenance. Remember, prices are up in the shoulder seasons, spring and fall. These fall prices, with the same demand, are up 60%—not 5%, not 10%: 60%. May and June it's averaging—and I'm not talking about peaks; I'm talking about averages during these shoulder seasons, May and June—about 16,000 or 17,000 megs, 3.5 cents; averages this fall, October, consumption around 16,000, 17,000, 17,500, the price has gone from an average of 3.5 to 5.2. It's up 60%.

The California regulator said the following: "It is impossible to determine whether or not a declared forced outage is in fact an actual outage. It is impossible to determine whether a declared outage occurs because the plant is actually down for maintenance or whether in fact it has occurred because the generator wants to manipulate the market to make profit."

Since the dominant player in this marketplace today is Ernie Eves's company, Ontario Power Generation, controlling over 70% of the supply, are you prepared to say to me today, given this 60% increase in the commodity price, October over May, that your company, Ontario Power Generation, is not in fact gouging Ontario consumers to a very substantial degree?

Hon Mr Baird: I'll say two things: (1) water is cheaper; (2) gas is more expensive, and often in September and October the Lennox plant has set the price. That is demonstratively more expensive than October.

The member opposite has been in this place and has distinguished himself in 27 years of serving the people of Ontario well. If the member opposite has a shred of evidence to the claims he is suggesting, I would challenge him to put that evidence before the House and to bring it to the attention of the Market Surveillance Panel, as would be the responsible thing to do. If he has no evidence and is just making these claims up, I would suggest it's not advisable.

The Speaker (Hon Gary Carr): New question.

Mr Conway: New question: same minister, same subject. The California regulator said in 2001, after all the pain that they had been through, that one of the things he warned everybody else, including Californians, is to

beware with these generators who tell you they're taking the plant down for maintenance because they might just as easily be doing it to manipulate the market, to drive up prices and increase their profit.

Your company controls 70% of this market, and I repeat, prices are up in the shoulder season, October over May, this year by something like 60%. My question is this: yesterday Toronto Hydro filed with the energy board a request to change the way in which they are going to bill their customers, and they said they had to do so for a variety of reasons, not the least of which is the following—quoting directly from their submission to the energy board yesterday—“In 2001, prior to market opening, the highest monthly power bill received by Toronto Hydro was for \$154 million. To date, in the period since market opening, May 1, 2002, our highest monthly bill was for \$276 million.”

So there you've got one of the largest utilities saying that it is being put in a very difficult and compromised position because their commodity price, most of which is controlled by your company, OPG, has nearly doubled. What do you say to the consumers of Toronto Hydro as to what relief is in store for them because your company, OPG, is driving their bill through the roof?

Hon Mr Baird: Toronto Hydro, as did three other local distribution companies in their request to the Ontario Energy Board, did request that they go on a fixed rate as opposed to the other 90 local distribution companies who did go to the variable rate. In May and June customers paid more than they were required to pay and in months after weren't paying the full market rate.

Toronto Hydro wants to change their position on this, as they're rightly entitled to do. They've made an application to join the other 90 local distribution companies across the province of Ontario, and the Ontario Energy Board will hear that concern.

Mr Conway: Hundreds of thousands of Toronto Hydro customers would want me to ask this: a few months from now, in January, February, March, April 2003, hundreds of thousands of Toronto Hydro customers are going to get a very nasty surprise. They are going to get hydro bills that in the first six months of 2003, I guarantee you, will be substantially higher, hundreds of dollars higher than they've been paying in the last few months. In addition to that, by my calculation, the average residential customer served by Toronto Hydro is going to get a retroactive bill of probably in the neighbourhood of \$200, and it may very well have interest charges attached to it.

Minister of Energy, what are you prepared to say today will be offered by the Ernie Eves government to relieve the pain of these electricity customers in Toronto and millions of other customers around the province, including small businesses, who are being crucified on your hydro policy?

Hon Mr Baird: Customers of Toronto Hydro and three other local distribution companies do have a variance account. We have been working very hard directly with Toronto Hydro to see what opportunities could be available to ensure that customers could perhaps get the

rebate under the market mechanism at the same time that they are required to settle their variance account. That would be helpful for consumers, and the members on this side of the House who represent the city of Toronto have certainly been very supportive of that approach.

1410

Mr Conway: Your members, and I won't embarrass them by quoting them by name, are saying, “Please, give us relief, give us a cap, give us a freeze.” Listen, hundreds of thousands of electricity customers in Toronto have yet to feel the real pain. Toronto Hydro is saying very clearly in its submission that the real problem here is skyrocketing commodity prices that are controlled by the Ernie Eves company, Ontario Power Generation. In addition to that, and I repeat, Toronto Hydro is saying they've got a monthly bill now for bulk power purchases that's \$120 million higher than their highest monthly bill ever before. They're also telling us they've got receivables of about \$325 million more on the books in September than they've ever had before.

Consumers in Toronto—residential, business and industrial—will want to know, Minister, what specific plans of relief you have for these customers, given the pain they are about to experience after Christmas.

Hon Mr Baird: We're working with all the members of the Electricity Distributors Association. I had a meeting last evening with their chair and yesterday morning with one of their vice-presidents. We met last week. We certainly indicated our strong willingness, with the Independent Market Operator and the Ontario Energy Board, to find a more workable solution in terms of the payment periods that all LDCs experience. We've also indicated to those three or four LDCs that made the decision themselves to go to a fixed price that where commodity prices have not gone up, like the city of Toronto, we've made a commitment to treat them all the same. If there is any assistance we could provide or a policy change that would be advantageous, we'd be prepared to do so.

I noticed the member opposite's own leader said, “Rates may very well have to go up. We've been getting a bit of a free ride here in terms of the debt that the now-defunct Ontario Hydro has amassed.” The member opposite was quoted in the Ottawa Citizen, “Conway said Ontarians paid artificially low electricity prices for years while the provincially owned power utility piled up ... debt.” This is the one I like: “Let me be clear: we need a competitive marketplace.” Who said that? The official spokesman of the Leader of the Opposition.

HYDRO DEREGULATION

Mr Howard Hampton (Kenora-Rainy River): My question is for the Minister of Energy. Your hydro deregulation disaster is about to hit hydro consumers in Toronto with an extra hydro bill. People who have been paying their already elevated hydro bills are about to be hit with an extra bill for \$200 a month. The problem is, there are all kinds of people in Toronto who don't have an extra \$200 in their pockets to pay for your hydro-

electricity screw-up. Maybe you can tell the people of Toronto now what happens to those folks who don't have that extra \$200 to pay for your hydro screw-up.

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): The leader of the third party said in the first part of his question that they were going to have to pay, because of this, an extra \$200 per month. Then he went on to clarify that he was suggesting it would be a one-time payment of \$200. I don't know whether that actually reflects the average variance account for a residential consumer. I can say that we have been working with Toronto Hydro, and we treat any LDC the same—those other LDCs that are on a fixed-rate plan—in terms of what relief we could provide in terms of the rebate coming out at a proximate time that would ensure this didn't happen, that they weren't hit with the increases in electricity rates in three or four months all at once. We've been working very closely with officials at Toronto Hydro to try to find a solution, and thus far it has been a successful effort.

Mr Hampton: A successful effort when people are going to hit with an extra bill that says, "Despite the fact you've been paying for your hydro, we need you to kick in an extra \$200. Oh, by the way, your bills from now on are going to be substantially higher again"? That's what you call successful?

It's not just confined to Toronto. This is a submission to the Independent Market Operator by the Electricity Distributors Association and the municipal utilities of Hamilton, Orangeville, Thunder Bay, London, Kingston and Whitby.

The submission says that thanks to the hydro deregulation rules you've put in place, many of these municipal utilities are in danger of going bankrupt. They don't have the financial wherewithal to cover all the costs. These utilities warn of a "critical and irreversible event." Let me give you the code for that: it means the lights go out. Deregulation threatens more than a dozen municipal utilities across this province, and they're very clear: they won't be able to stay in business.

Will you admit that wherever you go in this province, your deregulation fiasco is causing one nasty surprise after another, and will you admit it's time to kill this very destructive experiment?

Hon Mr Baird: It won't surprise the member opposite that I won't accept what he's had to say.

I can say we're dealing with two issues with respect to local distribution companies. One is the four local distribution companies that go on a fixed rate, where the cost of generation has not gone up. I've indicated that we're working with them to ensure that when the rebate is remitted to the consumer, this variance account might be settled at the same time so that they're not experiencing increases of a few months all stacked up together.

We're doing that proactively, because I certainly know a good number of members in my caucus are concerned about this issue and brought this issue to my attention long before the leader of the third party and his band.

The second issue comes with respect to local distribution companies. There are concerns with respect to

the time frame in which the generators must be required to remit their payments, and the role the IMO plays. There is a working group between the IMO and the Ontario Energy Board. I've gotten directly involved in meeting with the Electricity Distributors Association to try to bring the parties together to come to a more reasonable solution, and I suspect we'll be able to find one.

Mr Hampton: I want to read from the first two paragraphs of this submission. It says, "Please find attached an urgent submission." Then, in the second paragraph, "This submission is made to address the immediate and urgent adverse financial impacts on local distribution utilities." We're talking about local utilities that have to go out and borrow millions of dollars at high interest to cover your hydro deregulation fiasco. Then that gets passed on to the consumers in the form of higher bills.

Minister, some of your MPPs have started to figure it out. They've started to figure out that this is both a financial disaster for Ontario and a political disaster for the Conservative government. When are the lights going to go on for you? When are you going to figure out that something has gone wrong and cancel deregulation? How long is it going to take?

Hon Mr Baird: We are working with the local distribution companies to find a solution that's balanced, that recognizes the credit lines of the Independent Electricity Market Operator, that recognizes the requirements of generators and local distribution companies.

The leader of the third party apparently was not able to sign up any new members to his hothead club. He has been prancing around Ontario on his emission-shooting bus to try to sign up members to a hothead club. I didn't know what a hothead was so I looked it up in the dictionary. The definition of a hothead is someone who is "reckless, impetuous and irresponsible," and I couldn't agree more that he should be the leader of that club.

The Speaker (Hon Gary Carr): New question.

Mr Hampton: I could have saved you the time. Jim Wilson is the definition of a hothead. I could have told you that.

I want to ask you about your plan and the Liberals' plan. Both the Conservatives and the Liberals say that as Ontario encounters an electricity shortage, the private sector will build the generating stations. Well, today, Sithe Energies, a New York-based company, just announced they are not going to build two proposed generating stations in Ontario. In fact, while you and the Liberals boast that the private companies, the profit companies, will build new plants, Sithe is saying they're not going to build 1,700 megawatts of new power in Ontario.

We're short of power. The IMO is warning of energy blackouts and brownouts. You and the Liberals both have the same answer, except that your answer is running out of gas.

1420

Will you admit, Minister, the private sector isn't answering your call and the Liberals' call to build the generating stations we need?

Hon Mr Baird: I will agree with the leader of the third party. He is right: the Ontario Liberals have been consistent supporters of moving to an open marketplace. I heard that message. I didn't heed the call to send them \$350 when Sean Conway and Dalton McGuinty went trolling on Bay Street for bucks to help support their privatization plans.

The member opposite speaks of one enterprise in the province of Ontario. Apparently they have a concern that Pickering A is coming on-line too quickly and that that would perhaps give it overcapacity. It's not a concern that I have, with my many concerns.

Mr Hampton: Minister, this is no small matter, because the IMO is warning about brownouts and blackouts. And the reality is that Sithe Energies was part of your answer and the Liberals' answer, and now it has run out of gas.

So I think it's incumbent upon you: what is your alternative strategy? Do you have a conservation strategy whereby we can conserve the use of electricity? Do you have a green energy strategy whereby we can bring on wind power? Are you prepared to bring on more public sector supply of electricity? Since the private sector that you and the Liberals talk about has run out of gas, what's the alternative plan, Minister? People across Ontario deserve to know.

Hon Mr Baird: The member opposite raises two issues. He talks about supply coming on-line. I take the concerns that the Independent Market Operator raises very seriously about the need to bring more supply on-line. I know that TransAlta would bring their supply on-line, I believe in the early part of next year. We know that Coral Energy and the project at Brighton Beach will bring on additional supply.

The member opposite talks about a green strategy for bringing wind power on-line. Under the New Democratic Party, if someone approached the government and said, "I want to build a windmill to help generate electricity," they would have been told, "It's illegal." And the member opposite wouldn't have allowed that power on the grid.

But there are a number of projects around the province. Huron Wind is going to be opening up five turbines, with 1.8 megawatts each, this fall, and that will be good news.

The member opposite did cite the concerns of the Independent Electricity Market Operator. In their 18-month outlook, dated September 24, the definitive guide on supply, it says, "The energy production capability is generally expected to be well above energy demand levels in each month of the outlook period."

ENERGY CONTRACTS

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): My question is to the same minister on the same subject of electricity prices, and I'd like everybody's attention. Minister—

Interjections.

Mr Conway: I'm sorry. I apologize. I take that back. I apologize.

Minister, it's about what you and your company have been doing. Your company—our company—Hydro One, signed up about 200,000 people to electricity contracts before they sold the whole portfolio a few months ago to EPCOR, another company. Now, those 200,000 people who signed those fixed-rate contracts with your company, signed a contract that had buried in it the following language: "Rebate: In order to receive a fixed rate, I, the undersigned, hereby assign to the company"—Ernie Eves' company, Hydro One—"the benefit of any market wholesale rebate arising out of this agreement" and the IMO and OPG shall be so directed to cause your rebate to be given from me to you, Hydro One.

There are 200,000 people in Ontario, including my 86-year-old father, who signed contracts with your company. Now they find out that your company didn't tell them that buried in the fine print was a condition that said if there is a rebate, the rebate is assigned to Ernie Eves' company, Hydro One.

What are you going to say to those 200,000 people who were put in that predicament by your company, Hydro One?

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): In the open marketplace of which the member opposite has been a consistent supporter—his words, not mine—people in Ontario have a choice. They can sign a fixed-rate contract for a set amount, which provides them with some security that that will be the price they will pay. This is not dissimilar to a mortgage, where some people, just for the security, would like to know what their mortgage rate will be rather than going at a variable rate. This is the case for many families right across the province. With some fixed-rate contracts, the rebate will flow directly to you as the consumer. With others, you assign that rebate to your retailer. If rates are 8.3 cents one month, in September, and you signed a flat-rate contract at 5.5 cents or six cents, that is the security you got, and that is a consumer issue for people in Ontario.

Mr Conway: Months ago, friends, hundreds of thousands of people, many of them old people, many of them on fixed incomes, were confronted on their front porch by representatives of Ontario Hydro who told them, "Sign up with us, your supplier, and we will protect you from the uncertainties of the marketplace."

Nobody said anything about a rebate; nobody said anything about assigning a rebate from the customer to Ernie Eves's company, Hydro One. Hundreds of thousands of people are going to find out next spring and summer that the Ontario government's company bamboozled them and took from them a rebate that might offer some protection from the skyrocketing prices that are being caused by a gouging monopolist also owned and controlled by Ernie Eves.

Why, Minister, should any consumer worried about the pain of your electricity policy, straight out of pro-

fessional wrestling, feel it is going to offer them any relief and any protection?

Hon Mr Baird: Let me talk to the member opposite. There's a variable rate, and that means they go up and down, and there's a fixed rate, and those remain constant. Consumers in the province have the right to take that fixed rate if it provides them with some greater security. They are in a sense buying that security, an insurance policy, if you will. Many people in the province of Ontario lock in their mortgages for five years so that they won't have to go to bed at night worrying about interest rates going to 10%, 12%, 14% or even 20%, as they have in my lifetime. Some consumers have signed contracts where the rebate is payable to them, and others will sign rebates where it's assigned to others.

But Dalton McGuinty said on this issue, "We believe you've got to go toward deregulation. That's the way to bring this to heel. That's the way to introduce real competition." They say one thing when it comes to opening the market and another thing when the reality hits.

The Speaker (Hon Gary Carr): New question. The member for Bramalea-Gore-Malton-Springdale.

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): Mr Speaker, my question is actually to the Minister of Finance, and I think I may forgo it until she is back.

The Speaker: I think it's only the leaders' questions can step down. I'll check. Stop the clock for a quick minute, please.

Yes, I'm afraid only the leaders' questions can be stepped down. There was some confusion. We'll go ahead with the member for Nipissing, then.

1430

SMART GROWTH

Mr AL McDonald (Nipissing): My question is for the Minister of Municipal Affairs. I was pleased to see our government launch the Ontario Smart Growth initiative back in 2001. As we all know—

Interjections.

Mr McDonald: Mr Speaker, I didn't yell across at them when they were asking their questions.

The Speaker (Hon Gary Carr): The member is right. The member for Nipissing has the floor. Give him some attention, please.

Sorry, and I thank the member for his help.

Mr McDonald: Thank you, Mr Speaker. As we all know, Smart Growth is a new way of thinking about our growth. It asks us to look at the big picture, to look ahead some 15 or 30 years. It asks us to coordinate our decisions today on public investment, infrastructure, transportation and planning a secure, healthy future. Minister, could you please elaborate on how we are going to manage the anticipated growth in Ontario through this Smart Growth plan?

Hon Chris Hodgson (Minister of Municipal Affairs and Housing): I'd like to thank the member from Nipissing for that insightful question. He's right, this is

an exciting time. We need to have a big picture of where we're going to go. The province of Ontario's population has grown by 2.5 million people in the last 15 to 20 years, and it's projected conservatively to grow the same amount in the next 15 to 20 years. We need to get a plan that gets out ahead of this growth so that we can welcome it. We need the growth for our standard of living. We also want to have the three priorities that we consulted on adhered to: a healthy pro-growth agenda that's good for the environment and good for our communities.

To get the details of this, we set up five panels. The central Ontario panel, which you're probably familiar with, has Chair Hazel McCallion, municipal representatives, environmentalists, and people from industry and business to give a consensus to what this growth plan should look like.

Mr McDonald: Thank you, Minister, for your response. Could you please share with my constituents what will happen if we do not adequately plan for future growth and why this initiative is so important?

Hon Mr Hodgson: To the member from Nipissing, that's a really good question. In some parts of Ontario, we haven't had growth distributed equally or evenly across the province. In northern Ontario, in communities like yours, we want to attract more growth, get more jobs in those communities. We need the infrastructure there to accommodate that growth and the climate to create those jobs.

In southern Ontario you're starting to see the manifestation of some of the growth we've experienced in the last 15 to 20 years. Gridlock is probably the most frustrating aspect of that. It's hard on the environment. Cars travelling at 80 kilometres an hour have certain air emissions. If they decrease their speed to 50 kilometres, those air emissions double. If it goes to 30 kilometres an hour, they triple. Gridlock is totally the worst thing for the environment. In terms of productivity and lost revenue for our economy, it's estimated to be \$2 billion. So we need to have ways to manage the growth we've got and also welcome more growth to this province, and we need a consensus in order to be able to go ahead with that.

ENERGY CONTRACTS

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): My question is to the Minister of Energy. Much has been made by the Premier and the Minister of Energy about the relief that this rebate on high bills is going to provide. Nearly a million fixed-rate contracts have been signed by people in Ontario with marketers. About 200,000 of those contracts involved our company, Hydro One. Most of the fixed-rate contracts, unknown to the people who signed them, signed away the rebate months ago. So the rebate that is going to be paid is going to be a benefit to the marketer, not to the consumer.

But I want to come back to the Minister of Energy about his company, Hydro One. Minister, you understand that when Hydro One representatives showed up at the

door, they showed up with none of the details. They didn't tell these old people on fixed incomes that there was going to be a rebate. They didn't even show them the contract. They said simply this: "We're from Ontario Hydro. We are here to protect you. Trust us. Sign here."

I would argue that your company, in most of these cases, broke your own retailers' code of conduct. What relief are you going to provide to the 200,000 people in Ontario who in good faith trusted your company, Hydro One, only to be bamboozled, gouged and ripped off by them?

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): The member opposite stood in his place and said they didn't show them anything, they didn't even show them a contract, and then he tells me that they showed it to them to sign it. Obviously it's tremendously important for all consumers, whether it's on this issue or anything else they undertake as consumers, to read the clauses. We brought in Bill 58 this past June, which will allow consumers even greater options to review things and even requiring issues like reconfirmation to be there.

I suspect some in the province of Ontario would find it rather odd, though, that if, for example, in the month of September, a customer was entitled to a rebate because electricity was at 8.3 cents, a customer who was only paying 5.5 cents should get that same rebate.

Mr Conway: We've all talked to these people. We know what happened to them. "Sign this little form; details to follow." It is clear to most of us who've talked to these people that your company, Hydro One, manipulated and ripped off a lot of unsuspecting people. The more you talk about rebate, the more you're going to hear from these people in the spring and summer of next year.

But it gets worse. This is my question to the minister. It gets worse, because having signed up 200,000 people to these fixed-rate contracts, not mentioning the rebate, not telling people that they'd signed it over to Hydro One, you know what the Ernie Eves company then did? It sold the whole portfolio to another company and Hydro One, our company, cashed in on the value of the rebate.

So these consumers who were bamboozled and misled and kept in the dark were ripped off. Who benefited? Well, that company called Hydro One. Consumers were kicked in the teeth, ripped off, left to fend for themselves, and the Ernie Eves company, Hydro One—remember that crew? Graham Day, Eleanor Clitheroe, the multi-million-dollar people on the boats looking after themselves? Oh, they did well, and so did the company. Isn't it a sad situation that these plutocrats, these rip-off artists, including the government, made all the money, and hundreds of thousands of people, many of them old people on fixed incomes, were ripped off and so manipulated? Isn't that a disgrace?

Hon Mr Baird: The member opposite is saying that the details would follow later. Yet in the question he just stood in his place and said the details were in the fine print. Were the details there, or were the details not? Is the member opposite suggesting—

Interjections.

The Speaker (Hon Gary Carr): Order. The member had quiet for asking the question. The minister now gets a chance to answer.

Hon Mr Baird: Is the member opposite suggesting that someone who was paying 5.5 cents for electricity should get a rebate as if they were paying 8.3 cents for electricity? It sounds like that is exactly what he is suggesting.

The Speaker: Were you done? I apologize. I didn't mean to step on your line. The member asked the question. It is fair to let the minister answer. I apologize for getting up so quickly.

JUSTICE ISSUES

Mr R. Gary Stewart (Peterborough): My question is for the Attorney General. Minister, earlier today the Eves government introduced new legislation to increase protection for Ontario's investors. This is certainly an important step, as people in my riding of Peterborough have the right to know that their government is looking out for their financial security. Part of the proposed legislation demands tougher penalties to ensure compliance with Ontario's securities laws. Maximum court fines for general offences would increase from \$1 million to \$5 million and maximum prison terms would increase from two years to five years less a day.

Clearly, there is a need for these kinds of stricter penalties in the light of corporate scandals like Enron. Those who violate the law and jeopardize the investment of everyday Ontarians should face serious penalties for their actions.

But another important part of providing a serious deterrent is changes to the federal Criminal Code. Ontario announced that they are moving forward with toughening the penalties. Minister, what action will you take at the upcoming national justice ministers' meeting to press for similar action by Ottawa?

Hon David Young (Attorney General, minister responsible for native affairs): I thank the honourable member for that very important question. It's important to remember that in Ontario we have very high professional standards and a high level of accountability. That has been the case for years. Nevertheless, the Ernie Eves government this morning announced a number of further measures to confirm that we are not prepared to be complacent on this very important issue of investor confidence. We came forward this morning and talked about greater fines and greater penalties and broader reviews. We can do only so much, though, within the provincial sphere. As the members opposite know, there are certain matters that are in the federal domain—

Interjection.

The Speaker (Hon Gary Carr): Will the member for Toronto Centre-Rosedale come to order, please. Sorry, Attorney General.

Hon Mr Young: There are certain matters that are exclusively within the federal domain, and we must be

respectful of that. That of course includes items that appear in the Criminal Code. So what I am going to do at the federal-provincial territorial conference next week, with my colleague Minister Runciman, is raise a number of measures that we believe should be introduced at the federal level that will help us fight to ensure that individuals across the province can have confidence in the businesses they choose to invest in.

Mr Stewart: Minister, it's certainly important that you press this issue with the federal justice minister and your provincial colleagues. I would also like to know what other items you are going to put at the top of your agenda for this meeting. Traditionally, the Ontario government has focused on initiatives to increase community safety, particularly in areas of crime and law enforcement. What outcomes are you hoping to achieve from this meeting, and in which areas will you be pressing the federal government to make clear commitments to enhance the safety and security of all Ontarians?

Hon Mr Young: All Ontarians have the right to feel safe in their homes and in their communities. Indeed, they all have the right to be safe in those homes and in those communities.

1440

The Ernie Eves government has advocated to improve the safety of every Ontarian across this province. We have done so with numerous actions over the past number of years, and one of the things we have done in addition to that is advocate on behalf of the people of Ontario to have changes made at the federal level.

One issue I intend to raise again next week deals with DNA testing. Right now, the federal Liberal legislation only allows for testing in very limited situations. What this means is that there are people in prison right now from whom we cannot obtain DNA tests. What this means is that over the next short while these individuals will be released out into the streets because of loopholes, and we will not have their DNA testing evidence available. What that means is very serious: these individuals will be put back out into our communities, we will not be in a position to determine if they have committed additional crimes previously, and we will not be in a position to catch them in an expeditious manner when they commit crimes in the future. We need these changes made to the DNA legislation, and we need them made now.

RACIAL PROFILING

Mr Howard Hampton (Kenora-Rainy River): My question is for the Minister of Public Safety and Security. Minister, you stated today that you support racial profiling at the border, that you support targeting law-abiding citizens as if they are criminals. You said you approve of fingerprinting and photographing certain citizens based upon their appearance, perceived religion or place of birth.

Minister, none of those things will do anything to fight crime but will certainly re-create in Ontario a very shameful period in our history when Japanese Canadians

were attacked because of their race. What you're proposing is repugnant to New Democrats and repugnant to people across this province.

Minister, here and now, will you publicly renounce your support of racial profiling, whether at the borders or in our communities?

Hon Robert W. Runciman (Minister of Public Safety and Security): Because it's unparliamentary, I can't describe that question in terms I'd like to describe it in, Mr Speaker. It is completely inaccurate.

I was asked this morning with respect to the warnings that have been issued by the federal government to Canadians travelling to the United States who are of different cultural backgrounds: did I think that was appropriate? I felt that the federal government was being wise in terms of advising these individuals that they would face these challenges if indeed they were seeking entry into the United States. I think it is wise that they apprise our citizenry of the barriers or the challenges they might face when they're travelling in the United States. I think that's quite appropriate.

Mr Hampton: Minister, you may claim to be misunderstood, so I'm going to ask you again very clearly. I'm going to ask you to stand up and I'm going to ask you to say very clearly that you disapprove of people being singled out, that you disapprove of people being fingerprinted based upon how they look or what their perceived religion is, that you disapprove of people being discriminated against because they might be from this visible minority or that visible minority. Will you say that? In your position as the minister of public security, will you say that?

Hon Mr Runciman: What I disapprove of is drive-by smears by this member in the Legislature. That's what this is, Mr Speaker. Let there be no mistake about it. When this issue was originally raised in this House, I made it quite clear that this government in no way supports racial profiling by police in this province, and for this member to get up here and try to smear my reputation is completely unworthy of this assembly or any member of this assembly.

Interjections.

The Speaker (Hon Gary Carr): Order. We're on to the next question.

ENERGY CONTRACTS

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): My question is to the Minister of Energy. It concerns this rebate. I have in my hand a sample document that Hydro One retailers took to the door. Now, if you can read it—it's in microscopic print—you will not find the word "rebate" anywhere on this. What you will find is the following language: "I understand that if this application is accepted by the company Hydro One, I have accepted and agreed to be bound by the general terms and conditions, even if I have not read them."

That's what your company did on the doorsteps of tens of thousands of people. This is the form. In micro-

scopic print, there is no reference to a rebate. So the question arises: what are you going to say to the hundreds of thousands of people who are listening to Ernie Eves and others say not to worry, that there's a rebate coming, when they find out that even their own company, Hydro One, signed them up on a very, very misleading basis to a contract, the full details of which they did not advertise or reveal, and that Hydro One has taken on to itself any rebate that might be paid at a future date?

Hon John R. Baird (Minister of Energy, minister responsible for francophone affairs): The member opposite has made a number of allegations. He's saying now that if people in the province don't read contracts, somehow they can be let out in any other area. He's saying it was included in the contract, and then he said it wasn't included in the contract.

People in the province of Ontario had the option with respect to getting a fixed-rate price. If they were paying 8.3 cents, as they did in September, on the spot market, they're obviously going to be entitled to a rebate. If they were only paying 5.5 cents, it would seem a little bit strange that you would get a rebate on a price you didn't pay. There are various contracts which are offered for the consumer. With some retailers, you can pay a higher fixed rate and you would be eligible to receive the rebate. Obviously the fixed rate would be higher. It's all a question of who assumes the risk.

Mr Conway: This is really important, because at the end of the day consumers and investors are going to want to know, can we trust our government? Can we trust our provincial government to protect us from the electricity situation out there?

I raise this today because this kind of gouging was carried on by the Ontario government company, Hydro One, a retailer. We've all heard it. We've all heard senior citizens tell us these stories. We've heard it about other companies, but you have to know that our company did it. Hydro One, with malice aforethought, went out and signed up people like my dad, who's 86, who saw somebody at his door who said, "I'm from Ontario Hydro. I'm here to protect you." They never told my father or hundreds or thousands of older people like him that there was anything like a rebate.

How is this not a fundamental breach of trust, and how and why, Mr Minister of Energy, should any consumer, in Toronto or elsewhere, faced with these skyrocketing electricity bills, either believe you or trust you to protect them?

Hon Mr Baird: There are fixed-rate contracts. There are variable-rate contracts. The people of Ontario may also want to ask the member opposite from the official opposition, should they trust a party that changes its mind on every issue? Should they trust a party who says they're in favour of competition?

The terms of discourse in this issue I think could be a lot higher. The member opposite is someone who has a huge amount of knowledge on this issue—

Interjections.

The Speaker (Hon Gary Carr): The member for Windsor-St Clair and the member for Kingston and the Islands, come to order, please. The minister has the floor.

Hon Mr Baird: The member opposite has a huge amount of knowledge on this issue, and some of the statements he's made in terms of these questions are not raising the level of debate in this province. He said they are included in the contract and he says they're not. He says they're not giving anything and then he said they're asked to sign something. He says they don't have to read it, yet it's been given to them. That may work with the media—

Interjections.

The Speaker: Sorry to interrupt again, Minister. I've done that twice when you were up. I apologize.

The member for Windsor-St Clair, it's your last warning now.

I apologize if you do have some more time. Again, I'm sorry. Right at the end, we do get up, and I hate to cut you off like that.

1450

AUTOMOBILE INSURANCE

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): I finally get to ask my question. My question is to the Minister of Finance. Minister, this year drivers across Ontario have experienced significant increases in auto insurance premiums. We all know that after our government reforms in 1996, insurance rates dropped by an average of 12%. Drivers, including in my own riding of Bramalea-Gore-Malton-Springdale, are expressing confusion and concern over recent increases in their auto insurance. I would appreciate if the minister could explain why these rates are increasing.

Hon Janet Ecker (Minister of Finance): I share the member's concern about the pressures that consumers of auto insurance are experiencing. Insurance premiums are rising across Canada and Ontario and indeed all of North America due to factors such as rising health care costs, higher reinsurance premiums following the 9/11 tragedy of last year, and lower investment returns. There are pressures worldwide that are causing challenges here in Canada.

When Bill 59 took effect in 1996, we did find that the measures we put in place to make insurance products fairer to consumers actually helped to stabilize rates. We have been looking at changes to help auto insurance companies here in Ontario continue to provide competitive products to consumers, to continue to make sure that consumers are getting the treatment, the benefits, the care they need. As a result of recommendations from my parliamentary assistants—Ted Chudleigh, Rob Sampson and Wayne Wettlaufer—we have indeed proceeded with changes that we announced in the June budget.

Mr Gill: Minister, the reforms you have introduced certainly sound like they will benefit consumers. I'm sure all members of this House will appreciate the hard work that went into creating these reforms, especially through

the consultation that Messrs Chudleigh, Sampson and Wettlaufer held with the auto insurance industry, health care providers and consumers. Can you explain in greater detail how you expect these reforms to benefit consumers of auto insurance and maybe even help them find reasonable rates?

Hon Mrs Ecker: What we are proposing to do would be to improve access to treatment for injured individuals, to expand the rights of seriously injured people to sue. This is especially important for health care costs in excess of no-fault benefits, especially important for children. There are consumer awareness measures to make sure that consumers can make an informed choice when they are purchasing insurance. There are a number of changes that we think are going to actually help provide better treatment for consumers, and we think it's a very important initiative.

POST-SECONDARY EDUCATION

Mrs Marie Bountrogianni (Hamilton Mountain): My question is for the Deputy Premier. Minister, college students from across Ontario have come to Queen's Park today hoping to raise awareness on the accessibility and affordability of a college education in Ontario.

Students know that employment success is guaranteed for those with a college diploma. The double cohort is an enormous stress on students, given your low predictions on how many students will be graduating.

As well, colleges have suffered a 40% decrease in funding from your government, while Premier Eves was finance minister, I might add. As a result, college tuition has increased by 140%, yet the loan maximums set by OSAP have not changed. Students are paying more than their fair share for their education.

Deputy Premier, studies have shown that thanks to your government, middle-income families can't send their kids to post-secondary education. Will you accept the college students' proposals to bring your OSAP policies and criteria into the new millennium?

Hon Elizabeth Witmer (Deputy Premier, Minister of Education): I appreciate the question from the member opposite. I can certainly say on behalf of the Minister of Training, Colleges and Universities that she does consult regularly with students from the universities and the colleges. We are prepared to take a look at the recommendations that have been brought forward to date and review them.

I would also say to you that this issue of affordability is one that is a high priority for our government. Recently we have created new student aid programs. There are the Queen Elizabeth II Aiming for the Top scholarships. That's going to help about 12,000 Ontario students, with annual spending of \$35 million. We're also going to be expanding the amount of money for OSAP. So I can tell you, we remain concerned that each and every student has access to post-secondary education.

Mrs Bountrogianni: Number one, the Queen Elizabeth scholarships are simply the renaming of an

existing scholarship. Number two, we're not only asking you to increase OSAP; you have to do that. There are more students with the double cohort, more OSAP per student. There are some administrative changes you can make today that will make it easier, without costing a penny.

Families are struggling to help their children obtain a college education. Ashley is here from Humber College. She will have a \$40,000 debt after a two-year photography course. She had to pay \$2,000 in tuition, \$16,000 for equipment and \$6,000 per year for rent. She did not even qualify for OSAP because her parents are a middle-income family. They have three other children—two that they've put through school and two that they're putting through school now. There used to be an appeal process for situations like this; your government killed it. That's one administrative change you can make tomorrow—no cost.

Cindy is here from St Lawrence College. She was a single mom at 19; she is 41 now. She has a learning disability, a physical disability. A simple administrative change would help her. Give her her OSAP money before the second or third week of school. There are simple administrative changes you can make today, you can commit to today, to make these students' lives easier. Do it, Deputy Premier. Just do it.

Hon Mrs Witmer: As I said in response to the first question, we will certainly review the recommendations that have been brought forward today. The minister is going to take a look at them. She continues to meet on a regular basis with students, and I want to give my assurance that the OSAP funding is being increased in order to make sure that we can respond to the needs of all the double cohort students. The money is certainly going to be there. There is an increase in the pot of money.

This year, we have also provided more money for our colleges. This year, the operating grants have increased by \$42.5 million. That is a 5.7% increase to our colleges—

Interjection.

The Speaker (Hon Gary Carr): I'm sorry to interrupt, Deputy Premier. The member for Kingston and the Islands, this is his last warning, too. Sorry, Deputy Premier.

Hon Mrs Witmer: I appreciate that, Mr Speaker. The reality is, they know that our government has increased the amount of funding for students so they don't really want to hear that answer.

I would simply say we have increased the funding for colleges this year. We are providing a 5.7% increase. Enrolment has only gone up 3.2%. Again, we have new programs to support these students and I can tell you the money will be there.

MARS DISCOVERY DISTRICT

Mr Bert Johnson (Perth-Middlesex): My question is for my colleague the Associate Minister of Enterprise, Opportunity and Innovation—the energetic, the solid, the

steady, the great David Turnbull. Ontarians know that securing a bright future for the next generation requires investment in research and innovation strategies. These would include centres such as the University of Guelph which are so important for research to the people in the agricultural industry in my riding.

The Medical and Related Sciences Discovery District—and I've heard about it; it's called MARS—is one of the exciting components of this government's commitment to fostering useful new technologies. Minister, can you take a moment and highlight some of the details of the MARS Discovery District?

Hon David Turnbull (Associate Minister of Enterprise, Opportunity and Innovation): I cannot help but thank the member for Perth-Middlesex for this insightful question. It is very important—it really and truly is.

Interjections.

Hon Mr Turnbull: I hear heckling from the opposite side of the floor.

This is a very exciting project. It bolsters the development of cutting-edge medical and related science research. It's in close proximity to the University of Toronto and our leading research hospitals. What we're doing here is bringing together researchers and life science companies under one roof.

The government has committed \$20 million to the MARS project. This is going to lever approximately \$300 million worth of R&D centre; it will be a 1.2 million-square-foot development.

It supports the government's innovation agenda, it complements the research clusters in Ottawa, Guelph, Kingston, London and Hamilton, and it is indeed vital to our province's future, because it will provide jobs and opportunity for decades to come.

VISITORS

Ms Caroline Di Cocco (Sarnia-Lambton): I'd like to welcome to the Legislature the grandparents of Wade Carey, Norma and Graham Garner, and parents of Wade Carey, Joanne and Don Carey. They're in the members' gallery.

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PETITIONS

LONG-TERM CARE

Mr James J. Bradley (St Catharines): I have a petition addressed to the Legislative Assembly of Ontario. It reads as follows:

“Whereas the Eves government has increased the fees paid by seniors and the most vulnerable living in long-term-care facilities by 15% or \$7.02 per diem effective August 1, 2002; and

“Whereas this fee increase will cost seniors and our most vulnerable more than \$200 a month; and

“Whereas this increase is 11.1% above the rent increase guidelines for tenants in the province of Ontario; and

“Whereas the increase in the government's own contribution to raise the level of long-term-care services this year is less than \$2 per resident per day; and

“Whereas according to the government's own funded study, Ontario ranks last amongst comparable jurisdictions in the amount of time provided to a resident for nursing and personal care; and

“Whereas the long-term-care funding partnership has been based on government accepting the responsibility to fund the care and services that residents need; and

“Whereas government needs to increase long-term-care operating funding by \$750 million over the next three years to raise the level of service for Ontario's long-term-care residents to those in Saskatchewan in 1999; and

“Whereas this province has been built by seniors who should be able to live out their lives with dignity, respect and in comfort in this province;

“We, the undersigned petition the Legislative Assembly of Ontario as follows:

“Demand that Premier Eves reduce his 15% fee increase on seniors and the most vulnerable living in long-term-care facilities and increase provincial government support for nursing and personal care to adequate levels.”

I am in complete agreement, and I affix my signature.

COMPETITIVE ELECTRICITY MARKET

Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell): I have a petition of 1,312 names which comes for my riding and also from Kanata and Nepean. I'm up to 2,600-plus names on this petition.

“To the Legislative Assembly of Ontario:

“Whereas the Harris-Eves government deregulated electricity on May 1, 2002 in the province of Ontario, without it being in their election platform in either 1995 or 1999 and without the mandate of the people of Ontario; and

“Whereas the commodity of electricity has reached outrageous levels, having risen at times over 100% since May 1, 2002, causing Ontarians great financial hardship; and

“Whereas Ontario Power Generation (owned by the Ontario government) has applied to the Ontario Energy Board for a 20% reduction in the promised rebate to Ontarians if the commodity price of electricity rose above 3.8 cents per KWH; and

“Whereas the Harris-Eves government authorized exorbitant salaries and bonuses in the amount of \$2.2 million per annum be paid to their former president of Hydro One, and in excess of \$1.6 million per annum to the vice-president of Ontario Power Generation;

“Therefore be it resolved that we, the undersigned, demand that the Ernie Eves government take immediate action to ensure that Ontarians have fair prices for the necessary commodity of electricity in Ontario and that

the Conservative government and its leader, Ernie Eves, call a general election on the instability of the energy market so that Ontarians can have a voice on this issue.”

I add my signature to this.

NATURAL GAS RATES

Mr Michael Gravelle (Thunder Bay-Superior North): As angry as people are about the huge increases in their hydro bills, they're also very angry about Union Gas and the approval by the Ontario Energy Board to allow a \$120 retroactive delivery charge. I continue to read petitions to the Legislative Assembly.

“To the Legislative Assembly of Ontario:

“Whereas the Ontario Energy Board has consented to allow Union Gas to retroactively charge \$40 per month for a three-month period to recover additional system operation costs that occurred during the winter of 2000-01 totalling approximately \$150 million; and

“Whereas Union Gas will recover accrued costs over the peak heating season, causing undue hardship; and

“Whereas this retroactive charge will affect all customers who receive Union Gas, including new homeowners and new customers to Union Gas;

“Therefore we demand that the Ernie Eves government issue a policy directive under section 27.1 of the Ontario Energy Board Act disallowing the retroactive rate hike granted to Union Gas, and we further demand that the Legislature examine the Ontario Energy Board, its processes and its resources, and make changes that will protect consumers from further retroactive rate increases.”

I hope that Union Gas will back off on this and I'm very happy to sign my name to this petition.

EDUCATION FUNDING

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): “To the Legislative Assembly of Ontario:

“Whereas application of the student-focused funding model for 2001-02 does not allow sufficient funding to the Hastings and Prince Edward school board for secretarial support in schools, principals and vice-principals, transportation or school operations;

“We, the undersigned, petition the Legislative Assembly of Ontario as follows:

“To reassess the student-focused funding legislative grants for the 2002-03 school year to provide additional funding for those areas where funding is insufficient and to adjust future student-focused funding to address the situation of declining enrolments faced by the Hastings and Prince Edward District School Board and other boards in Ontario.”

I'm very happy to sign my name to this petition and I will hand it to Matthew, who will take it to the table for me.

LONG-TERM CARE

Mr Gilles Bisson (Timmings-James Bay): My petition reads as follows:

“To the Legislative Assembly of Ontario:

“Whereas the Conservative government increased fees paid by Ontario seniors and other vulnerable people living in long-term-care facilities ... instead of providing adequate government funding for long-term care; and

“Whereas the Conservative government has therefore shifted the cost of long-term care on to the backs of the frail elderly and their families; and

“Whereas this increase is 11.1% above the rent increase guidelines for tenants in the province of Ontario; and

“Whereas in 1996 Ontario abandoned its minimum requirement of 2.25 hours of nursing care per nursing home resident; and

“Whereas the government's own contribution to raise the level of long-term-care services this year is less than \$2 per resident per day; and

“Whereas according to the government's own study, government cutbacks have resulted in Ontario seniors receiving just 14 minutes a day of care from a registered nurse (less than half the time given to residents in Saskatchewan) and

“Whereas the report also found that Ontario residents receive the least nursing, bathing and general care of nine other comparable locations;

“Therefore, we, the undersigned, petition the Legislative Assembly of Ontario as follows:

“Join the Ontario New Democratic Party in demanding the Conservative government eliminate the fee increase for residents of long-term-care facilities, increase the number of nursing care hours for each resident to ... 3.5 hours per day, and provide stable, increased funding to ensure quality care is there for Ontario residents of long-term-care facilities.”

I've signed that petition.

COMPETITIVE ELECTRICITY MARKET

Mr Tony Ruprecht (Davenport): I have a petition here concerning the ever-increasing electricity prices in Ontario. It's addressed to the Parliament of Ontario and reads as follows:

“We, the undersigned residents of Toronto, demand that the government immediately stop the process of privatizing our electricity transmission system, the network of steel towers, transformers, wooden poles which transmit power from generation plants to our homes, and further postpone the electricity deregulation process until the Ontario public is given proof that privatization will not result in price increases; and place a moratorium on any further retailing of electricity until the Ontario Energy Board comes up with a standard contract to be used by all retailers; and that a standard contract spell out in clear terms that residential users are waiving their

rights to future rebates in exchange for fixed rates over a specified period of time.”

Since I'm in total agreement with this petition, I am delighted to sign it and pass it on to Maureen.

1510

LONG-TERM CARE

Mr Michael Gravelle (Thunder Bay-Superior North): Like my colleague from St Catharines, Mr Bradley, I want to read a petition related to the long-term-care increase, as it's happening all across the province, certainly in southern Ontario and northern Ontario.

“A petition to the Legislative Assembly of Ontario:

“Whereas the Eves government has increased the fees paid for by seniors and the most vulnerable living in long-term-care facilities by 15% or \$7.02 per diem effective August 1, 2002; and

“Whereas this fee increase will cost seniors and our most vulnerable more than \$200 a month; and

“Whereas this increase is 11.1% above the rent increase guidelines for tenants in the province of Ontario; and

“Whereas the increase in the government's own contribution to raise the level of long-term-care services this year is less than \$2 per resident per day; and

“Whereas according to the government's own funded study, Ontario ranks last amongst comparable jurisdictions in the amount of time provided to a resident for nursing and personal care; and

“Whereas the long-term-care funding partnership has been based on government accepting the responsibility to fund the care and services that residents need; and

“Whereas government needs to increase long-term-care operating funding by \$750 million over the next three years to raise the level of service for Ontario's long-term-care residents to those in Saskatchewan in 1999; and

“Whereas this province has been built by seniors who should be able to live out their lives with dignity, respect and in comfort in this province;

“We, the undersigned, petition the Legislative Assembly of Ontario as follows:

“Demand that Premier Eves reduce his 15% fee increase on seniors and the most vulnerable living in long-term-care facilities and increase provincial government support for nursing and personal care to adequate levels.”

I am very pleased to sign my name to the petition. I hand it off to Pierre, our page.

COMPETITIVE ELECTRICITY MARKET

Mr James J. Bradley (St Catharines): My petition reads:

“To the Legislative Assembly of Ontario:

“Whereas the Ernie Eves Conservative government has legislated the opening of the Ontario electricity market as of May 1, 2002, and the price per kilowatt hour

for electricity in the province of Ontario has nearly quadrupled since May 1; and

“Whereas the Conservative government of Ontario has done very little to address key issues, such as energy supply, which forces the province to import power and causes the price of electricity to skyrocket; and

“Whereas Ernie Eves has done a poor job in educating the public as to the ramifications of an open electricity market in the province of Ontario and has done little to punish the unscrupulous sales practices of door-to-door energy retailers; and

“Whereas the government of Ontario has saddled the population of Ontario with additional debt reduction charges, which further increases the amount that the citizens of Ontario have to pay per kilowatt hour, yet the hydro debt continues to increase; and

“Whereas the Mike Harris-Ernie Eves governments appointed the board of directors for Hydro One, who approved exorbitant salaries and compensation packages for Hydro One executives;

“Be it resolved that the Ontario government move immediately to protect our province's electricity consumers by addressing the serious generation problem in Ontario, by punishing unscrupulous electricity retailers and by moving forward with a rebate to offset the increasing costs of electricity in Ontario.”

I affix my signature, as I'm in complete agreement, as I suspect the Speaker is as well.

SCHOOL CLOSURES

Mr Tony Ruprecht (Davenport): I have another petition here that is important. It concerns the school closures in Toronto.

“Whereas” the government “is cutting the heart out of many communities by closing hundreds of neighbourhood...schools...; and

“Whereas this massive number of school closings all at once will displace many children and put others on longer bus routes; and

“Whereas” the government “promised in 1995 not to cut classroom spending but has already cut at least \$1 billion from our schools and is now closing many classrooms completely; and

“Whereas” the government “is pitting parent against parent and community against community in the fight to save local schools; and

“Whereas parents and students in the city of Toronto and indeed many other communities across Ontario are calling on the government to stop closing so many of their schools;

“Therefore we, the undersigned, petition the Legislative Assembly of Ontario as follows:

“We demand that” this government “stop closing local schools.”

As I'm in agreement, Mr Speaker, I'm delighted to give this to Maureen to give to you.

NATURAL GAS RATES

Mr Michael Gravelle (Thunder Bay-Superior North): Mr Speaker, with your permission I will read some more petitions related to the Union Gas retroactive delivery charge being approved by the Ontario Energy Board, and the government of Ontario doing nothing to stop that so far.

“To the Legislative Assembly of Ontario:

“Whereas the Ontario Energy Board has consented to allow Union Gas to retroactively charge \$40 per month for a three-month period to recover additional system operation costs that occurred during the winter of 2000-01 totalling approximately \$150 million; and

“Whereas Union Gas will recover accrued costs over the peak heating season, causing undue hardship; and

“Whereas this retroactive charge will affect all customers who receive Union Gas, including new homeowners and new customers to Union Gas;

“Therefore we demand that the Ernie Eves government issue a policy directive under section 27.1 of the Ontario Energy Board Act”—right there, Mr Speaker—“disallowing the retroactive rate hike granted to Union Gas, and we further demand that the Legislature examine the Ontario Energy Board, its processes and its resources, and make changes that will protect consumers from further retroactive increases.”

I have received thousands and thousands of petitions on this issue. I absolutely have, and they continue to come in. I am very pleased to add my name to this petition, and I hope that the government acts and that Union Gas backs off.

ORDERS OF THE DAY

TIME ALLOCATION

Hon Helen Johns (Minister of Agriculture and Food): I move that pursuant to standing order 56 and notwithstanding any other standing order or special order of the House relating to Bill 187, an Act to protect the rights of agricultural employees, when Bill 187 is next called as a government order, the Speaker shall put every question necessary to dispose of the second reading stage of the bill, without further debate or amendment, at such time the bill shall be ordered for third reading, which order may be called on that same day; and

That, when the order for third reading is called, the Speaker shall put every question necessary to dispose of this stage of the bill without further debate or amendment; and

That the votes on second and third reading may, pursuant to standing order 28(h), be deferred; and

That, in the case of any division relating to any proceedings on the bill, the division bell shall be limited to five minutes.

The Speaker (Hon Gary Carr): The minister has moved government motion 50 and, just for clarification, it's pursuant to standing order 46.

The member for Lambton-Kent-Middlesex has the floor.

Mr Marcel Beaubien (Lambton-Kent-Middlesex): It's a pleasure for me to rise today in the House—

The Speaker: Order. I'm afraid there's some misunderstanding. If the minister doesn't speak, the rotation goes to the other side. We'll get back to you in a minute. Sorry about that. I should have known that. So the rotation will go to this side and then back to the other side. I apologize.

The member for Elgin-Middlesex-London.

Mr Steve Peters (Elgin-Middlesex-London): Thank you very much, Speaker.

What we're witnessing today is I guess unfortunate. It's what we're seeing become rampant within this government, and that's another time allocation motion.

All of us were sent to this place, from 103 ridings across this province, to ensure that every piece of legislation receive its just due and receive the proper debate that should be allocated to it. What we're seeing here, though, is time allocation, which limits the allocation, which limits debate. In many ways, that is stifling the democratic tradition of this House.

If you look back at the track record that exists from the Davis era to the Peterson era to the Rae era to the Harris-Eves era, it is unprecedented, what we have witnessed in the number of time allocation motions.

1520

The purpose of legislation and the purpose of this very building we stand in and rise in is to ensure healthy debate. It's to ensure that the government puts forward its case for support for a piece of legislation and that Her Majesty's loyal opposition and the third party have that opportunity for debate. But this government has a track record of shutting down debate. I think it's important for the people at home to know that the issues you want us to discuss in this Legislature aren't being adequately discussed.

When we stand up come next election time, I think it's incumbent that the Conservative members explain to the electorate of this province why they are so intent on putting forth time allocation motions.

This is an important piece of legislation that we have in front of us. I'm going to speak to it, but I would love to have had the full time allocated for us.

Hon Brenda Elliott (Minister of Community, Family and Children's Services): Go right to the heart of the matter, then.

Mr Peters: If we want to go to the heart of the matter, Minister of Community, Family and Children's Services, we could talk a bit about your failure of funding allocations for persons with developmental disabilities in this province. How dare you come to the city of London and make an announcement and then allocate just a little over \$1 million for persons with developmental disabilities in the southwest region? That's shameful. It's disgraceful.

Hon Mrs Elliott: It's \$64 million.

Mr Peters: It's \$64 million, but how much was allocated to the southwest? The southwest was short-changed last time and the southwest has been short-changed again. I would encourage the minister to speak to the heads of associations for community living and the desperate situation they're facing and the constant calls coming into their offices.

I'm going to provide the minister with a list of families I want her to speak to, to explain to them why, when they have spent years saving the system hundreds of millions of dollars and all of a sudden now, when they need a home for their child and a place for that child to live—in many cases now it's an adult—there's no place to go. There's no room at the inn. You're putting your head in the sand when it comes to persons with developmental disabilities.

Mrs Julia Munro (York North): Mr Speaker, on a point of order: the member opposite was referring at the beginning of his remarks to the difficulty he had in being able to make those remarks, given the time allocation. I would suggest that perhaps his time should be spent debating the bill rather than other issues.

The Deputy Speaker (Mr Bert Johnson): That's almost a point of order. The point of order is that we'd like you to bring your remarks within either the bill that is being time-allocated or the time allocation itself.

Mr Peters: I couldn't resist the opportunity when I was being heckled. The Minister of Community, Family and Children's Services is not addressing many issues that face families in this province. This is a time allocation motion and I think the minister has certainly let down many families in this province. I will stand up at any time to speak for families and put people first, because you don't put people first. This government doesn't put people first. You've abandoned people in this province and you should be ashamed of what you've done to those individuals.

I'm going to provide you with that list and I want you to speak to those families. Many of those families live in rural communities as well. I can think of individuals who live in a rural community, and the many challenges that are faced by the agricultural community and people living in rural communities in this province.

We're talking about Bill 187, the Agricultural Employees Protection Act, which affects rural communities. Issues facing rural communities have not been adequately addressed by this government. This government fails to recognize that there is a difference that exists in this province between urban and rural. Issues facing rural communities are much different than those facing urban communities. The costs associated with providing services in a rural community are much greater and the challenges facing rural communities are much greater. This government truly has failed to recognize that.

Time allocation is shutting down this debate. There are so many issues facing the agricultural community today. I know the minister doesn't want to talk about issues facing persons with disabilities, so we will talk about agriculture.

The minister, in her speeches, has talked about keeping the agricultural industry competitive. When she introduced this piece of legislation that we have in front of us today, she talked about keeping the industry competitive.

But in many ways this government has thrown many roadblocks in front of the agricultural industry in this province. We heard a question yesterday in this Legislature where the market revenue cheques have gone out, and I do compliment the minister for her recognition in dealing with the agricultural policy framework that was initiated by the federal government. That the minister recognized the unique needs of Ontario and the unique needs of the grains and oilseeds sector in this province. She ensured that the provincial 40% share was flowing through the market revenue program, and that's good. But, you know, what has happened is, a lot of farmers have received those cheques, those cheques started to come in the mail this week, and they thought, "Well, that's nice that we've received our market revenue cheque," but in the same mail the hydro bill arrived.

That market revenue cheque that's supposed to be there and help lessen the impact of the high American subsidies and the high subsidies that exist from the European Union—they said goodbye to that cheque because of their hydro bills that are spiralling out of control with this government. Many of them, as they're out harvesting their corn right now, their corn dryers are up and running—you know what has happened? Many of them who use gas are now going to have to pay a retroactive bill because this government has allowed the Ontario Energy Board to allow Union Gas to retroactively bill for a mistake they made in the winter of 2000-01. So on one hand you're putting cheques into the farmers' back pockets, but because of your compliance with and support of the Ontario Energy Board, support for what's happening and allowing the rates to skyrocket with hydro, the cheque goes in one pocket and a good chunk of it's coming out of the other to pay the bills. That's a real shame.

Nutrient management is another section where you've let down the agricultural community in this province. We've heard many a comment made that all the recommendations that Justice O'Connor would be dealing with in his reports, parts one and two, would be implemented by this government. We saw the clean water act introduced yesterday, which may implement 50% of them. But we saw recommendations that Justice O'Connor made—as far as providing financial incentives to the agricultural community in order for it to comply with the Nutrient Management Act, we saw this government turn it down.

I had an opportunity to speak to the Bruce Federation of Agriculture last Friday. As I drove from my constituency office in St Thomas and drove north through the Deputy Speaker's riding of Perth county, into Grey county, and a bit into Bruce county, Huron, Wellington, I saw farm after farm that, in order for it to comply, is going to need help from this government. Yet the government turned down that recommendation, and that's

again a shame, that they don't recognize the need to help the farmers to comply with nutrient management.

Bill 187, which we have in front of us today, as we know, is in response to the Supreme Court ruling of December 2001. We know that it's in response to the repeal of the former Bill 91, which was introduced by the NDP government in 1994. The Liberal Party stood up and spoke against that piece of legislation in 1994. In 1995, after the election of the Harris government, we saw the introduction of Bill 7 and the repeal of that act. We supported the repeal of the agricultural component of that act, but unfortunately we couldn't support Bill 7 because it had so many hostages in it. This government is so well known for putting hostages in bills.

1530

It leads us to the piece of legislation we have in front of us today, the response to the Supreme Court ruling we have with Bill 187. My concern with this bill is that this government is going to lead us back into court again. We've spent goodness knows how many dollars in defending the repeal of Bill 7 all the way to the Supreme Court. This legislation does mirror the Supreme Court ruling, but I'm very concerned that we are going to be back in court again and you are going to cause undue hardship, an additional hardship, on the taxpayers of this province with this piece of legislation in front of us.

I recognize that we do need to see the uniqueness of the agricultural industry, need to recognize that the agricultural industry has changed in this province. We're still waiting for the minister to define what the family farm is. We're still waiting for the minister to define an industrial agricultural operation or an intensive livestock operation or a factory farm. What is that? I think it's incumbent on the minister to explain to every one of us what those definitions mean. They haven't been adequately defined by this minister.

But farming and agriculture have changed in this province. This past Saturday I had an opportunity to be at Walker Farms, located in the eastern part of my riding. The Walkers have a family farm, but the Walkers milk 600 cows a day, with four employees. Agriculture has changed. And we cannot in any way allow anything to get in the way of that operation. There cannot be in any way any work stoppage in trying to milk those 600 cows. From that standpoint, the intent of this legislation is in the right direction.

But the face of agriculture has changed in other ways as well. We are seeing more and more farms that have gone beyond traditionally growing a product, producing a product and putting it on to the truck and shipping it off. That has changed. Some farms have gone from the field almost to the fork, to full production. Some of those changes that have occurred in the agricultural industry we need to have a look at. Those changes aren't addressed in this legislation in front of us here.

It's because those changes have occurred and haven't been addressed in this legislation that we are going to end up back in court again. I think if the government was intent on ensuring that it developed a piece of legislation

that met the needs of agriculture in this province, it would have looked at all the issues and it would have talked to all the players, but they haven't done that. In responding to the Supreme Court ruling, this legislation, in my mind, is going to get us back into court again.

What's sad about this legislation—and we haven't heard the discussion on it yet—is the fact that we are dealing with a time allocation motion that is stifling debate among the 103 of us in this Legislature but we've yet to hear a commitment from the Minister of Agriculture to public hearings to allow other individuals from across this province an opportunity to have their say in this bill. We're getting our say with this bill in this Legislature, but there are a lot of individuals out there who aren't getting a say, be they in favour of the legislation or against the legislation. It's incumbent on us. We owe it to the public to allow for that opportunity for public hearings. We've yet to hear that commitment made from the government that we're going to have public hearings. Listen to that time allocation motion. It doesn't sound like we are going to have public hearings. It doesn't sound like there's going to be an opportunity for any amendments. This government is going to ram this bill through, plain and simple. That's what they're going to do. I think it's a shame that we're not giving everybody out there that opportunity for public hearings.

A number of issues are thrown into the mix as—I wouldn't call them red herrings, but I would call them issues that are maybe beyond the scope of agriculture in Ontario. One issue we've heard about and hear about regularly—my riding depends on them—is migrant workers. We know, for example, that there are close to 100,000 individuals associated with the agri-food business in this province. But one of the things a lot of people probably don't know is the vital role migrant workers play in agriculture in Ontario. Close to 20,000 individuals come to Ontario from all parts of the world to work in the agriculture industry. They may be here to help with the tobacco harvest or they may be here to help with the fruit harvest. A huge number of migrant workers come to this province. But migrant workers are covered under federal legislation.

We can slough it off and say, "Oh, migrant workers are a federal issue," but I think it's incumbent on the provincial Minister of Agriculture to make sure she's sitting down at the table with the federal government to ensure that those individuals coming into this province are fully protected, because they contribute to the Ontario economy. Individuals I've met over the years who have come to Ontario from Jamaica have been coming to this province for 15 and 20 years, and now we're starting to see the second generation come. They're an important part of the economy, because these individuals buy food and many goods and services while they're here in this province. Many of those goods are taken back to their country of origin to help their families out. But while they're here, we need to make sure that we're not sloughing them off as a federal issue, that there is a role for the province to play, to work with the federal government in ensuring that the rights of migrant workers are

protected in Ontario. I urge the minister to enter into those discussions, to work with the federal government and the agricultural community to ensure that we're meeting the needs of those individuals who are coming to this province.

Another area that is not addressed in this legislation is the whole question of workplace health and safety. I commend the Farm Safety Association of Ontario for what they have done. With the limited resources that have been made available to them—I believe for the first time ever, the province a year ago finally granted them \$90,000 for their work.

I think we need to hear more from the Minister of Agriculture about how she's going to support health and safety in the workplace in this province and educate those individuals, be they on the family farm or working in larger, industrial processing operations. But this legislation is silent on health and safety issues. The government's response is that this legislation is in response to the Supreme Court ruling. But why don't we make this the best piece of legislation we can, not make it a second piece of legislation that only goes so far? Why don't we use this opportunity, if we were granted the opportunity for full debate and public hearings, to strengthen this legislation to truly show the commitment to the agricultural industry in this province, the number two industry? It's an industry, unfortunately—and those of you watching at home right now, if you ate today, thank a farmer. Think about it.

1540

We take food for granted in this country. We take food for granted in this province. We've enjoyed a wonderful, cheap food policy, but who hasn't had a hand in it all is the farmer. As you move the product up the chain, everybody seems to make more and more money out of it until the time it gets to the retail market, but the farmer has been left behind. We know the challenges that farmers are facing with food safety, with nutrient management and with pesticide use. More and more costs are being put on the backs of farmers and they don't have the opportunity to recoup those costs. So I think it's important that the average person in Ontario recognizes the important role agriculture plays in our economy and that we can't take food for granted.

After September 11 we heard a lot about security and protecting our borders and protecting our airports. But do you know what we didn't hear about? Not once did we hear from anybody on that side about protecting our food supply and recognizing that food should be part of a national security system. We depend on food. We need the farmers to earn a good living, but we as individuals need those farmers to remain competitive and remain in production. We need those farmers to be there. We need to recognize that we live in one of the most bountiful provinces in the world. There are countries that are envious of what we produce in this province. We need to do everything we can to protect the agricultural industry, and we can't continue to take the farmer for granted.

We've got a lot of work to do in educating the public. I know there are individuals out there who are trying to

do a better job at educating children in the classroom as to where food comes from so that, hopefully, they then will have a better understanding of the food production system. I know in rural schools they're trying to work toward educating students in dealing with farm safety issues so that they'll have a better understanding of what it's like living on a farm.

I don't come from an agricultural background but I've had the opportunity, representing a rural riding, to see a farm and to see not only the challenges a farmer faces but the wide variety of risks that exist on a farm. We need to do more to help the farmer in dealing with health and safety issues and we need to do more in strengthening legislation. This legislation is a start but there is a great deal more to do.

We're losing, though, the opportunity for that good, healthy debate in this place, because again and again we see these time allocation motions introduced. It is a sad day for democracy in this province to see good debate being shut down. Why this government is so intent on time allocation motions, I don't know. We heard about an aggressive agenda for this government in the fall. We haven't seen that aggressive agenda.

With this bill we are going to end up back in court again; there's no doubt about it. I think that's where the Minister of Agriculture has let the taxpayers of Ontario down and let the agricultural community down. This should have been a piece of legislation that not only recognized the order of the Supreme Court but recognized the changes that have taken place in agriculture and recognized that there are other issues facing agriculture out there right now. This piece of legislation didn't do that and it should have done that.

But we're not going to have that opportunity for amendments. We're not going to have the opportunity for public hearings. It's non-existent. I think that's a real failure on the part of the government, because I think the goal of every one of us here is to protect the agricultural industry. I don't think there is anybody who doesn't recognize that this is an industry that is unique and that is facing unprecedented challenges right now, be they from the Americans or the European Union. It's facing challenges from climate. That's one thing we as politicians can't do anything about. But it's also facing the challenge of just the very survival as the face of agriculture changes. I think it's incumbent on every one of us, be we urban or rural politicians, to do everything we can to strengthen and support this industry. We do require that we protect the industry. It is a start.

Mr Beaubien: Vote for the bill.

Mr Peters: I heard some heckling just now about voting for the bill. We have said all along that we will be supporting this bill. We spoke against the NDP bill, we supported the repeal of the NDP bill and we will be supporting this bill. But we could be going further, and that's where this government has failed. They haven't recognized how this industry has changed, and it has changed. We need to ensure that as an industry evolves and changes, we do everything in our power to support that industry and keep that industry competitive. To date

we haven't seen that in this piece of legislation that's in front of us.

There are so many issues facing agriculture today. I think it's incumbent on the minister to stand up and—

Interjection.

Mr Peters: My apologies, Mr Speaker. We're just gearing up some timing. I'm going to be relinquishing the floor to my colleague from Sarnia-Lambton.

I think it's important to recognize that she's an urban politician. Food affects us all. Agriculture affects us all. We need to support this industry. We need to recognize that this is an industry that's different. This is an industry that can't afford to have work stoppages put in front of it. We are dealing with a perishable commodity.

In closing, we will be supporting this bill. But I'm very sorry that we haven't heard a direct commitment, and maybe we will from a government member, that this bill is going to go out for public hearings so that we give everybody an opportunity to have some say and some input into this most important piece of legislation.

The Deputy Speaker: We will proceed clockwise.

Mr Michael Prue (Beaches-East York): I will be sharing my time with my colleagues, who are not here at the moment but will be arriving shortly.

We are debating this here bill today because the Supreme Court of Canada said that the government opposite did the wrong thing back in 1995. You took a piece of legislation which was working in the province, you threw it out and brought in your own piece of legislation, which is unconstitutional. We are here today and you are attempting to make constitutionally correct a piece of legislation which the courts have already rejected.

We are going around in a circle today because, I am absolutely convinced, as was the previous speaker, when this goes back to the Supreme Court of Canada, as it surely will, the Supreme Court will again reject what you are doing, because what you are doing is fettering the rights of citizens of this country to belong to an association, an association that could be a union, an association with teeth that can benefit them, that can speak for them, that can protect them, that can bargain for them.

1550

This is nothing but a bill that says they can talk to each other. Well, everyone can talk to everyone. This is a bill that says they can talk to their employer, but their employer doesn't have to do anything. This is a bill that says they can write down a grievance, but the grievance does not need to be answered.

This bill, let us be very clear, is not about farmers; it is not about farming; it is a bill, as you have so carefully written, about agricultural workers. But it is a bill—it is misnamed an Agricultural Employees Protection Act—that does not protect the people who work on the farms and in the agri-business of this province.

There is no right of collective bargaining. There is no right to strike. There is no right to even form a union and have arbitration; that is, no right to strike but a right to sit down with an arbitrator who will be fair to both sides. There is no right to do that. We have to remember, that's

all the NDP bill, back from 1994, did. It offered the right to collectively bargain with arbitration, without the right to strike. No one is suggesting, not even the members of the NDP, that this be included in the bill, because crops can spoil in the field, because we need to protect the food source. But we believe that all workers, most especially those on farms, deserve the right to collectively bargain and to have arbitration for fair wages and fair conditions of work.

This bill does not allow for a certified bargaining agent, so if you're not happy with the little association of eight or 10 guys who work on a farm, you can't go out and find someone else, because you don't have a certified bargaining agent.

If there is a grievance, if there is something that's going wrong, you are not heard before the Labour Relations Board like every other worker in Ontario. You instead go before the Agriculture, Food and Rural Affairs Appeal Tribunal, which absolutely has never had any jurisdiction, has no case law, has no people trained to deal with workers.

Last but not least, section 17 of the Labour Relations Act does not apply to these workers. I am totally convinced: go ahead and pass the bill. I know the members opposite will stand up one after another and pass this bill. But make no bones about it: this will end up back before the Supreme Court of Canada again, and the next time the Supreme Court will impose upon this Legislature what should be done in the first place, and that is the right of every person in this country to belong to an association, including a union, and the right of those people to bargain on their own behalf. I look forward to the Supreme Court doing what this Legislature should do.

I heard the members, yesterday and today, from the Liberal Party speak about this bill. They talk about the family farm and the farmers and they waffle a little bit, talking about how the government opposite isn't making a clear distinction between agri-business and the little ma-and-pa farm. Clearly, with the greatest of respect to the farmers of this province, the era of small, tiny little farms is fast coming to an end. Whether we like it or not, agri-business and large farms are the order of the day.

The era when you could bring in a couple of guys at harvest time to help you bring in the crops or pick the apples in the orchard, off the fields, for a few weeks in September has long since passed. The agri-business of today has hundreds and hundreds of workers. The places have hundreds and hundreds of workers who would do everything from picking mushrooms to the huge expanse down around Leamington—

Mr Dave Levac (Brant): The little ones are still out there, Mike.

Mr Prue: Pardon?

Mr Levac: The little ones are still out there.

Mr Prue: There are some little ones. I never said they're not there, but they are disappearing. They are slowly but surely coming down in numbers. It's a reality, whether we like it or not.

There's a whole romantic nostalgia about this, about the family farm and the independence of the farmer,

which I think we should try to preserve, but we also have to understand the economic reality of it. The economic reality is that there are fewer numbers of those people every year. Their own children do not want to stay in that kind of business. Those who are successful get large or they fail, and that's the reality.

But this is not about the farmers, and I want to go back to that again; it's about those who work for the farmers, those who eke out their living for hire, those who go to the small farms, the large farms, the agri-businesses, and work for a salary. They do not work for anything except a salary. They are usually paid the minimum wage to come into the fields, to come under the tents on the farms, to the tobacco farms, and to work in places where you grow mushrooms.

All across the entire length and breadth of this country and this province people have the right to unionize, to organize. People have the right, through arbitration or through the right to strike, to collectively bargain. One can go into the mills, the mines, the factories, the stores, the sweatshops, the schools, the universities, the forests, the civil service, the fisheries or anywhere else people earn their living in this country and find that they have the right to organize, given by this Legislature and by the government of Canada.

The only group that does not have this right are those who make their living on the farms. This government is bound and determined that those people, the most vulnerable perhaps among all the people of this country, will never have the right to do anything except work in subservient conditions, will never have the right to protect themselves, their children or their families, and will be subject, I suppose, to all the problems of workplace health and safety.

We know from the statistics in this country that farming is one of the most dangerous jobs there is. In the eight years from 1990 to 1998, for which there are statistics across this country, clearly 1,049 people lost their lives. Thousands were maimed and injured. Yet it is being said they have no right to take that matter into their direct control and bargain for safety.

The Canadian experience on this surely should teach us all something. More than a century ago, Sir John A. Macdonald stood up and did something that shocked many people in Canada. He gave workers the right to organize and the right to strike. Had he not done so, they probably would have done it anyway, but he gave those people the right to collectively bargain and it was enshrined in Canadian law more than a century ago.

There were already unions in existence at that time, but he did something as a Conservative I wish there were a few more of today. He had a social conscience. He understood that people needed to be protected from the excesses of employers, that they needed to have a right to improve the working conditions and the pay they got from the work they did. He did a remarkable thing, and that was a century ago. Members opposite do not recognize, for farm workers anyway, that that same right should be extended today to the last remaining group who do not have any rights at all.

The Canadian experience—I would like the Liberals to listen to this little part—goes back to the civil service of Canada, which up until 1965 had no rights to collectively bargain, but Lester Pearson thought that workers in this country who worked for governments should have rights too, that they should have the right to determine what their pay is or at least to argue about it, that they should have the right to protect themselves in the workplace in terms of health and safety risks.

In 1965 and 1966, Lester Pearson did a pretty gutsy thing. He extended the right to collectively bargain to all civil servants in this country. That right was extended here in Ontario by both Conservative and Liberal governments, which allowed teachers and civil servants to collectively bargain.

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Our experience in all this, although painful at times, has shown it works. From time to time there are work stoppages, but for the majority of times things are resolved amicably. You can ask anyone who works in those fields who was not previously protected. The working conditions have improved. There are fewer deaths; there are fewer people losing an arm or a leg; there are fewer people suffering from chemical hazards; and there are people today who work in unionized shops who make more money than they previously did. The corporations and the businesses did not simply die.

The right to collectively bargain and/or arbitration was given to federal civil servants and to our own employees of this Legislature in the province of Ontario a long time ago. They have the right to strike and they would exercise it from time to time. The concept is essential to all workers.

I would ask all the members, but especially the Liberal ones, to remember your roots and to remember that workers need to be protected. Not only do farmers need to be protected, but workers need to be protected as well, especially workers who work in factory farms, in places like the mushroom plant that was the only one unionized under the former legislation, where they worked 24 hours a day inside a factory with manure—how mushrooms are grown—and in the dark. That was the only group that attempted at all to organize.

What we have for every other worker in our society we should give to the most vulnerable, and those are the ones who work on the farms of this province. If we are going to deny it to the poorest among us, then there has to be a better reason than the one enunciated by either of the other two parties.

Others have talked about migrant farm workers. I think, alone among all the people here, I have had a unique perspective in dealing with those men, and in the days I dealt with them it was only men. Farm workers started to come to this country some 30 years ago. They started to come in large numbers as Canadians and Ontarians became less and less enchanted with the mind-numbing and back-breaking work of the fields. They started to come here to harvest tobacco and to work on the farms and to pick the fruit. They came at first mostly from Jamaica, later from other places in the Caribbean, a

few from South America, and more recently a lot from Mexico.

If you've ever met any of these people, as I did when I worked in the immigration department for some 20 years, you would know they have several things in common: they are all poor. They were coming here to make the minimum wage so they could send something home to their families, because no matter how bad the conditions were here, at least they were getting some money to send home, where in the places they came from the poverty was absolutely endemic. It was better to have a job than no job at all, and they would come here. They would put up with abuses that would startle you, that would startle the members of this House. Not only did they get paid the minimum wage, but also they were sometimes treated abysmally by their employer and had absolutely, totally no redress except to run away.

As an employee of the immigration department, it was my job on occasion to try to catch them because they had run away from their workplace and therefore were in violation of the work permit and the immigration rules, but also later to try to deport them for the heinous crime of running away from someplace many of you would know was absolute and total servitude. It wasn't servitude for life, but it was servitude for the life of the contract, the work permit, they had.

They lived in horrendous conditions. They were bunked sometimes 15 to 20 people in a small room. They had to pay for this. When they were a few minutes late for work in the morning, they were docked. They were worked sometimes 12 to 15 hours a day without break, without water in the fields, in the heat. They had to put up with that because if they complained, the employer would say they would call the immigration department, send them home, and they would never get another job there again, which was absolutely true.

They couldn't do a single thing about it. If they said anything, the employer would not listen. Everything fell on deaf ears. They had no representation. Not much has changed at all in those 25 years since I stopped doing this. The conditions may be a little bit better, but not much.

I would ask the members opposite and the members from the Liberal party who intend to vote for this bill to go out and see some of these migrant farm workers, these poor people who come because they have nothing else, because this is the only chance they have to get some money for their families.

Ms Caroline Di Cocco (Sarnia-Lambton): This is a first step.

Mr Prue: This is not a first step. This is continuing servitude for those very people who have no right to organize and no right to complain. I will tell you, go out and see the conditions and you will know why many of them ran away in the old days and why many of them do not live out the contract even to this day. It is because the conditions are that horrible that their only option is to leave. And when they are found working in a factory or someplace in a city, usually for the same low wages, they will at least tell you that the conditions are better. They

do not have to put up with what they have to put up with today.

In California, all those years ago, the United Farm Workers of America went out and organized the migrant farm workers of that state and that country. I don't know whether you all remember the horrendous conditions in which they worked, but those horrendous conditions are some of the same horrendous conditions that the workers work in here. You have problems of workers being sprayed with poisonous chemicals while they are in the fields. You have people losing their lives. You have people losing limbs. You have children who do not have schools to go to. You have people living in unsanitary conditions who might suffer from tuberculosis. All of those things exist. But they are not going to be given the right to do anything or say anything that will allow that to go to grievance, to the Ontario Labour Relations Board or anywhere else.

The Supreme Court was absolutely right when they said that the workers in agriculture are not terribly different than the workers in the mills, the mines, the factories, the sweatshops or anywhere else that people are allowed to have freedom of association. If this government is intent, with Liberal support, to pass this bill today or tomorrow or whenever it happens, if you are intent on doing so, then I can only hope, with the greatest of hope possible, to stand here and not only vote against it but to ask that it immediately be sent back to the Supreme Court. I am confident that the Supreme Court in its wisdom will come to exactly the same conclusion they did before, that you are attempting to fetter the rights of people in this country who indeed have the same rights as everyone else—the right to security, the right to collectively bargain, the right to look after themselves and their families—and that this bill is nothing but a sham being put forward by this government in an attempt to circumvent what the highest court in this land has said.

I think I have said enough. I'm going to leave the rest to my colleagues, but I would like to say I will consider it a privilege and an honour to vote against this bill when it finally comes through.

Mr Beaubien: It's a pleasure to rise in the House today to speak on the time allocation on Bill 187, An Act to protect the rights of agricultural employees.

There has been some discussion by the members from Elgin-Middlesex-London and Beaches-East York, but first of all, for the record, I would like to put what the purpose of the bill is all about. "The purpose of this act is to protect the rights of agricultural employees while having regard to the unique characteristics of agriculture, including, but not limited to, its seasonal nature, its sensitivity to time and climate, the perishability of agricultural products and the need to protect animal and plant life."

Having said that, it also protects the rights of the employee. It says under subsection 1(2):

- "1. The right to form or join an employees' association.
- "2. The right to participate in the lawful activities of an association.

“3. The right to assemble.

“4. The right to make representations to their employers, through an employees’ association, respecting the terms and conditions of their employment.

“5. The right to protection against interference, coercion and discrimination in the exercise of their rights.”

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I think the purpose of the bill is fairly clear. I’ve heard some of the comments from across the floor stating that again it’s an attack by this government on the employees’ rights. Representing a rural area, I realize—and I agree with the comments made by the member from Elgin-Middlesex when he said that there are many challenges faced by the farming community, whether it’s through the global markets with the Americans and the South Americans. However, I think we have to look at climate changes, the dryness of the weather we’ve experienced this summer, sometimes the insects they may encounter. We also have to realize that planting time is a very sensitive time for farmers. The weather conditions must be perfect. It’s difficult enough for the farming community to make sure that the crops get in at the proper time without having any labour disruption. What this bill does is make sure that our food supply, not only for rural Ontario but for urbanites, will be guaranteed. As I said, there are many challenges, through climate changes, the wet weather and things like this.

Let’s look at harvesting time also. Many farmers have harvested their crop already; some are still doing it. If there were to be a disruption today—I’m sure the member from Beaches-East York never mentioned the cost of food in Ontario. I think he did mention the fact that there was a plentiful supply of food, but our food in Ontario is very cheap. I think we’re very fortunate to have a plentiful, very affordable source of food. Basically, this bill helps to make sure that we will continue to have a reliable, affordable source of food.

The member from Elgin-Middlesex-London pointed out that this government likes to put roadblocks in front of the agricultural community. I strongly disagree with that. The purpose of this bill is to remove roadblocks in the agricultural community. By having a reliable source of labour that will plant and harvest the crops in a timely manner, when the weather allows it, it allows us to provide an affordable, reliable source of food to the residents of Ontario—not just the rural community but the urbanites.

The member from Elgin-Middlesex-London also mentioned that we are the most bountiful province when it comes to growing agricultural products, and I would certainly agree with that. You mentioned the challenges farmers face and the risks the farming community takes. There is no doubt that no one can disagree with that. There are challenges faced by the farming community on a daily basis. Especially today, when we look at the intensity of the capital investment they must put into their farm, into their equipment, it is a challenge, and there’s no doubt some are struggling. Some have struggled in the

past and probably some will continue to struggle in the future. However, I think as a government we have a responsibility to make sure that instead of putting roadblocks in front of the agricultural community, we remove roadblocks.

The member from Beaches-East York touched on a very legitimate point when he talked about the small farms disappearing. I agree with him. I think that is a challenge that the farming community has faced, is facing and will continue to face. I know it’s very difficult today to define what a family farm is. I think a number of years ago you could probably describe the family farm as a mom-and-pop type of operation, with 50 to 200 acres, a couple of cows, a few pigs, a few chickens and maybe 15 acres of corn. But today I know in my own riding of Lambton-Kent-Middlesex there are family farms that are very, very successful. Some of them are incorporated, some are not, but they farm anywhere from 1,000 to 4,000 acres. It is a business. There’s no doubt that the member from Beaches-East York is quite right in saying that the small farmers are becoming a thing of the past and there is a trend toward the larger farms today in order to economically survive the challenges they are facing on the farm.

I look at constituents like Jack and Chris Greydanus in my riding. They’re a couple of young people who came into the area, I would say 10 to 12 years ago, and decided to get into the chicken business. I look at what this young couple has done in the past 10, 12 years. Not only have they grown their business but they’ve grown it in a very efficient and businesslike manner. I think this young couple realized the merits that the agricultural lifestyle could provide to them, but they also realized that there was a tremendous financial investment they had to make. Consequently, they realized that in order to survive and be competitive in the future, they had to run it like a business, and that’s exactly what they are doing today. I certainly have nothing but the greatest of admiration for what they have done on their farm. I think that now their son is also involved in the farming industry. They must have made one good impression on the family for the son to continue the chicken operation custom in the Greydanus family.

We can talk about the rights of employees, but the issue of freedom of association is guaranteed under the Charter of Rights, and this bill will not impact on this at all. This bill would extend legislative protections to agricultural workers to ensure that their rights to form and join associations can be exercised in a meaningful way. There’s nothing wrong, I think, with belonging to a union or an association. However, when we look at the challenges the farming community is facing, it is imperative that we remove the roadblocks to make sure their planting and harvesting is done in a timely manner, to make sure we have a plentiful and affordable supply of food.

Before we introduced this proposed legislation, we also talked to the people it would affect the most: namely, members of the agriculture community and representatives of organized labour. We’ve certainly

heard different opinions from different people in different areas, but I think overall most of the people we had consultations with were quite supportive of the bill. They realized that there has to be some balance between employees' rights and the employers' rights to grow crops in a timely manner. I would like to stress here that it is also important that all agricultural employees be treated in a very consistent manner.

I agreed with the member for Beaches-East York when he said that some employees, especially itinerant workers, have been treated in an abysmal manner in the past. I'm sure that has occurred in the past, it probably occurs today and it probably will continue to occur in the future. However, we do have legislation in place to protect these individuals. I am sure he's not suggesting that by making sure we have legislation in place that would allow employees to go on strike during harvesting and planting, employees would not be treated unfairly. I think if we look in the workplace today, if we make a comparison, even though there are some locations or some industries that are unionized, I would suggest that we probably could take some examples whereby some employees are not treated fairly. I don't think it's a matter of associations or unions. Sometimes we do have some employers who are not fair to their employees, whether you're unionized or not.

With this, Mr Speaker, I speak very strongly in favour of this bill and I would certainly suggest that all members of the House support this bill for the common good of all Ontarians.

1620

Ms Di Cocco: It's a pleasure to rise and to speak to Bill 187, the Agricultural Employees Protection Act.

This bill attempts to meet the Supreme Court of Canada ruling that the exclusion of agricultural workers from the Labour Relations Act is unconstitutional. Basically what this bill does is, it tries to satisfy that ruling, because in 1995 the provincial Conservatives repealed the Agricultural Labour Relations Act, and it was removed. The Supreme Court of Canada found that this was unconstitutional.

I was reading some sections of the act, and it deals with the right of employees' associations to make representation to employers. "Section 6 of the bill provides that an employees' association shall not act in a manner that is arbitrary, discriminatory or in bad faith in representing its members. "Section 7 of the bill authorizes the Agriculture, Food and Rural Affairs Appeal Tribunal to make an order, in specified circumstances, allowing access to property for purposes of attempting to persuade employees to join an employees' association." There is also section 8, which prohibits interference by employers with employees' associations.

The reason it's important that the Liberals are going to support this bill is because this is at least a first step in rectifying the ruling that was overturned by the Supreme Court of Canada. I believe it's incumbent upon us to speak to bills that we believe are not eroding, in my view, the rights of farm employees. If it were eroding the right

to associate, then we would be voting against this bill. It doesn't do that. It is actually a bill that is, as I said, a first step.

What we need to do is to take a look at something else, though, and that is that there are large employers that have indoor operations for growing, harvesting, processing and packaging, and they work on a year-round basis. I believe we have to take a look at those sections of the agricultural community as large employers and take it one step further and say, "Do you know what? There is this right to organize." We must handle this in a way that these employees—it's like any other large operation.

I believe that in this day and age we have to look at legislation and be able to put together legislation with all of the parties at the table, not just one side or another side. We have to have the labour representatives—

Mr Tony Martin (Sault Ste Marie): On a point of order, Mr Speaker: The member is making a very important speech here. I was just wondering if there is quorum present to hear it.

The Deputy Speaker: Could you check and see if there is quorum present, please.

Deputy Clerk (Ms Deborah Deller): A quorum is not present, Speaker.

The Deputy Speaker ordered the bells rung.

Deputy Clerk: A quorum is now present, Speaker.

The Deputy Speaker: The Chair recognizes the member for Sarnia-Lambton.

Ms Di Cocco: I want to say that the Ontario Liberals support this bill because it's a step in the right direction and it allows workers to form associations in keeping with our fundamental values. We certainly hope the government has had all their legal beagles deal with the issue, whether—and we suggest we're also trying to support the decision of the Supreme Court of Canada.

But when we form a government, we're going to go further. I believe that legislation must protect the family farms that constitute the vast majority of farms in the province, while recognizing—and I said this a few minutes ago—the right to organize for workers who are employed by large, industry-sized operations. It's important that we take the next step.

Before we called for a quorum I was talking about the need to do things a little bit differently and not just make arbitrary decisions about how legislation should come down from the top. It's time we sat down with all the various, if you want to call them even contrasting, opinions and actually came to a good agreement on how to satisfy the needs of the various groups that are there.

I would say that this bill is a first step. The government has had a reputation that really has eroded workers' rights in this province. They had to bring this bill forward because the Supreme Court of Canada said, "Do you know what? What you did in 1995 was unconstitutional." How do you vote against a bill that at least begins the process and says, "You're allowed to associate now"?

The government claims this bill is constitutional and meets all the requirements of the December 2001 Supreme Court decision. We know the government has

consulted with farmers across the province and they had input into this bill, which is another reason we support it.

The food industry is very different from any other industry. One of the things that is important is that work stoppages in agricultural operations on a farm would be devastating to how we would be able to keep our food supply, because of course food has a very short time that it can stay in the field or on the shelf. It is our intent, although we believe in the right to organize for workers who are employed by large employers, not to allow work stoppages on any farm of any size. Why? Because in agricultural operations with a significant year-round, full-time employment base, where organization and collective bargaining should be allowed, disputes will be sent to mediation and, if required, binding arbitration.

Our definitions of “family farm” and “large industrial farms” are going to be based on the size of employment base and other factors, such as whether there is in addition processing, packaging etc on the site. By way of example, it is clear that a family farm with three or four regular employees and additional seasonal labour employed as required will be covered only by the right to associate. We believe there definitely has to be a different section when it comes to very small family farms. It would be very onerous to a small family farm. On the other hand, when you have large indoor operations that process year-round and work on a year-round basis, the workers should have all those rights to organize.

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One of the components that makes our economy strong is the fact that you are able to have the workers, the employees, and the employers work together. You have to treat your employees with dignity. They have a right to a good wage to support their families. It also provides a sense of security to the employees, and benefits so they can deal with hardships when there are illnesses or work stoppages etc.

I believe it is the right of workers in this province to earn a decent living. We constantly look at the profits of large companies based on how they can cut the wages of their workers. I know first hand that a good business that pays its employees well is going to do well, because you need both to be successful. You need highly skilled, good people to whom you pay a decent wage, who like to get up in the morning and go to work, and who will make your business successful. I know that first hand.

Organized labour has done a great job in attaining a decent wage for workers in this province. It has done a great job in being able to obtain a sense of security, to have benefits and to bargain successfully, which requires a great deal of skill, with large employers in this province.

I believe they have also done a great deal in advancing safety in the workplace. Sometimes it's not in the interest of employers. Sometimes it's too easy for some employers to cut corners, because they see they can make more money by cutting corners. Sometimes we have to have a check and balance in that regard, and that check and balance has come, I believe, in great part from organized labour. It is organized labour that said, “You

know what? We're not going to put up with these conditions any more.”

People who work at very precarious job sites should be provided with the knowledge and all the safety measures that are required. One of the things I am really proud of in my community of Sarnia-Lambton is that there has been ongoing co-operation between employers and organized workers in the community. We have been able to create what has been deemed the safest workplace in the country. Everyone knows how important it is that every single person who goes on a job site—it doesn't matter what job site—is conscious of and understands all of the safety responsibilities that both employers and employees have to deal with.

As we move forward with this legislation, as I said—I'll repeat myself one more time—the Liberals will be supporting this bill because this bill attempts to meet the Supreme Court of Canada ruling. We believe it is at least a first step. We will go further when we form the government. Large-scale agricultural operations must organize because they work year-round. They have the same type of environment as a large manufacturing company would have.

It's unfortunate we have to constantly go back and forth because, as I said, the provincial Conservatives repealed the Agricultural Labour Relations Act. In 2001 the Supreme Court of Canada said it was unconstitutional, and therefore we now have this bill before us.

Mr Gilles Bisson (Timmins-James Bay): I'm pleased yet again to have an opportunity to speak to this bill and to make it very clear at the outset that we do not support this bill. We think it is the wrong thing to do. We think what the government is doing is, in the end, not only wrong from a moral perspective but from a legal perspective. I predict that they're going to end up before the Supreme Court again and that the Supreme Court is going to say, “You got it wrong.”

For the benefit of those people here in the assembly who may not understand this bill in detail, let me tell you exactly what we're doing here today.

Back in 1993 or 1994—I forget the exact date—the NDP government under Bob Rae gave agricultural workers in Ontario the right to join a union. That means they have the right to bargain, they have the right to get a collective agreement once they have bargained, and they have the right to strike should they not be able to get a collective agreement.

In our legislation, we said that during the harvest season there would be a moratorium on strikes and there would be a binding arbitration process so that if there was a dispute in negotiations and it happened to be at the time we were trying to get the crops out of the fields, there would be a mechanism to allow negotiations to proceed at the same time the crops were coming in from the fields. That was what we did as New Democrats. We said that agricultural workers, like other workers in Ontario, have a right to organize, and we recognized that by passing a bill in this Legislature.

One of the first things the Conservative government did under Mike Harris after being elected in 1995 was to

repeal that act and take away from workers the long-fought-for right to organize in the agricultural industry. They said that the bill we passed when we were in government was terrible, that we would be striking the family farms and that all the kids who worked for family farms would go to dad and say, "I want to join a union because, Dad, you're being unfair."

It turned out that in the time the legislation was there, not one family farm was organized, as we predicted. In fact, what was being organized were the larger agricorp farms that are basically large businesses that employ a lot of people, not only to pick the crops out of the fields but to do some of the processing. The government came in and said, "That's it. It's gone." They got rid of the legislation.

Subsequent to that, the union, along with an individual who was affected by the repeal of the legislation, appealed and went before the Supreme Court, which said, "Province of Ontario, you are contravening the Constitution of Canada and the Charter of Rights by taking away a right that has been given to these workers." As people in Ontario, once you are given a right, the argument is that you can't treat people as different classes of people. What you are doing is basically that. It's a long, legal argument that I'm not going to get into because I haven't got time. Needless to say, the Supreme Court said, "You are wrong. You can't take this right away. You have to go back and do it over again."

The government, to be friendly to the family farm, as they like to be seen, said, "We're going to give workers the right to join an association. By giving them the right to join an association"—as the government puts it—"it will satisfy the appeal that went to the Supreme Court and all will be well in the world of Ontario."

I tell you it won't be because, at the end of the day, I predict we're going to end up back before the courts. Workers still don't have the right they've been told they should have by the Supreme Court, and that is the right to join a union.

Let's take a look at what you're trying to do by way of the association. The government says, and the Liberals say, this is going to be good legislation because it strikes a balance and allows people to negotiate by way of an association. What does it really do? It says in the act that you have the right to join an association. Once you've joined that association, you have a right to make representation to your employer and the employer must read your proposal, and that's about it.

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Let me see how this is going to work. I'm an agricultural worker. I want to join a union. I can't; I have to join an association. I join the association, and 20 or 200 of us get together and say, "We want to stop working for \$6.85 an hour, and we want some health and safety rights. Who's going to go and bargain with the employer?"

"Not me. I don't want him to know who I am, because I'm not protected under the Ontario Labour Relations Act." Reprisals are possible under this act, the way it's being set up.

But somebody bold enough says, "I'll go and negotiate with the employer." He takes the list of demands to the employer and says, "Mr Employer, Ernie Eves says I've got the right to join an association. I'm here on behalf of the people I represent to say I've got some grievances, and I want these issues dealt with."

The guy says, "Give me the piece of paper," and crumples it up. "Thank you. Nice talking to you. Get back to the field." And the requirement of the legislation has been fulfilled. That's basically what this legislation does.

I say to the government, shame on you for not accepting that workers in Ontario should have the right to unionize. I say to the Liberal Party, shame on you too, because the last time I checked, a democracy is about making sure people have rights and making sure people have an opportunity to have a fair hearing before whatever process or tribunal they are given. I say to both the Liberals and the Conservative Party, shame on you. This is an affront to workers—not only agricultural workers, but all workers in the province.

I thought it interesting that the Liberals argued, "You've got to treat agriculture a little bit different because it's important, and at the end of the day we've got to make sure, because food is such an important part of what we do, that we don't mess that up." Well, we allow doctors to strike. The last time I looked, they're pretty important in our society. If the doctor is on strike and doesn't operate at the time you need an operation, you might die. But we say it's OK; the doctors can join a union called the Ontario Medical Association or form any union they want, and it's a pretty powerful one.

Nurses have the right to join a union and to strike. Imagine, if all the nurses in Ontario were to withhold their services at the same time, what danger that would impose on the people of Ontario. So we think it's OK for unions to organize nurses, but we're not going to allow agricultural workers who are paid \$6.85 an hour to join a union?

Let's look at a few others in the industrial sector; let's look at the private sector. People who operate nuclear plants have the right to organize. The last time I checked, if we've got nuclear workers who don't know what they're doing, they'll light up your lights at Pickering pretty quick. But it's OK for those people to organize, because their jobs aren't important. It doesn't matter if they do them well or not; they'll just blow up half the province if the nuclear reactor goes up. We give them the right to organize, but agricultural workers can't organize? Give your Tory-Liberal heads a shake. All workers in Ontario should have the right, in a democracy, to join a union, and that should be the individual choice of the worker, not ours as legislators.

So to the argument that the Liberals and Tories make that if we give those workers the right to organize, they're going to go out and organize the family farm, if you take a look at the small business sector in the province, most of which is independently owned or family-owned and -operated, how many family-owned businesses in the province have been organized under

UFCW, the Steelworkers, CAW, CUPE or anybody else? I bet you could count them on your hand if they exist. Why? Because families don't go out and organize dad and mom. They work it out at the kitchen table.

Do you think it will be any different on the family farm? Do you think dad and mom, who have three kids who work on the farm, are going to be put in the position of them saying, "Hey, Ma, I'm taking you to the labour relations board. I'm joining a union"? That's not the way it works. There's no danger of the family farm being organized.

So again to the Liberals and Tories, give your heads a shake. The reality is that workers organize for a very simple reason. People sign a union card when there are grievances that are not dealt with by their employer and they feel they are not getting a fair shake, and normally that happens in the larger sector. I'm not saying that small individual businesses never get organized; I wouldn't pretend that. But by and large, independent, family-owned businesses don't get signed up by unions. The last time I checked, sons and daughters want to talk to mom and dad at the Christmas table. They don't want to be in the position of creating conflict. I would say that if mom and dad get organized, then maybe they should get organized. Maybe they weren't treating the kids very well, and if they can't work it out, maybe they should have a union to negotiate for them. What's wrong with that?

So I say to the government across the way, and I say to the Liberal Party that is going to support this legislation, that we will stand proudly and vote against this legislation, because we think that not only is it morally wrong, we also think it is wrong from a legal perspective. In the longer term we will be proven right yet again, because somebody will take you, not the Ontario Labour Relations Board, because they can't go there, back to court, and eventually to the Supreme Court, and a decision will come down that says you don't have the right to take away a right you gave to somebody when it comes to the right to organize.

I say a very simple thing: we either believe in democracy or we don't. If you put yourself out to believe in democracy, it must mean that people should have access to democratic institutions. One of those institutions is unions, and what's wrong with that? As a social democrat and as a New Democrat, I say give the workers the right to join a union. Let them make that determination, and allow them the same ability that anybody else has.

The last point I want to make, because I know my friend Mr Martin wants to speak, is that if we think there isn't a need for unions on some of these larger industrial farms, let's again give our heads a shake. This year alone we have killed—I don't have the briefing note with me, but I think the number is between 20 and 30 workers in the agricultural sector in Ontario in the last 12 months.

People on the other side and in the Liberal Party say that that's not a very serious issue. I say it is a very serious issue. We need to make sure we give workers in those areas, who are in danger from the conditions they work in, the right to organize so they can form health and

safety committees, so their unions can train them as health and safety reps to make the farm as safe as possible.

Is this about organizing the family farm? No. The family farm isn't going to get organized under our legislation. It wasn't organized under our legislation. Some of the larger ones need to be organized. But we shouldn't differentiate between a large farm and a small farm. At the end of the day, they're all workers, they all have that right. Let people choose for themselves. That's what democracy is all about. As a New Democrat, I'm on the side of democracy.

Mr Ernie Hardeman (Oxford): I'm pleased to rise today to speak in support of the time allocation motion on Bill 187, the Agricultural Employees Protection Act.

We have heard from members across the aisle concerning time allocation and the fact that we use time allocation more than was considered to be appropriate in the past. As everyone will know, of course, the time that we debate time allocation is a great opportunity to put on the record one's viewpoints on this piece of legislation. Obviously it's another day of debate on the piece of legislation.

But the opposition will keep pointing out how it is shutting down their opportunity to speak to the bill. I think it's rather interesting that in almost every case, if we check Hansard, we will find the Speaker being asked to rule on points of order as to whether the opposition is speaking to the bill at all. It seems that most of the time they decide to carry on and on about things that have absolutely nothing to do with the bill. I think that's partly because they agree with the bill. They have decided they are not going to let bills pass, that in their opinion the democratic process is served by having nothing happen in this Legislature.

I want to say I'm happy to be a member of a government that believes we should be here doing the people's business, and not obstructing the people's business, as some might suggest. Just to highlight that point, I want to point out that presently there are three bills before this Legislature—one was debated yesterday—the red light bill, the Emergency Readiness Act and the bill that obligates people to pull to the left when emergency vehicles are in the vicinity, approaching or coming from behind.

My understanding is that every member in this Legislature supports those three bills. I may be wrong, and some of the members who are here may wish to take me to task for that. My understanding is that there is unanimous support for those three bills. Yet we have the opposition saying, "We will not pass those bills. We will continue to debate those bills until the government decides it's time to move on to other important legislation." We have to introduce a closure motion to facilitate the passing of a bill that everyone in this Legislature believes is appropriate.

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The record will show that in years gone by there were bills that went on at great length in debate. There were also many bills that were passed in 15 minutes because

there was unanimous approval of the bill and all that was in it had been said and it was appropriate then to pass the bill. If that were the way of today, if that were the cooperative spirit from across the aisle, indeed we could spend more time debating bills that are of great importance to the opposition and less time debating bills just for the sake of taking the time of this Legislature. I think much more could be done in moving these things along if we came to a compromise and agreement in supporting those things that are good for the people of Ontario, as opposed to what is good politically to obstruct the process of government.

Having said that, I just want to speak quickly to the actual piece of legislation, the Agricultural Employees Protection Act. We will all be aware that the former government put forward a piece of legislation that was commonly known in my agricultural community as the unionization-of-the-family-farm bill. In 1995, when I went to the people of Oxford to ask for their votes to come and represent them here in the Legislature, one of the promises I made was that as a government we would get rid of that piece of legislation; in fact, that we would not have unionization of the family farm. We know that bill was challenged in the Supreme Court. In fact, the Supreme Court ruled that all people of this province under the Charter of Rights and Freedoms have a right to freedom of association, including farm workers. This, I think, is a very important issue. That's why the Minister of Agriculture and Food brought forward this bill that accommodates the freedom of association of farm workers.

I think one of the things we need to recognize is the process of unionization and collective bargaining. The final premise of collective bargaining, in my view, is based on the fact that the employer has a right to ask the employee not to come to work if they can't come to an agreement, and the employee has a right to withhold their services if through negotiations together they cannot come to an agreement as to what each party believes is the appropriate level of compensation for their services. In most sectors where collective bargaining takes place, we will find that the employer's decision is based on the competitive marketplace. Obviously, if my employees are not working and producing the product I'm going to sell in the marketplace, my competitors are going to be selling it. So there's a tension there on behalf of the employer. Conversely, if the employee decides not to go to work, obviously they're not going to be making a living wage or they're not going to be getting paid. So there's a tension in the system there. Collectively that comes together, and at some point they come to a compromise so both parties can, again, receive remuneration for their services and get back to production.

That doesn't work in agriculture. As the crop is ready to harvest, there's no opportunity for the employer to say, "Oh, guess what? We can negotiate for two or three weeks," because by the time that happens, it's too late to harvest the crop; it's too late to process the meat that's going to market. It is all very time-sensitive and very critical to be going at that time. So we need to find a

better way of making sure that neither party can benefit from or hold hostage the other side in the negotiations.

The opposition would have us believe, "Don't worry, because it will only happen in large operations." But as the member from Elgin-Middlesex-London mentioned, he was unable to define "large" and "small" and "family farm" and "factory farm." With tongue in cheek, I would just say that I've heard it mentioned a time or two that the way to judge the farm that's too large is when one farmer says, "Whoever has one more unit than I have is in fact a large operator," but no one would suggest that they were a large operation. So I think that would point out that there is no way to identify which would be appropriate and which would be inappropriate as far as family or intensive livestock.

I think we've all come to the conclusion that the face of agriculture is changing in Ontario. In fact, we are seeing agriculture done differently today than it was in my forefathers' day. I think it's very important that we address that issue and make sure that the agricultural product can be planted, harvested, taken to market, processed and on the store shelves for us in a timely and appropriate manner.

I know when it comes to poultry, it's very critical that the poultry is exactly the right size to make Chicken McNuggets, to make it appropriate for them to be sold in that manner. If they were raised for that, and if negotiations happened to fall in that period of time, they would not be marketable for that purpose and the intent of that food would be lost. I think it's very important that we find a way to balance labour negotiations and discussions, and the appropriate level of compensation, in a manner that does not affect the flow of food in our society.

I think it's also very important that we address the issue of freedom of association. This bill, I am happy to say, is a balanced piece of legislation that balances the right of the worker with the right of the employer. I have a number of larger agricultural operations in my riding that, without legislation, have done a very good job of putting together associations that speak on behalf of all employees within that workplace, together with the employer, and have come to agreements on what their level of compensation and their working conditions should be. I think it does work, but it's very important to recognize that this legislation does provide for an orderly process to deal with that. Again, I think it's important to recognize that this does allow freedom of association for agricultural workers.

This bill didn't just come out of the air. In fact, the court ruling was some time back. It has taken a while because the minister has had the opportunity or has taken the opportunity to have intensive consultations with all the players: the workers in the agriculture and agri-food industry and the processors in the industry. I think it's very important to recognize the size of our agriculture industry and the importance of it to our economy. Not that we should take away anyone's rights because of the size of the industry they work in, but I think it's very

important to understand that the agri-food industry is a large industry.

There are 67,000 farms in Ontario, and more than 200 commodities are produced. So it's not a simple solution that will deal with everyone. We've heard the members opposite talk about mushrooms. We've heard others talk about intensive livestock. We've heard about the harvesting of field crops, the tender fruit industry, the grape industry. All of them are time-sensitive and all of them are very important in this very large industry in the province.

Also, in processing, there 1,200 food and beverage processors located in Ontario. Almost half of all the food in the Dominion of Canada is processed right here in Ontario. In 2001, Ontario accounted for \$800 million in new investment in the food and beverage sector. Ontario has led all other provinces in Canadian agri-food exports by shipping almost \$7.8 billion in products in 2001.

Agriculture is more than just food. Cloth and textiles begin in the barnyard as wool and in the field as hemp—an experimental crop, incidentally, that's been produced in Oxford county for the last number of years. They are also used in making paper and a variety of industrial products.

Mr Speaker, maybe you had the pleasure of getting a basket from the Ontario corn producers a number of months ago—it was like a grocery basket but there were a number of other items in the basket—to remind us of the importance of corn in our society. As I was going through the basket, there were a number of things that were somewhat surprising to me. One that comes to mind as I stand here this afternoon is that there was a calculator in the basket. In fact, I have it sitting in my constituency office in Woodstock and it has, of course, the name of the Ontario corn producers on it. When I asked Mr Start, a representative of the area in my riding, why this calculator was in the basket, he said, "Because it's made from a by-product of corn." I think that's how extensive the use of our agri-food industry is. It's very important to recognize the importance of agriculture in the system.

1700

I think it's also very important to recognize that the agriculture community generally is happy with, in the consultation that comes out, the process they presently have in place in negotiating with their people to have fair compensation. There was no great outcry from the agricultural workers or employers as to changes needing to be made, all recognizing that they are all entitled to their constitutional rights.

We also heard that it's very important that all of agriculture be treated fairly and equitably, not to have a certain group in the agricultural community that would be treated differently from another group. Again, as the opposition would suggest, to treat larger operators differently from smaller operators, in the opinion of the people we've talked to in the agricultural industry, is wrong. We have to be fair to everyone.

We also heard that the agricultural industry should not be vulnerable to the risk of potentially devastating labour

disputes. As I mentioned earlier in my presentation, it's very important that as the truckload of sweet corn arrives at the processing plant, the workers don't say, "Thank you, but no thank you. Not this week." That load of corn cannot wait until next week for processing.

When this bill was drafted, we remembered what we heard. The proposed legislation before us today does respect the individual and constitutional rights of agricultural employees while having a regard to the unique characteristics of agriculture. The proposed legislation would enable agricultural employees to—I think this is very important—exercise their right "to form or join an employees' association ... participate in the lawful activities of that association ... to assemble ... make representation to the employers, through their employees' association"—all the things a trade union can do. The proposed legislation would ensure that they could do all this, free from interference, coercion or discrimination.

We should also emphasize that the proposed legislation contains no restrictions on the composition of an employees' association other than that the association be comprised of agricultural employees. Employees' associations could be comprised of agricultural employees from any number of farms, could be organized on any basis that the employees want and could be a branch of another organization, including a branch of a local union. A union or other organization could assist employees in forming an employees' association whether the association was formed as a branch, a local of the union or other organization or as a separate association. Again, recognizing the fallacy of the comments from across the aisle, they can be part of a trade union. They just cannot have the collective bargaining process that trade unions have.

It's also worth noting that while the proposed legislation is not about workplace health safety and is directed at agricultural employees' rights of association, it would enhance the ability of employees and employers to communicate about terms and conditions of employment, including any concerns about workplace health and safety. I think it's very important that that's part of the discussions but not the thrust of the bill. The members opposite would suggest that they would hold up passing of this bill because there's not enough in it. This is a bill to deal with the Supreme Court ruling on the right to freedom of assembly on behalf of our agricultural workers, and this bill deals with that. It will also have some benefits of health and safety, but that's not what the bill was written for.

This bill also allows for some recourse for employees and workers who believe they are not being listened to and that the employer is not dealing appropriately with them and is contravening their rights. Of course, they would be able to appeal the employer's actions to the agriculture, food and rural affairs tribunal, which would hear the application and then make a decision on whether to the employer is infringing on the employees' rights.

The proposed legislation would also protect a farm's most valuable assets—land, livestock and crops—by recognizing an employer's right to control access to the property. In the business community we often see that

when a business has a work stoppage, they will shut down the computers and shut down the operation so they can make sure nothing happens during the work stoppage that would be detrimental in the long term for both the employees and the employer. You can't just shut down a barn full of livestock. It must be maintained. It must be fed and watered, and it must be looked after. This legislation allows the employer or the owner of the operation to make sure that process can continue, even though the people who have a disagreement decide not to come to work. This legislation is quite clear that they cannot stop the normal process of farming.

As I mentioned earlier, the Agriculture, Food and Rural Affairs Appeal Tribunal will hear such things in the application and take into consideration human health and safety, normal agricultural practices, animal health and safety, plant health, planting and harvesting, bio-security needs, privacy and property rights. These are essential considerations to ensure that normal agricultural operations are not unduly interfered with. Again, a two- or three-day delay in the process of farming can have a year's devastating impact on that agricultural operation.

The proposed legislation would protect the rights of Ontario's agricultural employees and would also recognize the unique characteristics of Ontario's agricultural operations. The proposed legislation is carefully and appropriately balanced. I think the important part of this piece of legislation is the balance, recognizing the rights and the charter rights of people who work in the agriculture and agri-food industry and the rights and freedoms that the people operating the agriculture and food industry have, and finding a balance between the two to make sure they can coexist, as they presently do.

I want to tell you that, on average, the labour-management relationship in agriculture, which up until now has not had this type of charter protection for employees, is working as well as any other industry where they have all the other attributes that the New Democrats suppose we should put in place to unionize the family farm. The system is working well now. We want to make sure that by this legislation everyone has the charter rights and freedoms the Supreme Court mentioned put in place and a way to administer it to make sure that if they believe it's not being adhered to, someone is there to hear their complaint and make a judgment on the merits of their appeal.

As I mentioned, I think it's very important that this legislation be passed and moved along to make sure that employees' rights are enshrined in legislation, as we are doing here, and that we have a balanced piece of labour legislation for agricultural workers. I would encourage all members to vote in favour of this piece of legislation to make sure we can accommodate our Supreme Court obligations as they were set forth. Thank you for allowing me the opportunity to speak to this motion this afternoon. We look for speedy passage of this bill.

Mr Martin: I'm glad to be following the member from Oxford, who just spoke, because what I have to say will be in complete juxtaposition to what he just presented. What he has presented is an insult to every

working man and woman across this country. To suggest for a second that this legislation somehow brings a whole large group of very important workers in this province into the organized labour movement or gives them the right to bargain collectively or act as a labour association or organization is not telling it as it is.

1710

Before I get into my defence of our position where this bill is concerned, I want to say that here we are again, on a Wednesday afternoon. As I always say when I get up here on Wednesday afternoon, it seems we have a time allocation motion. Every Wednesday this government decides that the piece of legislation that's before this place to be debated through the democratic process—first reading, second reading, third reading, committee—which over the years we've built up as tradition, the way we put in place legislation and laws that govern the way we operate together, the way we order our public life, is now just simply rammed through in this place. It's brought before the House. The government deems in its wisdom that it is the right thing to be doing on behalf of the people of the province. They're not interested whatsoever in the opinion or the view of the opposition or the public out there. They're just driving an agenda that is very self-serving to themselves and their benefactors for the most part, creating efficiencies for them and their small group of supporters to the detriment and the negative impact of almost everybody else who calls Ontario home.

The only thing different this afternoon for me is that my colleague for Nickel Belt is off on committee doing other work. Normally it's the two of us, and it seems we have the same conversation every Wednesday afternoon, particularly in this session of the Legislature, because there hasn't been a bill brought before this House yet that this government hasn't deemed after a day or two that it's time to time-allocate, time to drive it through. They're impatient, they're tired of the process, they're tired of democracy; they simply want to have their way, get their legislation through, impose on the people of this province their will and let's get on with it.

We find ourselves here again. It's Wednesday afternoon, so it has to be a time allocation motion. It's a time allocation motion; therefore it has to be Wednesday afternoon. However, having said that, I want to speak very clearly and directly to the legislation that's in front of us.

To suggest that what has been tabled is an honest and thoughtful effort to try to provide some relief or an opportunity for people working in the agricultural sector to organize, as every other worker across this province has the right to do, is to insult the intelligence of all of us, but, more importantly, the intelligence of men and women working across this province and those who work in the organized labour sector of Ontario. It's a joke. It's a sad joke that's being played by this government.

In their haste to get rid of anything that smacked of progressive labour legislation that we as a government introduced between 1990 and 1995, they moved post-

haste in the early years of their mandate to get rid of all the legislation that we brought in that was considered to be state-of-the-art, front-of-the-line, progressive labour legislation to bring Ontario into the modern world of labour relations, particularly where many European jurisdictions are concerned. They moved to get rid of it, but in this instance to dismiss the act that we brought in that gave agricultural workers the right to organize and collectively bargain, that put in place a provision for them, if there was a disagreement, for arbitration that didn't see them going out on strike, which was a recognition that there are some sensitivities in this economic sector of our province that we needed to consider, and we were willing to do that.

This government was brought to court by UFCW, the United Food and Commercial Workers of the province. They lost their case, as they've done just this week with the clean water act they've introduced, to bring in the bare minimum that would, by their analysis, pass muster with the courts. We have this bill in front of us here. We recognize that earlier this week—because it's the trend of this government not to want to protect the citizens of this province. Whether it's in labour relations or in their dealings with the environment and protecting the water that we drink, you do the very minimum.

The clean water act that the government brought in earlier this week was not in any way a floor from which to grow; it was a ceiling, rather, beyond which they will not go in order to protect the water of this province. I dare say we'll end up in trouble in the not-too-distant future on that front, just as we'll end up before the courts again with this legislation, spending just tons of public money to defend the ideological position of this government where the labour movement and organized labour are concerned, I suggest only to lose yet once again.

I am saying here this afternoon that when we become government after the next election under the able leadership of Howard Hampton as the new Premier, we will be taking this out of the judicial jurisdiction that it will most definitely, I believe, be in by that time and give workers in the agricultural sector the right to organize, as every other man and woman working in this province has the right to do, so that they can together collectively bargain for wages and as well deal with the very difficult and challenging issues of health and safety in the agricultural sector, so that every man and woman who works in the agricultural sector in this province is protected to the best of our ability, and if they're not protected, that they have rights to recourse if they should get hurt to be able to look after themselves and their families.

Any credible organization out there today that monitors or plays as safeguard on the rights of men and women in the world will tell you that one of the very basic and fundamental rights of any worker, man or woman, in this world today is the right to organize as a union, as a labour organization, to bargain collectively for their wages and to protect themselves where health and safety are concerned, and to move from there to look

at benefit packages, at things like vacation, time off and number of hours of work, and also to negotiate a pension for a healthy retirement for those workers after they've spent 30, 40 or 50 years giving of their blood, sweat and tears to their employer so that they then can have some hope that there will be some comfort for them.

Just by way of some background to this bill, because I think people out there may be somewhat confused where this legislation is concerned, it is not an appropriate response to the legal action that was taken and the findings of the court. It is not a beginning of anything, in my view, toward representing and giving workers in the agricultural sector a right to collectively bargain on their behalf or to act as a union in this province. It is not. It is an insult and a joke. Agricultural workers, who had always been excluded from the provisions of the Labour Relations Act, were granted collective bargaining rights by the Agricultural Labour Relations Act, 1994, when the New Democratic Party was government in this province. It was an initiative of that government. While the right to strike was not included because of sensitivities I mentioned a few minutes ago, contracts could be settled by final-offer arbitration.

The Conservatives overturned this act in 1995 and stripped some 200 United Food and Commercial Workers members working for Highline Mushrooms near Leamington of their collective bargaining rights. At the close of 2001, the Supreme Court of Canada ruled that the Ontario government's ban on unionization among agricultural workers violates the Canadian Constitution and the Charter of Rights and Freedoms. This government has no respect for the law, for the Canadian Constitution, for the Charter of Rights and Freedoms or for the opinion of many international organizations such as the United Nations, in this respect.

Chris Stockwell, the then Minister of Labour, said, "The government is disappointed in the decision" that the court came down with, and "We'll review all of our options before repealing this law." The ministry has been engaging, as they say, in consultation since then. We ask, consultation with whom, for whom and about whom?

This bill attempts to meet the bare minimum set out by the Supreme Court decision, and we can make the case that it doesn't meet that bare minimum, that it comes significantly and seriously under the wire.

1720

What does the bill say, in fact? The bill says that workers have the right to form associations. They have the right to meet informally to talk about God knows what, but certainly not to focus on and act collectively to increase their income or to protect their health and safety or all those other very valuable things that labour unions do. They have the right to make representations to their employer through their associations. They have the right to use a delegate to make those representations and have an employer listen to or read the representations. They have the right not to be treated in an arbitrary or discriminatory way by their bosses because of their association or the representations they make.

They have the right of access to fellow workers for recruitment purposes after a written application is filed with the tribunal—that's the Agriculture, Food and Rural Affairs Appeal Tribunal, not the labour relations board, I might add—and a hearing determines that such access is necessary to effectively communicate with workers and does not interfere with experimental agricultural practices, normal agricultural practices, planting, growing or harvesting, privacy or property rights.

They have the right to non-interference from management, including no reprisals for associating such as firing or discipline; no conditions in contracts that would hinder association work; no threat of dismissal; no coercion to refrain from forming or joining an employees' association; the right to appeal to the tribunal, but only if the matter is not trivial, frivolous or vexatious or based on an incident that occurred more than six months ago.

Who makes those decisions? Who decides whether the case brought before the tribunal is trivial, frivolous or vexatious? As I said a few minutes ago, it's the agriculture, food and rural affairs tribunal put together by this government.

However, having said that, agricultural workers do not have other rights that other workers have. They cannot collectively bargain nor do they have the right to strike. No employees' association may interfere with a worker's right to join a different employees' association, so you could have three or four of these things in one workplace, and there can be no certified bargaining agent.

The agriculture, food and rural affairs tribunal, which is not the Labour Relations Board, will be the body that workers appeal to when the act is contravened. Section 17 of the Labour Relations Act does not apply to employees or employers in agriculture.

What is the Agriculture, Food and Rural Affairs Appeal Tribunal, this body that's going to oversee this new regime? It's the product of a red tape bill that I spoke about here the other night, an organization that was put together by this government, born in the cabbage patch somewhere with no representation or input from a standing committee of the Legislature or anybody from the opposition in terms of its mandate or what it would look at or what the terms of reference might be of that association or who in fact funds it. This tribunal is a product of that organization that amalgamated all agricultural tribunals, including the former drainage tribunal, into the new Agriculture, Food and Rural Affairs Appeal Tribunal. Under this act, the tribunal can now appoint people to deal with employer-employee disputes.

If any of you have watched—I participate every week at the appointments that are made and vetted by the standing committee on agencies, boards and commissions. You'll know that the people who are being appointed these days to all of those organizations are, for the most part, members of the Conservative Party, supporters of the Conservative Party, defeated candidates who ran for the Conservative Party in this province. To expect that they would act in a judicial and fair fashion on behalf of the folks coming before them by way of an association of farm workers organized—I don't think so.

Increasingly migrant workers do farm work. They come from Mexico and Caribbean countries. The United Food and Commercial Workers are concerned that these workers might be specifically excluded from this act, but we have to take a look at that further, and that's why we would have been asking, if we weren't debating a time allocation motion here this afternoon, that we take this bill to committee so we could make amendments and make sure it includes everybody who's working in the farm industry in the province.

We don't think the government's going to get away with this. We think that, just as in the previous court case before the Supreme Court, they're going to lose. The Supreme Court decision, in our view, was extremely clear in its verdict, and this will not cut the mustard. Farm workers are not second-class citizens and this law, in our view, will be struck down by the courts in the very near future. What bothers us is that we will be back to where we were last week before this bill was introduced, with millions of dollars in legal fees wasted in an effort to allow this government to drive its ideological agenda to not support workers in their attempt to unionize.

It was quite telling a few minutes ago, as we listened to the member from Oxford talk about how he made a promise, before he was elected, to the farmers in his area that he would never allow their workers to be unionized. That should tell it all to you right there in a nutshell. Any small attempt to coat this bill in language that would make it look like it was a union or an organized labour group should be dispelled by simply going to Hansard or listening to the member from Oxford when he said very clearly in this House that he promised he would repeal the act put in by our government in 1994 that allowed agricultural workers to form unions, and that he would never allow unions to happen in the agricultural sector in this province. That's exactly what he's doing.

This is in no way, shape or form an organized labour effort that we have before us, and you can't pretend that it is. It's not even a beginning. It is way below that. As I said previously, it's an insult and a joke. Particularly is it an insult, and rather sad and tragic actually, more so than a joke, when you consider that there have been 1,049 fatalities in Canadian agriculture between 1990 and 1998.

We on this side of the House, in this small corner of this side, the New Democratic Party caucus, are very clear where we stand where this bill is concerned. We stand in the camp of organized labour. We stand shoulder to shoulder with organized labour to say to this government that this just won't cut it, that this isn't good enough, that this is an insult and that it could be tragic in the long run. We won't support it. We couldn't support it, in all good conscience. We stand shoulder to shoulder with those organizations out there that demand that every man and woman working in the world today has the right to belong to a union, and we will be voting that way—

The Deputy Speaker: Thank you. Further debate?

Mr Toby Barrett (Haldimand-Norfolk-Brant): From what I heard this afternoon in this debate, we clearly have a balanced piece of legislation in Bill 187,

the Agricultural Employees Protection Act, in particular in the comments I heard from my friend and neighbour, the member for Oxford, and the comments from my friend the member for Lambton-Kent-Middlesex. I feel we have an appropriately and carefully balanced piece of legislation at the end of the day—if you'll pardon that expression. A great deal of thought has gone into this, there has been consultation and we are drawing to a close with a significant amount of debate on this bill.

I feel this bill protects the rights of Ontario's agricultural employees, and on the other side of that balance I made reference to, it also recognizes the unique characteristics of our farms and other agricultural operations. The legislation clearly recognizes Ontario's agricultural production, a key contributor to the quality of life that we all enjoy in this province, whether we live in the city or on the back roads.

1730

This legislation must not be vulnerable to any risk of potential labour disruption. We've heard time and time again during this debate about the significance of planting and harvesting, shipping of animals to market—extremely time-sensitive operations. All too often, the reality is that the timing of these operations is not determined by the farmer but by Mother Nature, whether it be lambing time or time to spray for weeds or insects. Since agricultural production operations depend on biological processes, quite frankly, they can be vulnerable to sudden pressures and crises at any time. A situation like that illustrates what happens when ivory tower thinking collides with the hard facts of reality.

I'm going to quote from an editorial in the Simcoe Reformer. I will point out, to their credit, that when this newspaper publishes editorials, the author of the editorial is listed at the bottom. In this case, it's a journalist by the name of Monte Sonnenberg. He goes on to say:

"Few farmers can absorb significant disruptions and survive to grow another year. However, the labour movement, abetted by the courts, is pushing for the right to bankrupt farmers whenever the moment moves it. Meanwhile, the government is trying to avoid an outcome with extreme potential for injustice and violence.

"In its quiet moments, even the labour movement has to admit that the issue of unionized farm workers is a potential minefield for all concerned. Many farmers—perhaps the majority even—are barely making it from year to year. Yet some want to tighten the screws on them even further."

We heard, through consultation, that Ontario's agricultural employers value the working relationship they have with their employees, the men and women who they do work side by side with in farming; they value the relationship that they already have. They believe it's a good one and they believe it's one that should not be tampered with or jeopardized.

We heard, as we went forward and through these consultations—and we should bear in mind—that it's important to treat all agricultural employees in a consistent manner. When we drafted this bill, we remembered what

we had heard. The proposed legislation before us today does respect the individual and constitutional rights of agricultural employees, while having regard to the unique characteristics of farming.

I do wish to make mention here, and I quote again: "These people need to understand that farmers have little control over their markets. They are price takers, not price makers. Yet they are forced to pay what the price makers insist on receiving for their inputs. Profitability is thus an uncertain prospect." Again, I'm referring to an editorial in my local daily paper. "Given the importance of a healthy agricultural sector to our collective well-being and the ongoing fragility of the same, farmers simply do not need someone else ramming their hand into their pockets."

I made mention of the consultation process. We have some feedback from the meetings that were held; Mark Wales, for example. Mark is an OFA representative on the Labour Issues Coordinating Committee. I have attended meetings of that committee. Mark Wales addressed a recent OFA board of directors meeting: "The government listened to the concerns of agriculture and this is legislation we can live with."

This proposed legislation would enable agricultural employees to do a number of things: first, to exercise their rights to form and join an association; second, to participate in lawful activities of that association; third, the right to assemble; and fourth, to make representations to an employer through an employees' association. The proposed legislation very clearly would ensure that they could do all of this free from interference, free from coercion and free from discrimination.

I would emphasize that the proposed legislation contains no restrictions on the composition of such an association other than that the association be comprised of agricultural employees. The employees' association could be comprised of agricultural employees from any number of farms. It could be organized on any basis that the employees want. It could be a branch of another organization, including a branch of a local of a union. A union or other organization could assist these employees in forming their employees' association, whether that association was formed as a branch or a local of a union or of another organization, or it could be a completely separate organization altogether.

To be clear, while an agricultural employee may join an association that is a union, the proposed legislation does not extend collective bargaining to agricultural workers. This is very important, and I do wish to convey words from Ken Forth, with the Ontario Fruit and Vegetable Growers Association. Mr Forth is chair of the labour section of that association.

"The legislation is doing exactly what the Supreme Court requested in terms of meeting the rights to associate. It also recognizes farming as a unique industry. It's a living biological production system, and you can't have strikes in this business." Forth went on to say that the new legislation will protect the lawful right of workers to assemble and make representation to employers free of discrimination and coercion, as I previously explained.

Another person heavily involved in these issues, a long-time fruit and vegetable grower from Cedar Springs, Hector Delanghe, said the legislation will clear up a lot of uncertainty about farm labour issues that have existed over the last seven years. Mr Delanghe has been actively involved in dealing with many of these issues. Hector Delanghe is quoted in the Ontario Farmer and has said that it would improve the lot of workers to put pressure on a few bad-egg employers to mend their ways and provide better working conditions for their employees. "Farm workers will be able to associate and generate more interest in working conditions and farm safety issues," said Delanghe.

I feel it is worth noting that while this proposed legislation is not about workplace health and safety, although farm accidents have certainly been discussed by a number of speakers during this debate over the last several days, the legislation is directed at agricultural employees' rights of association. It would enhance the ability of employees and employers to communicate about health and safety issues, about terms and conditions of employment, clearly and quite frankly including any concerns about workplace health and safety.

We have heard this in the debate as well: farm injuries and farm fatalities are a concern. They are certainly a concern of our government; they are certainly a concern in my riding of Haldimand-Norfolk-Brant. I have a personal concern. In the 1980s I was actively involved with our local farm safety association. I served for several years as the president of the Norfolk farm safety association.

I have some data. Of the 109 total farm fatalities since 1996, 17 were under the age of 16 years. This represents 16% of all the deaths. Twenty-three were over the age of 65, representing 21% of those deaths. The Canadian agricultural industry surveillance program shows a strong, statistically significant decline in the number of work-related farm deaths in Ontario—this is good news—between the years of 1990 and 1998, from about 40% to 20%. The rate of agricultural employee lost-time injuries also declined, by 25%, from 1996 to 2001.

1740

The Ontario Farm Safety Association is the lead agency for farm safety education. The Ontario Ministry of Agriculture and Food has been co-operating with the Farm Safety Association for a number of years; for example, to fund safety projects that target farm families and, given the statistics I've just presented to you, projects that target the very young and older workers. The Ministry of Agriculture continues to support the Farm Safety Association, the Ontario Agricultural Human Resources Council, and the WSIB—the Workplace Safety and Insurance Board—in these efforts; for example, through delivering what's referred to as the farm safety audit program, designed to improve working conditions.

Very clearly, the mandate of the Farm Safety Association is to reduce the number of injuries, accidents and fatalities on our farms in Ontario, specifically in the agri-

cultural-horticultural landscape operations covered under the Workplace Safety and Insurance Board, whereby employers, owner-operators and members finance the Farm Safety Association through a portion of their assessments paid to the WSIB. Roughly two thirds of Ontario's farmers are not covered by workplace safety and insurance; therefore, OMAF provides assistance to them in the form of a \$90,000 annual funding to extend health and safety programs to all farmers, regardless of their linkage to the Workplace Safety and Insurance Board.

The Farm Safety Association produces a glossy publication titled Farmsafe. It keeps us all up to date on issues and provides those reports on injuries and accident trends. Both the Farm Safety Association and the Ontario Agricultural Human Resource Council are working with the Workplace Safety and Insurance Board to deliver a comprehensive agricultural safety audit program. This audit is designed to improve working conditions. Over 4,000 farm managers have requested this audit program over the past two years. There's also the young and new worker orientation program to cover legal obligations, duties, identifying hazards in the workplace and mapping out very clearly what one is to do if an injury occurs. So we see the figures. The injury and fatality rate is in decline. As I've indicated, the legislation doesn't directly address safety on the farm, but it does open the door to talking about it, to discussing terms of conditions of employment.

I feel we have a good piece of legislation here, especially given the size of Ontario's agricultural industry, the large number of employees involved. We know the NDP position. I do regret that the Liberals did not support this at first reading, and I also regret that the Liberals moved to adjourn the debate yesterday. I don't know what the reason for that was. It think it's very important for us to have had this discussion and debate. It's important to air the issues connected with this bill. It remains to be seen which Liberals and how many vote in support of it today.

Mr Gerry Phillips (Scarborough-Agincourt): I'm pleased to join the debate. I start off with my concern about the process here, that we're now dealing with, once again, a time allocation motion. I think many of us came from a background of municipal politics, either at a school board or a council where we're used to public input. If the public wants to have an opportunity for input into a decision by council, they have that opportunity. Here at the Legislature there's virtually no opportunity for the public to have input.

In this particular case, what we're faced with is that the government's introduced what we call a time allocation motion. It means the bill can't even go to a committee. No member of the public who has an interest in the bill has an opportunity for input. I find that unfortunate.

I remember that the government, on a tax bill, decided on a fundamental change in tax policy: corporate taxes 25% below the US. There was never an opportunity for

the public, or dare I say even the Legislature, to have this to a committee.

The second point I'd make is that the member for Haldimand-Norfolk raised the issue of the Liberal Party and how it stands on this bill. We've been very clear on it. He may not have listened or he may not have been here to hear the debate. We're voting in favour of the bill.

The public should recognize that the bill was introduced here in the Legislature and we abstained on what's called first reading. The reason for that—and the public should understand this—is that we think our farm community is extremely important. We think a piece of legislation introduced that has a profound impact on them deserves some study—a reasoned debate on it. We hadn't even seen the bill. The member for Haldimand-Norfolk may simply stand up and say, "Yea; I'll vote for anything." He'd never seen the bill. He couldn't have seen the bill. But it was introduced here and he was all set to vote on it.

I would just say to the public that the Liberal Party said, "Listen, we want a chance to see the bill. We want to know what's in the bill." So we abstained, and I have no difficulty with that. The Conservative members say, "You shouldn't even care what's in it. You should just simply vote." I say, no wonder the public is cynical about the process we follow around here.

The member said it was for first reading. There was a vote on it and we were expected to vote—"Are you in favour or against this particular bill?"—without ever having seen it. Mr Chudleigh may be prepared to stand up and vote on a thing like that, but frankly if in the end you are going to have to defend a decision, I suggest maybe you'd like to read it. The public can make its own mind up on it.

To our rural community, to our farm community, I just say I'm very happy with the decision we made to abstain. We've now had an opportunity to debate the bill and we're prepared to support it—not without reservation, I might add. In fact, my leader has been quite clear. He said, "Listen, there's an aspect of this bill that we don't like. For what's called a large factory farm operation we think there should be an opportunity for organization of the workforce." My leader, Dalton McGuinty, said, "Listen, there will be an election coming up. If we win, get elected, that's what we will do." I've listened carefully to the debate in the Legislature, and the major concern is particularly that.

I would also add that farm safety is a concern, and the injuries in our farm community are a concern, but that has to be dealt with in a way that affects our entire farm community so that small farms and large farms are dealt with. Again this bill does not address that—nor can it, if I might say.

The member for Haldimand-Norfolk says, "I don't know where the Liberals stand." I just say to him, you've got to come here and listen to the debate because we've

been very clear on it. If you don't understand it, you haven't been here to listen to the debate. You say, "The Liberals abstained on first reading." I say again to our farm community, recognize that not a Liberal member had seen that bill. Our House leader may have seen it for one minute. So you may not like the fact we abstained, but I have no difficulty in explaining that to our farm community. We'll be very happy to support the bill and make the changes we need later.

The Deputy Speaker: Mrs Johns has moved government notice of motion number 50. Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a 10-minute bell.

The division bells rang from 1750 to 1800.

The Deputy Speaker: All those in favour will please rise one at a time and be recognized by the Clerk.

Ayes

Arnott, Ted	Gill, Raminder	Mushinski, Marilyn
Baird, John R.	Guzzo, Garry J.	Newman, Dan
Barrett, Toby	Hardeman, Ernie	O'Toole, John
Beaubien, Marcel	Hastings, John	Ouellette, Jerry J.
Chudleigh, Ted	Hodgson, Chris	Runciman, Robert W.
Clark, Brad	Hudak, Tim	Spina, Joseph
Clement, Tony	Johns, Helen	Sterling, Norman W.
Coburn, Brian	Kells, Morley	Stewart, R. Gary
DeFaria, Carl	Klees, Frank	Stockwell, Chris
Dunlop, Garfield	Marland, Margaret	Tascona, Joseph N.
Ecker, Janet	Maves, Bart	Tsubouchi, David H.
Elliott, Brenda	Mazzilli, Frank	Turnbull, David
Flaherty, Jim	McDonald, AL	Witmer, Elizabeth
Galt, Doug	Molinari, Tina R.	Wood, Bob
Gilchrist, Steve	Munro, Julia	Young, David

The Deputy Speaker: All those opposed will please rise one at a time and be recognized by the Clerk.

Nays

Agostino, Dominic	Crozier, Bruce	Levac, David
Bartolucci, Rick	Curling, Alvin	Martel, Shelley
Bisson, Gilles	Di Cocco, Caroline	Martin, Tony
Bountrogianni, Marie	Dombrowsky, Leona	McMeekin, Ted
Bradley, James J.	Duncan, Dwight	Peters, Steve
Bryant, Michael	Gerretsen, John	Phillips, Gerry
Caplan, David	Gravelle, Michael	Prue, Michael
Churley, Marilyn	Hampton, Howard	Ruprecht, Tony
Colle, Mike	Kennedy, Gerard	Sergio, Mario
Conway, Sean G.	Kwinter, Monte	Smitherman, George
Cordiano, Joseph	Lalonde, Jean-Marc	

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 45; the nays are 32.

The Deputy Speaker: I declare the motion carried.

It being well after 6 o'clock, this House stands adjourned until 6:45.

The House adjourned at 1806.

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Mercredi 30 octobre 2002

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