



No. 87B

N° 87B

ISSN 1180-2987

**Legislative Assembly
of Ontario**

First Session, 37th Parliament

**Assemblée législative
de l'Ontario**

Première session, 37^e législature

**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Wednesday 11 October 2000

Mercredi 11 octobre 2000

Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

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LEGISLATIVE ASSEMBLY
OF ONTARIO

Wednesday 11 October 2000

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

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*Report continued from volume A.
The House met at 1845.*

ORDERS OF THE DAY

TECHNICAL STANDARDS
AND SAFETY ACT, 1999

LOI DE 1999 SUR LES NORMES
TECHNIQUES ET LA SÉCURITÉ

Resuming the debate adjourned on June 19, 2000, on the motion for third reading of Bill 42, An Act to enhance public safety and to improve competitiveness by ensuring compliance with modernized technical standards in various industries / Projet de loi 42, Loi visant à accroître la sécurité publique et à améliorer la compétitivité en assurant l'observation de normes techniques modernisées dans plusieurs industries.

Mr David Caplan (Don Valley East): On a point of order, Mr Speaker: I'm requesting whether there's a quorum.

The Deputy Speaker (Mr Bert Johnson): I'll carry through that process. Would you see if there's a quorum present?

Clerk at the Table (Mr Todd Decker): There is not a quorum present, Speaker.

The Deputy Speaker ordered the bells rung.

Clerk at the Table: A quorum is now present, Speaker.

The Deputy Speaker: The Chair recognizes the member for Hamilton West.

Mr David Christopherson (Hamilton West): Thank you, Speaker, and I'm pleased to finish the five minutes I have remaining on this bill. But it's interesting to note that the government was all fired up to sit in the evenings and now we have to drag the government members in here, kicking and screaming, because it would seem they don't want to work. It's one or the other, you know. Either you want to work or you don't want to work. You've got a majority; make up your minds.

I was reviewing Hansard to see exactly where I left off, because we last debated this on June 19, and I was struck by the fact that I commented much like other members had; there's nothing unique about what I said. However, I would draw to your attention that I said on that day, on June 19, before the summer, and I'm quoting from Hansard, "Through you, Speaker, I can only imagine how the chief government whip"—I was responding to something the chief government whip had said in the

House—"would feel when, upon hearing that someone has been hurt, particularly a child, on an amusement ride, or perhaps that people have been hurt in an elevator, and that he in this place, talking about this change, made reference to the tags that are on mattresses. I really think it shows a disrespect to the importance of regulatory bodies and regulatory legislation."

That was June 19, and over the summer we unfortunately did generate the very types of headlines I was concerned we would see. Are these directly attributable to privatization? I don't know. But it certainly would seem just a little suspect, especially given the concerns people have about what was privatized around the Walkerton water disaster. August 25: "Girl Hospitalized After CNE Ride," "CNE Mishap Sends Teen to Hospital," and further a whole story about safety at the CNE.

1850

Our concern in the NDP caucus is that this is just the beginning. The government members in this place this evening know that it's not just us. There was an independent, arm's-length, for many of us in this place, analysis by academics and experts in the field, who presented a report called *The New Public Management Comes to Ontario*. They said, about your new Ontario Technical Standards and Safety Authority: "The accountability framework established by the government of Ontario for the delegated administration authorities is significantly weaker than that provided in other jurisdictions, including the United Kingdom, New Zealand, Alberta and the government of Canada." There are serious concerns.

Again, is it just us? Because that's what you love to do, is say, "Well, it's just you over there in the NDP who have these concerns." First of all there's the academic side of it. Arm's-length expertise has looked at this as a governance model and compared it to other models and shown major weaknesses. Surprise, surprise.

Further to that, I've got a copy of a letter addressed to the minister, and I'm sure members of the government have it across the way. It's dated September 6 of this year. It is from the Independent Elevator Contractors' Association. They say, in part, "To allow any organization, TSSA or other, that affects public safety to be removed from the control of the legislative body would be potentially undemocratic, unrepresentative of the people in the industry it represents and potentially dangerous." That's from the Independent Elevator Contractors' Association.

How much more do we need? We've got injuries, we've got academic and expert analysis, at arm's length

from all of us here, and we've got some of those people in the private sector who would be part of this regulation. All of these things point to, "Don't do it." But I fear that once again we're going to feel the wrath of the majority government of Mike Harris, yet again to the detriment of the people of Ontario.

The Deputy Speaker: Comments and questions?

Mr Doug Galt (Northumberland): As usual, I'm quite amused by the member from Hamilton West. He's an extremely effective speaker, but I thought it was kind of interesting that he zeroed in for a while on tags on mattresses. I don't know why he was poking fun at something as important as the quality—a collapsed mattress is a disastrous situation, or a spring that may come through. But certainly, he made light of something as important as the safety standards as they would relate to a quality product on the market such as that.

This is quite an important bill, as we look at some of the amusements and what's required to be controlled there, the safety and standards that come in there. We can't make light of the fact that some people have been injured in the past; some have even been killed bungee jumping. I personally think this is something that's pretty serious, to ensure that these bungee rides are in permanent establishments, rather than something that's quite mobile and more dangerous. These are some of the things that this particular bill is going to do.

The member from Hamilton West certainly understands that and has some appreciation for this particular bill, particularly from some of the positions that he held in the past. I respect where he's coming from. I also respect some of the debate that we had in this House back in June. The parliamentary assistant, the member for Durham, has led the debate here very capably and has been guiding this bill through the Legislature. I look forward to its passage with its increased standards and safety here in the province of Ontario to ensure that we are protected with some of the amusement rides, particularly the ones such as bungee jumping.

Mr Dave Levac (Brant): I want to rise to support the member from Hamilton East—

Mr Christopherson: West.

Mr Levac: West; sorry, wrong spot—in the concern he's expressing very clearly about the safety of the citizens of Ontario.

As the bill has been put forward, we've heard time and time again that that seems to be the number one priority of all members on this side and on that side. No one is suggesting for a minute that none of us is concerned about the issue that's being raised. The member from Northumberland tries to have us believe that this in-depth study of this bill is going to be put forward with no recommendations of change.

Might I suggest to the member opposite that in our first kick at this cat in trying to explain the folly of Bill 42, great pride was taken and expressed in a letter to my constituent, who rose to the occasion of Bill 42. He, being in the business, pointed out the folly, some of the problems that Bill 42 has brought to light. It was

suggested in a response from the minister, at that time Mr Runciman, that 50% of the members who were doing the inspections were certified—50%. There was great pride taken by the members opposite in saying, "We've got these certified workers out there who are doing the inspections"—50% of them. What we tried to point out and were kind of fluffed off very quickly, kind of hide your head in the sand on this one, 50% means that 50% of those people doing the inspections are not qualified and certified to do those inspections. Not having those qualifications and certifications to do the inspections is a very scary thought.

Mr James J. Bradley (St Catharines): I expressed in the second and third readings of this bill, when I had an opportunity to speak, my great concern about the trend it continues. I won't say the trend it sets, but the trend it continues, because more and more we're having this government place the fox in charge of the henhouse; that is, those who have a close connection to what is being supervised, and perhaps have a vested interest, are those who are now doing the supervising. I think somebody who is arm's length, an agency which is totally arm's length, is much more appropriate.

Governments in the past have assessed for these purposes. I think, for instance, of when we had a fund for people who are on vacation and some fraud took place or somebody went bankrupt. There was a compensation fund which everybody paid into—I would say that was all the people who were in the business—and people were covered. I believe we've taken that away now and we've got something out there that the organization itself is supervising. I think it's better to have some distance.

In specific cases of the inspection of rides, because that's exceedingly important to the Ministry of Consumer and Commercial Relations, for instance, I feel that there would be far less of a risk if we had the government agency which in the past was in charge of this doing the supervising and the inspections again, just as I believe the government will be making a mistake if it continues its trend towards the privatization of water in this province. Today, as you know, Dalton McGuinty, the Leader of the Opposition, revealed that this government is on its way to privatizing water services in this province. In light of what we've seen happen in Walkerton and other communities, I know we would not want to turn that over to the private sector, but maintain that in public hands, owned and operated by the people of this province.

The Deputy Speaker: The member for Hamilton West has two minutes to respond.

Mr Christopherson: My thanks to the members from St Catharines and Brant, who talked about the safety aspects of this. I think it's pretty clear that's what's driving all of us in terms of the concerns we have.

To the member from Northumberland, I thought it was going to be a unique evening when I saw him working there with a pink highlighter earlier. I thought, "something's going to happen this evening that's not expected," and there I was, in the first couple of minutes he hands me a gift: he stands up and he ridicules me for raising the

issue of tags on mattresses. But as is often the case with the Tories, when you scratch the surface, you find out a whole different truth underneath.

1900

Lo and behold, on June 19, when last we debated this, it was the Honourable Mr Klees, the chief government whip, who raised the issue. I indeed was responding to his comments. His comments at that time, I would say to the honourable member, were as follows: "Bill 42 is the end of that because the government is finally getting out of the business of sticking labels on to mattresses. As a result of that, people from across this province will have the opportunity to have a sound night's sleep without the guilt of removing those labels."

In and of itself, that would be funny. My comment at that date and the reason that I read the Hansard—and I didn't read all of it; prior to that I acknowledged that the honourable member, I believed, indeed was an honourable member of this place. I was saying that I wondered how he'd feel if that comment he made in the context of the debate on this issue, which is public safety—if this were to follow, and that's exactly what happened. Our continuing fear here is that by privatizing, we're going to see more and more headlines like this, and for what?

The Deputy Speaker: Further debate?

Mr Galt: I'm certainly pleased for the opportunity to speak about the government's many initiatives in meeting its responsibility in the area of public safety and in technical standards.

Just a little bit of a response, Mr Speaker, if I may, to the last presenter, from Hamilton West, talking about tags on mattresses and how one of our caucus has one opinion and another has a different opinion. At least in our caucus it isn't like a group of seals who sort of all get together and do the same thing. We think individually and work together as a team. It's a significant difference from the other caucuses that sit across the House from us.

Earlier this year, the Ministry of Consumer and Commercial Relations, sometimes referred to as MCCR, adopted a new and tougher safety code for the operation of amusement devices in Ontario. This code was based upon standards that were recently developed by the respected American Society for Testing and Materials, generally considered to be the most advanced code for amusement devices in the world. The MCCR commissioned an independent review by the Canadian Standards Association of the new code against the existing safety standards for amusement devices. It was determined that the new code would raise the bar for safety and a decision was made to adopt it on a temporary basis under the Ministry of Consumer and Commercial Relations Act.

The ministry is also taking many other steps to improve public safety. That's been all across the board for our government looking at public safety. Whether it be on the highways or building centre barriers, public safety has been number one for this government. Among them is the implementation of some 29 recommendations for improving amusement device safety that were issued in

June of this year in a report of the chief coroner of Ontario. The recommendations followed from a coroner's inquest into the tragic death of Jerome Charron, a young man who was killed in 1998 in a bungee-jumping accident in the Ottawa area. We all recalled hearing about that death and were quite devastated by it. The ministry and the TSSA have recently sent an interim response to the coroner's office reviewing progress that has been made on those recommendations. I think everybody in this House is very pleased to realize that in that report of some 29 detailed recommendations that were made, we are now pursuing some 28. They've either already been implemented or are being put in place for the next year's carnival season.

In working to enhance amusement ride safety, it is vital to keep in mind that the main cause of accidents—more than 90%—is human error, either on the part of the ride operator or on the part of the rider themselves. We recognize human error is a responsibility of every individual, and certainly we think of a lot of serious human errors that have happened in our world. The sinking of the Titanic is one that very quickly comes to mind; certainly many of the plane crashes are human error. I think about the voting back in 1990, when we elected an NDP government. Obviously that was a big human error that occurred here in the province of Ontario.

MCCR is taking the necessary operational steps to raise the bar for public safety here in Ontario. One initiative the Ministry of Consumer and Commercial Relations has undertaken since the inquest into young Mr Charron's death involves the types of rides permitted to operate in the province. On July 5 of this year, strict new design requirements for the operation of bungee rides were announced by the Minister of Consumer and Commercial Relations. These standards ensure that bungee rides without permanent installations will not be able to operate in Ontario.

I said earlier that the ministry had implemented or was in the process of implementing 28 of the 29 Charron inquest recommendations. For example, one of the recommendations states that responsibility for amusement device investigations should be returned to MCCR, and in situations involving serious bodily harm or death, the local police should take the lead role in the investigation, rather than the Technical Standards and Safety Authority, which is responsible for the day-to-day administration of Ontario's safety laws.

Police involvement is already something that currently happens as a matter of course when a fatality occurs. However, TSSA's administrative agreement has been amended to require a formal protocol which will ensure the involvement of a government body or law enforcement agency, aside from TSSA, to assist with the investigation of serious incidents or fatalities. This will also serve to ensure the avoidance of conflict of interest. This protocol will require the approval of the Minister of Consumer and Commercial Relations and will be attached as a schedule to the administrative agreement.

TSSA's administrative agreement with MCCR has been strengthened in other areas as well. As members are aware, the Premier released the government's fall action plan to this House on September 25. He addressed the issues that are most important to Ontario families, and better environmental protection, public safety and public health were high on that list.

In keeping with the goal of achieving better environmental protection, TSSA's administrative agreement has been revised to make direct reference to TSSA's obligation to protect the environment as well as public safety and public health. The administrative agreement has also been changed to require that TSSA board members be subject to a code of conduct to ensure that no members ever put personal business interests ahead of the interests of the administrative authority. The Minister of Consumer and Commercial Relations will be responsible for approving this code and it will form a schedule to the agreement.

The final recommendation of the Charron inquest talked about the composition of the board of directors of the Technical Standards and Safety Authority. This matter, and many other issues around the responsible oversight of TSSA and other administrative authorities that report to the ministry, is the subject of an independent evaluation that is being tendered as we speak.

When the first administrative authorities were created in 1997, the then Minister of Consumer and Commercial Relations promised the people of Ontario that once the not-for-profit corporations had been in existence long enough to have established track records, their performances would be evaluated. That promise is being kept. MCCR's evaluation will look into how effective administrative authorities have been in meeting their responsibilities to administer the legislation, and will also assess governance and accountability mechanisms to ensure that they are appropriate to preserve and protect the public interest.

I know that the honourable members of this assembly are familiar with a Canadian Institute for Environmental Law and Policy report on TSSA. That report made a number of recommendations, and some have already been responded to by the ministry. Most of the issues raised are those under consideration as part of the ministry's evaluation of the administrative authority model.

I would like to express appreciation for the time and effort that went into the preparation of the report and to say that its recommendations on issues related to improving the governance and accountability framework have been added to the list of issues we have asked the independent consultant to evaluate.

1910

Indicators to date suggest that TSSA is doing a fine job. The authority has increased inspections by almost 25% since it took over, and TSSA's financial investment in public safety has also increased dramatically. Nevertheless, where public safety is at stake, we must work constantly to improve performance.

With the implementation of these many safety improvements, I'm pleased to move the resumption of debate on the proposed Technical Standards and Safety Act, 1999, for third reading before this assembly. This bill would help the government to ensure that the highest possible public safety standards are in place in Ontario. Bill 42 unites the province's seven technical safety laws into one consolidated piece of legislation. This would provide for consistency in the administration of training and professional development standards for professionals across the board. It would also result in stronger uniform maximum penalties for non-compliance.

Input from the official opposition at the standing committee in June, for which I am grateful, has resulted in a proposed doubling of the maximum fines for offences under the act for individuals, from \$25,000 to \$50,000; and a planned tenfold increase in fines for corporations, from \$100,000 to \$1 million.

The Deputy Speaker: Comments and questions?

Mr Alvin Curling (Scarborough-Rouge River): I want to comment on my colleague from Northumberland. I listened to him very carefully and I listened to his sincerity. I think he's extremely sincere in what he's doing, and that's good. The frightening thing about it is that he's so misguided.

This is the same government that wants to cut out red tape. Looking at it, you would believe that immediately individuals would feel that they'd like to reduce it so it's manageable. They are doing the reverse. They are creating more red tape. Moreover, we just completed debate on a bill earlier on, and here we are again debating another bill that will create more red tape within this government.

The other aspect that is so frightening is that we have self-regulating associations. This government of course abdicates responsibility almost hourly. Each time they stand up here they make apologies, whether the blame is on the feds, the blame is on the municipality, the blame is on teachers, and they don't take any responsibility. Right now they abdicate their responsibilities to other associations which are self-regulating. The fact is that when they've passed these kinds of regulations and they've passed on these responsibilities, they don't even give sufficient funds for that.

I have great concerns about many of these professional associations because sometimes they block individuals who would like to perform effectively and they become elite clubs, and they really should be managed by government. So what we're going to have is more red tape in trying to get access to what you want effectively to do.

So with your sincerity, I doubt it very much. How misguided it is.

Mr Christopherson: Once again the member for Northumberland provides an embarrassment of riches upon which to comment and only two minutes to do it in.

I would bring to his attention that there's a whole other aspect to this that he either refuses to bring forward or he blindly just looks away, kidding himself. But I'd like him, during his two minutes if he could, to maybe

just touch on how he feels that it's in the public's interest and how safety is enhanced when, as a result of privatizing all these public safety inspections, the following laws no longer apply. I'd like him to tell us how he thinks that's helpful to the public. Because they're privatized, the inspections that are being conducted and the whole infrastructure around them are now no longer subject to the Audit Act, the Ombudsman Act, the Freedom of Information and Protection of Privacy Act, the Lobbyists Registration Act and the Environmental Bill of Rights. So when we privatize, it's not just this whole business of, "Hey, we can save a few bucks and therefore it's a good thing and we ought to do it." There are a lot of implications, as we're learning in the Walkerton disaster.

These are a number of the pieces of legislation that are currently in place to protect the public or to give the public rights. As a result of privatizing these safety inspections, those rights are now obliterated from public awareness and the public's legal right to have them enforced. I would really appreciate it if the member from Northumberland would explain to me how no longer having these pieces of legislation apply to safety inspection is somehow beneficial to the public.

Hon Chris Stockwell (Minister of Labour): I'd just like to compliment the member from Northumberland on his speech tonight. I thought it was well researched and interesting. Obviously, it measures up to his standard in the past.

I think the members opposite should understand that in today's society and in many jurisdictions around this world, self-regulation is a way of life. There are many self-regulating bodies and agencies around. For instance, we've gone through many years in this province where many jurisdictions and areas were self-regulated. Think of the legal community and the doctor community. A lot of these agencies—and can you think of anything more important than doctors?—have been self-regulated over the last number of years. They are professionals. They understand the industry. To suggest for a minute that somehow they would compromise their ethical standards simply because they are self-regulating I think is unreasonable, unfair and really unflattering to those industries.

There are other industries in the past that have started to self-regulate.

Mr Marcel Beaubien (Lambton-Kent-Middlesex): The insurance brokers.

Hon Mr Stockwell: The insurance brokers are a good one. Real estate agencies have become self-regulated, and social workers. These are good-quality, high-performance people who live in our province, who have the ability, the ethics and the morals to self-regulate. What it's saying is not so much that government is the only one that can do it, but that a lot of times in these self-regulating circumstances they are better at doing it than the government.

Another point that needs to be made, on the amusement side of things, is the rides and self-regulation. Much of the time the work wasn't getting done because of the

restrictions put in place by governments—not just this government but municipal governments—as far as inspections were concerned. This could be a very important way of doing it.

I understand the member from Hamilton doesn't agree with this, and I know your party doesn't agree with any of these approaches, but it doesn't really matter. The public does. If the public supports it, if they believe in it, then I think it's a good idea.

Mr Bradley: I was glad to hear the view from the outback. It was rather interesting to hear the Minister of Labour intervene in something of this nature. But I want to recall that the government is involved in more privatization than we see in this piece of legislation. I'm worried that the Ministry of Consumer and Commercial Relations is virtually annihilated or dismantled, and that they're going to wrap it into some other ministry. The reason I'm worried is that there are now so many people with consumer problems who require the intervention of government, of their elected representatives, to assist them in some way or another. I think every time the Ministry of Consumer and Commercial Relations yields yet another piece of its jurisdiction, the government is at greater risk. That doesn't guarantee either way that we're going to have a disaster or that all will be perfect. The point I always make is that it increases the risk.

Second, I see privatization now in the field of electric power. The Minister of Energy brought in a bill. He appears to have abandoned that piece of legislation. Apparently he ran into a hurricane the other day in Mississauga, Hurricane Hazel, and now he tends to back down from that piece of legislation.

In our community, I know one of the number one issues in the municipal campaign is going to be the effort of the right wing in particular to privatize our hydro-electric commission. There was a major effort made; many people were advancing the cause of privatizing hydro. They could see all this money going in, so they wouldn't have to give a tax increase in the area. The Minister of Energy was concerned about this. He appeared to be—

Hon Mr Stockwell: How is the GM expansion in St Catharines going?

Mr Bradley: I will get to that later.

He appeared to be standing up to this initiative on the part of some. This whole idea of privatization will be a big issue.

1920

Mr John O'Toole (Durham): The member for Northumberland does get a chance to speak again, for about the fifth time today, but we'll overlook that.

This is a very important act. I should draw to the members' attention that during the full course of public hearings both the Liberal and, I believe, the NDP positions were without remark actually in terms of some issue with this bill. There were some other dynamics that came into play after it left second reading and public hearings. I would say that if you check the record, most will say they saw the sense of combining seven acts, as has been

mentioned here, and the logistics of administering the issues of public safety under one act. There was nothing on the record that I can recall that was in any way critical. Without putting words in their critic's mouth, I'd say they were supportive of the legislation as it was coming out of second reading. There were other things that took place in Ontario that for political reasons, I believe, caused them to move away from the bill.

If you look clearly at sections 4 and 5 of the bill, there are provisions for appointing directors and inspectors to supervise and inspect activities in the technical standards industry. I can tell you, as the assistant to the minister, that there is still a considerable amount of oversight from the minister's perspective as well.

I'm sure the member from Northumberland will be responding to the member from Hamilton East—

Mr Christopherson: West.

Mr O'Toole:—Hamilton West. How come when Stockwell just says "Hamilton," you don't respond to that, but when I say it, it's "West." It's clear you don't represent the interests of all Hamilton, just Hamilton West.

I would say that this bill has been the work of more than just the current government. This bill was well underway in terms of providing an oversight body called the TSSA to enforce and regulate public safety issues.

The Deputy Speaker: The member for Northumberland has two minutes to respond.

Mr Galt: I really enjoyed the responses by the Minister of Labour and the member for Durham. There was excellent content in their responses. The other three in opposition—the members for Scarborough-Rouge River, Hamilton West and St Catharines—leave a lot to be desired in their comments.

Talking about red tape, it's obvious that the member for Scarborough-Rouge River does not understand what red tape is. Red tape is useless regulations; it's regulations that get in the way. But there are quality regulations that are needed to regulate the country, and I don't think you recognize the difference. But I don't think most Liberals recognize the difference, so you're certainly not alone over there in your caucus.

I would just like to read a couple of other things into the record. The placement of details, technical standards and codes of regulation where they could be updated quickly is perhaps the most important feature of this proposed legislation. At this time I want to reinforce to this assembly that there are many safety improvements that are contingent upon the passage of Bill 42. For example, recommendations contained in the Charron inquest report regarding the development and implementation of new training and certification standards for amusement device mechanics, operators and attendants would require passage of Bill 42 before they could be made legally binding.

That is why I am calling on the honourable members of this assembly to support the passage of Bill 42. I urge all members to support this bill, enabling the government to raise the bar on public safety for the people of Ontario

through adoption of a more responsive, efficient and effective legislative framework.

The Deputy Speaker: I want to apologize. Sometimes I get caught up in the process of things, and I allowed five responses when there should only have been four. When I think of a suitable punishment for myself, I'll mete it out.

Further debate?

Mr Dwight Duncan (Windsor-St Clair): Mr Speaker, I understand I have the agreement of the House to split this 10 minutes with my colleague from Don Valley.

Interjections.

The Deputy Speaker: Agreed.

Mr Duncan: Thank you. I listened attentively to the Minister of Labour when he spoke about the purpose of this bill being who regulates best. In fact the purpose of the bill is contained in section 1. The government suggests that through this bill it is going "to enhance public safety in Ontario." We fundamentally disagree with that on a whole range of fronts.

Let me address, first of all, the substantive issue about government regulation versus self-regulation and where it is appropriate to have government regulation versus self-regulation. The Minister of Labour suggested a number of professions that self-regulate. For a number of years, there was a very limited number of professions. There were very high standards to become part of the profession and there were a number of checks and balances within that. Finally, those being regulated was a relatively small number; for instance, doctors, lawyers and accountants. In recent years we've added social workers, after much discussion.

What we're talking about in this bill is a number of statutes. We're talking about amusement devices, boilers and pressure vessels, elevating devices, hydrocarbon fuels, operating engineers and upholstered or stuffed articles. Those types of products that are in the market, generally speaking, have large markets.

Interjections.

Mr Duncan: There are a lot of people who participate in those overstuffed debates—

The Deputy Speaker: Order. My late mother-in-law would suggest, because she taught up to grade 5, that sometimes it's better to let the kids laugh. They're going to do it, so let them laugh. Have your laugh and then I'll call on the member from—

Interjections.

The Deputy Speaker: Is that OK? I recognize the member for Windsor-St Clair.

Mr Duncan: The point is, and it isn't a laughing matter because it's a very serious issue, how do we best regulate? How do we ensure the utmost in public safety? My colleague from Don Valley will be addressing the question and addressing some very specific examples of where self-regulation doesn't work. While it may be a matter of humour to the government side on these issues, we think it's a very serious issue.

Earlier my colleague from St Catharines spoke of the fact that this is not the first set of deregulating, of removing safeguards, because we believe the act does not fulfill the commitment of the act in its first section, and that is to improve public safety. We think quite the opposite. We think it's a spurious argument to compare the regulation of medical doctors or lawyers or accountants with the regulation of everything from elevators through to boilers in this province, through to amusement rides and amusement parks, items that don't easily lend themselves to self-regulation, where there are not enough checks and balances within the system and where we believe it's prudent for government to regulate. We suspect too, by the way, I should say, that this bill itself will lead to a whole other set of regulations to effectively regulate the regulators. We suspect that at the end of the day the government will replace one code or one set of standards with yet another.

The government members opposite indicated there has been some sort of rethinking on the part of the opposition about this bill. I say to that member, absolutely. We have looked at this very carefully in the context of Walkerton and in the context of other situations that have come to our attention, and we believe that at the end of the day while we agree—I think everybody would agree—if there is a redundant regulation that can be eliminated, then it should be, the question comes down to, what constitutes that? My colleague from Don Valley will speak of one situation of a number we've identified that raises this point.

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Mr Caplan: This is a very serious act and I'd like to highlight perhaps the pitfall the act will lead us down the road to.

There was a recent coroner's inquest into the untimely and unfortunate tragic death of a young man by the name of Jerome Charron. At that coroner's inquest, the Technical Standards and Safety Authority was very clear. They indicated they do not do an inspection of every amusement ride at a fair or an exhibition. The TSSA only conducts spot checks. Many exhibitions do not conduct independent tests of their rides because they've been advised that the Technical Standards and Safety Authority has undertaken this responsibility, but a former manager at the TSSA indicated that the standard inspection that should have been applied to this case in Ottawa, the case of Jerome Charron, did not happen, that every piece of equipment should have been individually inspected.

Every amusement device must be supported by both a licence and be registered. There may be conditions associated with the licence. In this particular case there were conditions when the licence was obtained back in 1995. The operator, however, was not aware of these conditions. In this case, which led to the death of Jerome Charron, the conditions applying to the licence were as follows: (a) every time equipment was erected, it had to have an engineer check it; (b) the engineer had to certify it was safe for use each and every time; and (c) the erection of the equipment was to be supervised by the

manufacturer of the equipment. After the equipment was built in accordance with the conditions attached to the licence, a field test had to be conducted and an inspection had to be carried out and the permit would then be issued. The permit may or may not, but it usually does provide for correction of any deficiencies.

In this particular case, Anderson Ventures was the company that owned something called a Rocket Launcher bungee ride. A fellow by the name of Mr George Gordon, an independent engineer—this is all public knowledge from the coroner's inquest engineer—and Mr William McLardy, an independent engineering consultant, and Gord Kanani, an engineer with the Technical Standards and Safety Authority, all worked together at the branch when it was at the Ministry of Consumer and Commercial Relations prior to the transfer to the new association. Currently, Mr Gordon still sits on the TSSA advisory council.

Anderson Ventures, the company that owned the amusement device, retained Mr Gordon to certify the ride upon application for a licence and for registration of the ride. Mr Gordon certified the ride in 1995 as a member, as staff at the Ministry of Consumer and Commercial Relations. The ride had to be recertified for use in 1998 and Mr Gordon was again called on to assist in certifying the ride's safety.

On August 20, 1998, Mr McLardy, an engineering technician, conducted a field test for Mr Gordon, the professional engineer who certified the ride for public use. On the basis of the field test, Mr Gordon certified the ride as safe, despite the fact he had not seen it in person. Mr McLardy said he would never have approved the strap thought to have caused the accident had he seen it during the field test. There was an exchange of faxes and the engineering stamp "pre-approved" was filled in.

The TSSA inspector who examined the Rocket Launcher at the Central Canadian Exhibition in Ottawa was uncomfortable looking at the ride and called the head office for backup. Another TSSA inspector assisted. Neither inspector had any experience whatsoever with bungee rides. As a significant aspect of the inspections, one of the fellows testified he didn't completely understand the engineering principles. He said under oath that he relied heavily on the technical dossier to determine the ride's safety. The technical dossier was a missing document included with the original condition placed on the ride.

You can see there was a comedy of errors that led to the untimely, unfortunate and tragic death of Mr Jerome Charron. That's what's at stake today in the debate on this bill.

The Deputy Speaker: Comments and questions?

Mr Christopherson: I compliment the members for Windsor-St Clair and Don Valley East. I know that along the vein of the issues they were raising—we don't have a lot of time left here this evening—it's important to get on the record that the TSSA is now also going to be responsible for a lot of issues that could have major environmental impacts. I would have thought that in the

light of Walkerton, this government would be a lot more sensitive to the issue of our environment and the protection responsibilities that they have.

Government members should know, if they don't, that there's absolutely no reference to protecting the environment in all the regulations and the roles that the TSSA have. But one of the things, for example, that the TSSA is now responsible for is the underground storage tanks for gasoline at gas stations. You've already ensured that this organization, the TSSA, has no responsibility at all to the Ombudsman and to the privacy commissioner, and you also exempted them from the Environmental Bill of Rights. So whether or not the TSSA is performing their responsibilities adequately, in terms of protecting the public, protecting our soil vis-à-vis storage tanks for gasoline underground, there still remains the possibility that something could go wrong and you've eliminated the previous guarantees that were built into the structure.

They cannot any longer ask for information through freedom of information. They can't go to the Ombudsman—I mean as a citizen. They can't go to the privacy commissioner. Where do they go to find out what's happening before they even know whether or not there's a problem? This is a huge issue. It's not a minor, little thing.

Hon Helen Johns (Minister of Citizenship, Culture and Recreation, minister responsible for seniors and women): It's a pleasure to speak to this bill. Let me tell you that as the MPP for Huron-Bruce, I have heard some comments about this bill from both my propane business and from a boilermaker in my community.

I wanted to make sure that I thought this bill was appropriate, so I actually had the TSSA come up and meet with the constituents and with myself and interested people in the communities of Huron-Bruce. Let me tell you, after spending a number of hours with representatives from the TSSA and from the propane business and from the boilermaker community, that I am confident that the TSSA will be able to work with the people in my community to make sure they provide the best practices, that they provide safety for my community, that they don't overregulate or underregulate but that they make sure our community is a safe community in the future, that they protect people, the people who are buying propane in my community, drying crops, of course, which is a very expensive venture in the agricultural community, and at the same time that they ensure that in future, when people have propane coming into their homes, the propane is installed properly, the tank is installed properly and they're getting the best service they possibly can get.

Unlike with other bills, where we just read them, I spent some time looking into this bill, I spent some time talking to the people who would be the regulator in this case and I have convinced myself, after doing a fair amount of due diligence on this bill, that they will be cautious about safety, they will let businesses prosper in the province, and everyone will be better as a result of having the TSSA there. Those guarantees have been

made from the TSSA, and I look forward to them keeping them.

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Mr Curling: I just want to commend my colleagues from Windsor-St Clair and Don Valley East. It was a wonderful tag team. One lays out the concerns we have in general about the legislation and in detail about an issue or case that has happened. In that short time the concerns we have are precise and clear.

The thing we want is to make sure that the consumer is protected. The bottom line, that's what it is. The consumer must be protected. The consumer wants to know, whenever there is a fault, where they can go and there can be accountability.

But as we laid out before, this government quickly and easily abdicates responsibility. We want to hold this government responsible for the things it is doing. I am saying to you that the concerns we have here are extremely important. Don't rush this bill. Be very careful, because we are talking about people's lives. Even with the amusement park section, we realize many kids' lives are at stake and we must be very careful. We have many instances that have happened over time that have not been properly checked out.

The fact is that this government would just close its eyes and abdicate its responsibility somewhere. We want to hold them responsible for some of these actions. Therefore, consumers must be protected, and we see government as that individual that must be accountable.

Then when you talk about red tape, one member said to me these are unnecessary things. This direction is quite unnecessary. It's more than that, more than unnecessary; it is a way to show that they are washing their hands of the responsibility they have.

So I want to commend my two colleagues for their excellent presentations.

Mr O'Toole: I think it's important to put on the record something the member for Hamilton West said that may not leave the people viewing tonight or in fact the member for Don Valley East—sections 33 and 34 are a very strong regulatory authority within the ministry. With respect to the Gasoline Handling Act, section 42—I'm going to read it because the member for Hamilton West clearly is quite wrong on this and he should read it again: "The Environmental Bill of Rights, 1993, applies to this act with respect to matters to which the predecessor Gasoline Handling Act would not have been when this act is repealed." So the Environmental Bill of Rights, 1993, applies.

It's important to know that this bill, although very technical, has been very widely viewed by those experts within the provincial advisory committees, the technical standards committees as well—

Interjection.

Mr O'Toole: Mr Bradley, you'd be clear to say that you did not attend the public meetings, and as such the record shows clearly that those informed stakeholders at those public meetings did not put on the record any—but I did speak to Mr John Cerniuk tonight, who brought

forward an important observation. He's a technical person, and I kind of support this. He wants to build in accountability. He wants to be able to record, on form 7, a workplace injury or accident; he wants that recorded and the pressure vessel number recorded as well.

I think the minister, in view of regulations, will set up a situation that ensures public safety in these areas. Whether it's any of the seven acts—elevating, pressure vessels, gasoline handling, stuffed articles—the minister and the Lieutenant Governor in Council can make regulations with respect to ensuring public safety is first. I can assure you that in the act, if you read it, there is a provision that consumer safety comes first.

The Deputy Speaker: The member for Don Valley East has two minutes to respond.

Mr Caplan: It'll be very empty, unfortunately, for the family of Mr Charron, who was 21 years old. August 24, 1998, he fell to his death after the Rocket Launcher catapulted him 30 metres into the air and he become detached from the safety ropes.

You should know that the company was fined \$145,000—\$145,000—when the young man died. They were guilty of three violations of the act.

We know from the counsel for Anderson Ventures that there are no training manuals or checklists for inspectors concerning this type of bungee ride. There appears to be more training and guidance with respect to elevator inspections, elevating devices. The training of inspectors appears in general to be on-the-job training. We see some of the very serious and tragic consequences this kind of self-regulation can have. Of course you would be aware that the TSSA is investigating another death, also in Ottawa, of a teenager at a rock-climbing wall set up at a local theatre centre to promote a movie.

The Charron inquest demonstrates the following: that there are poor standards for training centres for inspectors; there are no guidelines for inspectors; there are no standards requiring that all rides must be inspected prior to an exhibition; and there are sloppy professional practices on behalf of engineers certifying the safety of rides. There should be a requirement specifying that the engineer providing certification must inspect the ride in person. I know that government agencies like the Ministry of Labour and the Ministry of Consumer and Commercial Relations do that. A self-regulating body has no incentive to do that. There are no guidelines prohibiting inspectors from certifying a ride as safe.

These are very serious issues, and I hope the government members will listen.

The Deputy Speaker: Further debate?

On June 13, 2000, Mr O'Toole moved third reading of Bill 42. 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. There will be a—a message delivered to me that will change that.

"Pursuant to standing order 28(h), and acting in the absence of the chief opposition whip, I request that the vote on the motion by Mr O'Toole for third reading of Bill 42 be deferred."

That will be tomorrow at about 1:45. So be it.

RACING COMMISSION ACT, 2000
LOI DE 2000 SUR LA COMMISSION
DES COURSES DE CHEVAUX

Mr O'Toole, on behalf of Mr Runciman, moved second reading of the following bill:

Bill 94, An Act to revise the Racing Commission Act / Projet de loi 94, Loi révisant la Loi sur la Commission des courses de chevaux.

The Deputy Speaker (Mr Bert Johnson): The Chair recognizes the parliamentary assistant from Durham.

Mr John O'Toole (Durham): It is indeed my pleasure this evening to make a few remarks. I will be sharing my time on Bill 94 with other members: I think the member from Northumberland, and there's one other member. I'm not exactly sure which one. However, I'm sure we'll get unanimous consent at that time.

I just want to make sure I start out with a broad overview of the intent and scope of this bill as outlined in Bill 94, I hope for the interest of the viewers as well as the members here who have had the chance to read this piece of legislation.

"The bill revises the Racing Commission Act. The Ontario Racing Commission is continued. The money that the commission receives from exercising its powers, performing its duties or holding investments does not form part of the consolidated revenue fund." So clearly the monies they do manage, and manage under law, are audited, of course, but they are not part of our revenue for the province of Ontario. "However, the minister responsible for the administration of the bill can order the commission to pay part of its surplus funds into the consolidated revenue fund.

"The commission is required to appoint one of its employees as the director of the commission. The director issues licences and registrations under the bill.

"A person is required to hold a licence in order to operate a racetrack at which horse racing in any of its forms is carried on or to act as an owner, trainer, driver, jockey or other person of a type that the commission considers expedient in or about such a racetrack. Before the director refuses to issue or renew a licence or suspends or revokes a licence, the applicant for the licence or the licensee, as the case may be, is entitled a hearing before a panel of the commission. However, if the director considers it necessary in the public interest, the director may suspend a person's licence before allowing the licensee a hearing."

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That gives you a kind of scope of what Bill 94 is about. I'll be making some remarks in the time allowed. When necessary, someone can just give me the hand

signal and I'll stop speaking, with the exception of the member for Northumberland, who would like to take all of my time anyway.

I really do want to make sure I mention that I want to share my time with the member for Halton. He has been known to attend the track, I think—as an observer, of course.

I am speaking of course in support of the Racing Commission Act, 2000, and the potential benefits the bill contains for the horse racing industry in Ontario. For the record, it's important to recognize that in my riding of Durham, one of the largest horse breeding rural areas in Ontario—all of us would know about Windfields Farm and the great things that came from that operation, and there are a number of other less famous but nonetheless important ones. It's a very large sector of our rural economy, horse racing: the training, the stabling, the feeding. All of the work and individual time and buying of equipment that goes into that to support this very important industry is part of what we're doing; in fact, it's part of initiatives by Minister Eves and other ministers as well. The benefits that I will try to outline tonight I think would be appropriate.

Bill 94 would convert the Ontario Racing Commission to a self-regulating agency and modernize it so it can continue to provide effective and efficient services. The conversion will increase the ORC's financial flexibility and its ability to respond quickly in a rapidly expanding, competitive industrial environment.

The government is proposing to amend the Racing Commission Act to enable the Ontario Racing Commission to operate more efficiently and to regulate horse racing more effectively. After all, it's a consumer issue: we want to make sure the consumer is protected, and so does the commission. They want it to be clear and accountable; there's no question about it. Perhaps more importantly, these amendments will ensure that the ORC, as regulator, has the tools necessary to ensure continued public confidence in horse racing. Continued public confidence is key to the continued successful growth of the industry itself. A strong regulator is critical to ensure the integrity of the industry, and Bill 94 will ensure that the Ontario Racing Commission remains just that.

Streamlining and modernizing—I like those terms; we use those a lot—really mean that it's more accountable to the public. We want to cut the time delays in appeals or hearings. And who is really accountable: is it the minister or whoever? It will make the ORC better able to assist the horse racing industry to remain strong and viable. These amendments are designed to do exactly that, Mr Speaker. I am confident that if you were sitting here, which you may be later, you would vote for it as well: increasing the racing and the benefits to racing, not just as entertainment but as part of the whole destination mentality and tourism, making Ontario an attractive place to live, to work, and to raise a family—and to raise horses, for that matter, I suppose.

The commission's financial flexibility is also very important to the industry at this time. Without using

taxpayers' money, I might add, it is essential to meet the increased demand for regulatory service and the demand for monitoring and investigating. This is the enforcement provision that I may spend more time on than some would like.

The horse racing industry provides over 25,000 full-time jobs to the people of this great province of Ontario. Let's just think about that: 25,000 jobs. This is what we're talking about, so if I hear the “nay, nays” over here, I'm going to be somewhat concerned. It provides \$2 billion in the economy each year. I think it's incumbent upon the government to make sure that it's safe and accountable and to make sure that the sport of kings survives and thrives in our economy.

Since 1996 this government has taken steps to improve the state of the industry—and I'll go through and repeat some of those—an industry, I might say for the record, that was in some peril under the two previous governments. Mike Harris has implemented a number of successful initiatives to revitalize the horse racing sector, including the reduction of the parimutuel tax and the introduction of slot machines at racetracks. I can tell you that at Kawartha Downs, as one example, just outside my riding, that has revitalized the track. What I'm hearing now is that the purses are bigger and there are more people buying horses and training horses; in fact, the prices of horses themselves are actually going up. So it has a tremendous ripple effect in the economy, and indeed our local economy. I would say that it's something all members on all sides of the House support. I'm getting nods from the member from Ottawa now. I see he is quite supportive.

These initiatives have breathed new life into the horse racing industry in Ontario. At many racetracks, attendance has increased, purses have increased, and wagering levels are on the rise. The tax reduction and the introduction of slot machines at racetracks have been very positive.

The government's decision to reduce the parimutuel tax and to allow the integration of horse racing and slot machines has been the perfect balance and has given the Ontario racing industry confidence that it will be able to compete in the broader gaming marketplace, provided the ORC can deliver effective regulatory services at no cost to the taxpayers of Ontario.

Hon Chris Stockwell (Minister of Labour):
Dispense, dispense.

Applause.

Mr O'Toole: Thank you very much. The member from Etobicoke is appreciating that. I know he probably attends the track himself.

The racing industry is growing rapidly. Our government is committed to seeing that this trend not only is sustained but continues, and continues effectively. It is precisely this revitalization of just this one sector that has emphasized the need to bring this legislation forward on the Racing Commission Act and the Ontario Racing Commission.

In order for the industry to continue to grow and to achieve its potential, it has become very clear that amendments to the Racing Commission Act are essential. In fact, the stakeholders have brought this to our attention and, as usual, our government is responding to eliminate red tape and barriers to opportunity. These amendments are required to ensure that the ORC, the Ontario Racing Commission, has the structure and the tools necessary to continue to provide efficient and effective regulatory services. I think I said some of that already.

This government has worked closely with the Ontario Horse Racing Industry Association and those constituents of mine who are involved in the industry. I like to drive legislation like Bill 94, or any bill, right down to my riding. I can just visualize my constituents now saying, "Thank God."

Interjection.

Mr O'Toole: Thank God that we've done this legislation is what I meant. They thought I was going to say I'm finished, and that's what they would say: "Thank God." But no, my constituents want me to emphasize the importance of this. Minister Runciman is here tonight watching, so I'd better behave.

The horse racing industry recognizes the need for a strong, modern regulator, and supports these amendments. So we've clearly got the industry saying, "Go forward. Let's remove the barriers."

I'm proud of this government's record of support for the horse racing industry. Our minister, Minister Runciman—my minister, specifically—and the Ministry of Consumer and Commercial Relations will continue to work with the industry to ensure continued growth and prosperity in the entire province of Ontario. This is our goal for the people and for the province of Ontario. This is the goal for the racing commission, and I'm asking you to support it.

If you want to hear from the member for Halton, that's fine, but I've pretty well said everything that has to be said. To the member for Northumberland, I hope we may not dispense. Anyway, thank you very much for your time.

Mr Ted Chudleigh (Halton): It's a great pleasure for me to rise in the House this evening and talk to this very important bill. It's very important particularly to Halton and the people of Halton. I'm going to tell you about Halton in just a minute, but on a wagering basis, Ontario is the fifth-largest horse racing jurisdiction in North America, and I believe Halton may very well be the leading jurisdiction in Ontario.

I'll tell you why that is. The largest horse breeding farm in Canada, Glengate Farms, is located in Milton. Trevor Ritchie of Acton has just won the Hambletonian, the largest trotting race in the world, which takes place in New Jersey. He is one of our own from Halton; he lives in Acton. The horse he drove was bred at Glengate Farms and is called Yankee Paco, the first Canadian-sired horse to win the Hambletonian. It's a marvellous event, and so far that horse has over \$1 million in winnings. Mike Saftic of Milton is also one of the top 10 drivers in

Canada. Randy Waples, who is also from Milton, is one of the top 10 drivers in Canada. Steve Condren, from Milton, is one of the top 10 drivers in Canada. Steve Condren just won his 5000th race this summer. As it happened, I was at the track at Mohawk to witness that win. It was a terrific win.

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Interjection.

Mr Chudleigh: Well, I do what I can for my constituents.

Chris Christoforou of Milton has just won the Little Brown Jug. The Little Brown Jug, which takes place in Columbus, Ohio, is the world's largest pace race, and he was driving Astreos, a horse that was bred on his father's farm in Milton. He is the leading driver in Canada and has won the prestigious O'Brien Award for Canada's leading driver. This year he is the current leader, with over \$5.5 million in purses.

So, Christoforou and Trevor Ritchie, both Canadians from Halton, have won two of the most prestigious events in the world this year, and we're very proud of both those gentlemen and the fame and prestige they've brought to the great region of Halton regarding horse racing.

The member for Durham has talked about this bill and mentioned that the racing commission must be able to respond to the issues, the interests and the participants in this rapidly expanding industry. This act brings in more discretion and gives them the opportunity to respond to the growing needs of the horse racing industry. It gives me a great deal of pleasure to support this bill this evening and to see it come to completion, hopefully this evening, if the member for St Catharines is benevolent in his remarks in the next few minutes.

Mr Speaker, thank you very much for the opportunity to support this bill.

Mr Doug Galt (Northumberland): I'm also very pleased to support the Racing Commission Act, 2000. I understand from the parliamentary assistant to the minister that the Ontario Racing Commission is very supportive of this bill, and I believe we have the support of all the horses in Ontario, because with this bill there will be more horses racing and fewer horses off to the glue factory. So I'm sure every one of them would be supporting this.

The horse racing industry is indeed a significant industry in Ontario, supporting the some 25,000 full-time jobs the parliamentary assistant made reference to. Many of those jobs are, in fact, veterinarians, and I can assure you they appreciate being part of that industry. Certainly, with the stimulation of jobs and investment, it has that ripple effect that supports farmers in selling hay, oats and bedding for those horse farms. It's very important, regardless of where you look at this industry in Ontario.

This act, which would convert the Ontario Racing Commission to a self-financing agency, would also ensure the ORC continues to be accountable to the government of Ontario. As a self-financing agency, the Ontario Racing Commission would remain accountable

to the government to use public resources efficiently and effectively to regulate the horse racing industry.

The commission's operating practices would continue to be consistent with Management Board of Cabinet guidelines and directives. The Minister of Consumer and Commercial Relations would continue to approve the agency's annual business plan and annual report. The Ontario Racing Commission would continue to be audited annually by the Office of the Provincial Auditor. The chair of the ORC would continue to report to the Minister of Consumer and Commercial Relations.

The conversion of the racing commission to a self-financing agency would allow the ORC to strengthen its regulatory services by providing it with greater control. This control would be over how and when to direct resources to existing programs and new initiatives, including addressing areas which require attention. Certainly, a self-funded Ontario Racing Commission would ensure that regulatory activity keeps pace with the changes affecting the industry.

This new legislation means Ontarians will enjoy a strong, modern racing commission that will continue to provide high-quality regulation for the horse racing industry.

I don't think there's any question that the horse racing industry was indeed in trouble over the last decade we experienced in this province from 1985 to 1995. But bills such as this are certainly going to help put the Ontario Racing Commission on a sounder, more profitable basis in the future, and I urge all the members in this House to support this legislation.

The Acting Speaker (Mr Michael A. Brown): Further debate? Questions and comments?

Mr Richard Patten (Ottawa Centre): I have listened intently to all three speakers over the last little while, and I have yet to understand the full impact of the purpose of this bill.

Interjection: Read it.

Mr Patten: Well, I have looked at it, and I understand that it's to give the racing commission greater flexibility. But it will be self-financing. When I hear "self-financing" it worries me, especially when self-financing is proposed by the Harris government. Where will they get their money? Will they be more independent? Will they have to have fundraisers? Where would their stakeholders be? Of course it will be breeders, it will be owners, it will racers and it will even be the horses themselves, as the member for Northumberland has said. Where are they going to get the money to make them more independent than they are at the moment?

I leave that as a question for the government side to answer at a certain point. I fail to see where that is. I, of course, am extremely supportive of the Ontario Racing Commission. I think it's extremely important. I do not have a racetrack in my riding, even though I have the experimental farm adjacent to it.

It was a very viable business until the government introduced so many other gambling establishments that undercut its ability to be viable, and now of course they ask to have tables and VLTs and all kinds of gambling

arrangements just to survive. So it appears to me that the government is somewhat—I do not want to use the word "two-faced," but it's not—

The Acting Speaker: Order.

Mr Patten: Thank you very much.

The Acting Speaker: Questions and comments?

Mr O'Toole: I'd maybe just respond to the member from Ottawa.

Section 13 of the bill deals directly with financial accountability. It is quite clear. It provides, "Despite the Financial Administration Act, the money payable to the commission under this or any other act and the revenue" constitutes general revenue or consolidated revenue. The minister can make orders with respect to surpluses.

Also, the accounts of the commission shall be audited by the Provincial Auditor or by other auditors as ordered by the Lieutenant Governor. So there's clear openness and accountability. It's a very good question, and I completely endorse having all forms of accountability to it.

The monies come in from fees and licensing of the tracks and those people who gain licences under the act.

In the brief time I have left, I want to mention and make the record very clear that my riding of Durham—and I don't want to sound like I'm self-centred, but it is one of the greatest places to live, work and raise a family and also to get elected—is also the home, as everyone here would know, of Winfields Farm, the birthplace of the thoroughbred Northern Dancer. It's also the home, not far from where I live actually, just down the street, of Doug Brown, who is one of the top drivers in the standardbred industry in Ontario.

I'm no stranger to the issue, and from everything I'd heard from the stakeholders and from Minister Runciman's participation in this, I think this is the right thing to do for the right reasons: to allow an industry that was in some trouble, as the minister said, some years ago—I would put to you that it should be recognized that it's now not in as much trouble, and much of that may be caused by the decisions made by this government on a number of fronts that I mentioned in my remarks.

With that, I thank you and hope that answers your question.

The Acting Speaker: Questions and comments? Response? Further debate?

Mr James J. Bradley (St Catharines): Needless to say, I have a few things to say about this piece of legislation this evening. I will start by sharing with members of the Legislature something you would all want to know, and that is that the brothers and sisters, the members of local 199 of the CAW, greeted with a good deal of joy today the announcement by General Motors that there would be an investment of some millions of dollars, in this case hundreds of millions of dollars, in our community in order that a new engine line could be established.

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I can tell you the reason this happened was because this plant is so productive, because the employees of this

plant are extremely productive and have an excellent performance record. They produce very high-quality work; they are people who are well trained and educated for the specific jobs that they have at General Motors.

Interjection.

Mr Bradley: We have a number of individuals in the community, elected from all political parties across the Niagara region and municipal representatives, who were urging General Motors to invest more money in the community, and now I'm pleased. The Minister of Labour, who was once Speaker and would like to be Speaker again, quite obviously from his interjection, should know how this relates to this legislation.

Let me tell you. There used to be a racetrack almost across the street from General Motors, and many people who work at General Motors had to drive past the racetrack. That racetrack is no longer there, but I did want to say that's how this particular announcement ties in. I know that the federal member of Parliament, Walt Lastewka, who used to be a manager at the GM engine plant in St Catharines, was delighted; I as the provincial member for St Catharines was delighted with the team that's there at General Motors—all of the employees, management and representatives of the union working together, along with people throughout the community, to encourage General Motors to invest more money in our community. We see this as a wonderful step and look forward to more of that kind of investment. I know that Mayor Tim Rigby was there; chair of the region, Debbie Zimmerman; Doug Orr, who represented CAW local 199 on behalf of Ron McIntosh, the president; Maureen Kempston Darkes was there; and of course Buzz Hargrove—Basil Buzz Hargrove—was there and in fine form.

What was interesting about it was the unanimity we have. We have people with different views on various issues who had come together to be extremely happy about a good news announcement for our community. Certainly we in the Niagara region are absolutely delighted with that. I wanted to say that because Al Palladini, my friend from north of Toronto, was there in his capacity as a cabinet minister, and I think Al recognized the quality of the workforce we have there, the wonderful operation we have.

It was a logical step, businesswise, in my view to have that kind of investment in St Catharines. The Minister of Labour, who is here tonight, will want to see even more of that kind of investment, and I am glad to see there is support on all three sides of the Legislature for that kind of investment. We certainly need it in St Catharines, where the General Motors operation over the last few years has been downsized rather considerably, but we hope we hope we're seeing the beginning of growth at this time.

So you will see as we go by the racetrack—and I'm going to talk about Garden City Raceway because it's no longer there—the potential use of that property. I think that a lot of the property in that specific area would be wonderful for growing grapes, and we have to preserve

as much of our farmland as possible. When they razed the Garden City Raceway—in other words, it's no longer there for people to attend, those who choose to do so. Those of us who do not gamble of course would go there only when there were horse shows from time to time, but not for gambling purposes, but others enjoyed the races very much and it was a wonderful opportunity for them.

We in the Niagara region also have the Fort Erie Race Track and we have an interest in the horse racing industry. A detrimental thing that has happened, and I know this bill will have an influence on it, is the implementation or installation of the one-armed bandits; not VLTs in this case but the “good old-fashioned slot machines” as some people call them. People wonder about this. They say, “There may be VLTs in there; I've not been there, of course, to utilize those.” But what used to be nice about the old operation was that people went there and they were very much interested in the animals and interested in the races that took place. Now the people simply come in and all they do is put the money in the slot machines, and of course the big winner is whoever owns the slot machines. Unfortunately it preys upon the most vulnerable people in our society, those who see no other real chance. They're not well-connected, like some people, to get the good jobs. Because of the oppressively great costs today of getting a post-secondary education, they may not have had that opportunity, and some are simply addicted to gambling.

These are what I call the Mike Harris gambling halls through the back door. Remember I used to refer to the proposed charity casinos; once you propose 44 of them going 24 hours a day, seven days a week, 364 days of the year, because I don't think we could possibly have them on Christmas, at the very least—“Be that as it may,” as the lawyers say—we have the gambling coming in the back door. They closed the front door. The minister—I wouldn't say in “pomposity,” that's the wrong terminology to use—got up and he appeared to be earnest; this is the heir apparent—

Interjection.

Mr Bradley: The only Ernest I know in here, of course, is Ernest Eves, the hardworking provincial—

Hon Mr Stockwell: How about Ernest Hardeman?

Mr Bradley: Ernest Hardeman as well, yes—two hardworking individuals.

Interjection: Don't forget the Importance of Being.

Mr Bradley: The Importance of Being Earnest as well.

We know that the provincial Treasurer is very busy at this moment or he would be in attendance. I don't say this in any negative way, because we're not supposed to make reference to attendance, but I know that the provincial Treasurer, Mr Eves, would be hard at work at this time thinking of these things because he used to be opposed. I used to applaud his speeches when he sat on this side of the House denouncing the expansion of gambling opportunities in this province, he and his buddy from North Bay, the Premier of this province, back when the government was not preying upon the most

vulnerable people in our society, the addicted, but instead were obtaining the revenues from the normal course of action.

There's something else I saw, because somebody mentioned government advertising, and I didn't want to touch on government advertising because in that case—

Interjection.

Mr Bradley: Well, it does. Let me get around to how it is. I saw ads on television for Greenwood or Woodbine, one of the two—

Interjection: Woodbine.

Mr Bradley:—Woodbine, where they've got the slot machines. What it shows is exactly what happens, and they're advertising this. You see a man and wife and one of them is sneaking away to gamble. He's tying up the sheets and going out the window and heading out to the racetrack. Unfortunately it really describes what's happening in many cases. There is a very disruptive effect on the family. What happens is that the divorce rate increases, family violence increases. Even poverty is brought to some families because of people who are addicted to gambling. That's a concern I still have.

I know that the ultimate goal of this government—you will remember this very well—was to have the video lottery terminals, the crack cocaine of gambling, the most seductive kind of gambling possible, in every bar and restaurant of every village, town and city in all of Ontario. That got kiboshed—I don't know how you spell that for Hansard—because those of us in the opposition and some in the government backbenches, no doubt, thought the government was going too far. Unfortunately the vigilant people from the family coalition on the other side, the family values crowd on the other side, didn't see, or maybe ignored the fact, that the minister responsible, the Honourable Chris Hodgson, the heir apparent, was bringing in these slot machines through the back door. I'll have to report this to the Anglican Diocese of Niagara, because I know many there will be extremely concerned about this, as they should be.

I won't read into the record tonight the open letter of the former Bishop of Niagara, Walter Asbil.

Hon Mr Stockwell: Because you don't have it.

Mr Bradley: The member across suggests I don't have it with me. I could certainly get my hands on it, but I won't read it into the record. I was speaking to him not too long ago, telling him I had read it into the record twice because I thought it was so good, such a compelling piece of writing, that it instructed the Premier well.

But let me get back to the provisions of this bill specifically. I did mention the kind of advertising that's going on related to gambling.

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Hon Mr Stockwell: What about Conrad Black?

Mr Bradley: Conrad Black is in decline now so I don't necessarily attack him, but he would be happy with this government's policies, as he would with those of Stockwell Day, quite obviously. If you are extremely wealthy and you don't have a social conscience, why wouldn't you be in favour of the Reform-Alliance or the

Harris government? Those people should be in favour of the Harris government. But others with a social conscience or who are of modest means certainly would find it difficult to support a number of the policies. Not all; I'm a very fair-minded person.

You heard me mention the racetrack in Niagara. Of course the horses need farmland for the purposes of grazing and so on, but what we need is a policy in this province which provides some kind of control on the urban sprawl that we're seeing. Otherwise these animals won't have a place to graze and we won't have the kinds of crops we'd like grown in this province. I see it out of control. We are losing thousands of acres, some would say hectares, of land per week in this province. My friend the Minister of Agriculture must be very concerned when he sees viable and good farmland disappearing. I can tell him that one of the major reasons that's happening is because this government abandoned some strict planning policies which would have determined appropriately which land could be reserved for agricultural purposes, for natural purposes and for environmental purposes and which land would be allocated for the purpose of development. I find that very disconcerting. I think that's going to be a major issue certainly throughout the next 10 years.

The member for Oak Ridges is here today. I should tell him I was at a meeting, a gathering, with Dr David Suzuki as guest speaker. It cost me \$100 out of my pocket. I paid \$100 out of my pocket—no tax receipt—because I believe in the cause, and that is of preserving the Oak Ridges moraine from the kind of development that many people on the other side of the House want to see happening. I can tell you that we want to see preservation of those headwaters of the rivers and streams which provide water to the people of those communities.

Hon Helen Johns (Minister of Citizenship, Culture and Recreation, minister responsible for seniors and women): Beautiful, isn't it?

Mr Bradley: I was near Helen Johns's—she doesn't mind me calling her that—the honourable minister's territory on Tuesday. I went up to Walkerton, Ontario, again. I had to go through Huron county and I found it a very pleasant part of the province indeed.

I must say Dr McQuigge did an excellent job of making a presentation to the people of the community of Walkerton and to the news media there. His presentation was outstanding, it was clear, and I think this government should listen carefully to what he had to say. There were many things he had to say which were extremely important.

Hon Mr Stockwell: This is like stream of consciousness. When does he talk about the bill?

Mr Bradley: The Minister of Labour interjects. He is about to bring in, I'm told, the most heinous—is that the right word?

Hon Mr Stockwell: Heinous.

Mr Bradley: I could never pronounce that word correctly—the most heinous piece of legislation; it's reputed. I hope I have more faith in him than others, but

I've listened to the member for Hamilton West. He has given some warning, as has the member for Hamilton East, that we're going to see legislation which is clearly outside the mainstream of Ontario when it comes to labour law. I think the present Minister of Labour, whether he believes that to be the case in his ideology or not, is a wise enough person to recognize that balance is needed. However, he says he is not. He says no to me; I think he is, but I think he will be forced. The Premier's staff will have his arm up behind his back and he will be forced to bring in legislation that is clearly detrimental to labour in this province.

I want to say as well that the ministry that administers this piece of legislation, which is responsible for horse racing, is a ministry that is under considerable fire. I look at both agriculture and consumer and commercial relations as ministries which have had significant cuts. The people who work for those ministries are far fewer in number today and their influence within government is diminished because the people at the centre have made this decision. Frankly, I feel sorry for the Minister of Agriculture, Food and Rural Affairs. I can tell you, Mr Speaker, that the Ministry of Consumer and Commercial Relations is such a light portfolio today that the Honourable Bob Runciman has time to be the co-chair of the Alliance federal campaign in Ontario. That tells you something about the lack of power of this particular ministry.

I thought the Minister of Labour was getting up on a point of something, but he isn't.

I want to say this to the Minister of Labour: he was among the best of people supporting our athletes in Australia. I saw him on television when our people were winning medals. He was giving a standing ovation, along with his family, to those individuals.

Hon Mr Stockwell: I was cheering for Kazakhstan.

Mr Bradley: He says he was cheering for Kazakhstan. I don't believe that. But he was there. I think the Honourable Ernie Eves was there for a while, and Mayor Lastman was there at that time welcoming people to come to Toronto in the hope that Toronto would be—even our Premier was there for a period of time as well, and I'm sure there was likely the odd federal representative because they tend to be in attendance at these competitions from time to time.

Mr David Caplan (Don Valley East): Do you think Mike took the jet or did he fly commercial?

Mr Bradley: I think probably commercial in this case.

I am worried about certain aspects of this bill. Maybe my worries are without foundation, but I am worried, just as I was worried when I heard that the head of the Trillium Foundation, Rob Power, sent a letter to all of the people on the local committees—

Mr Caplan: The grant review teams.

Mr Bradley: —the grant review teams, asking them to come to the Mike Harris fundraiser. I thought that was an inappropriate use of that particular list. I'm surprised the St Catharines Standard hasn't caught on to this and asked the local people in our community about that.

Mr Galt: I'm sure you've tried to help them.

Mr Bradley: I have not been able to be of assistance in that regard because it was initially raised by a member of the third party and subsequently by the critic; the member for Sarnia-Lambton put it very clearly to the minister. We thought that was a most inappropriate use of that office.

Mr Power also, you will recall, being a northern Ontario resident, had a hand in rewriting the rules for environmental assessment, the rules being rewritten in such a way that the Adams mine was able to slip through quickly.

But I am getting off the bill and before the government whip gets up I want to get back to the specific provisions of the bill, because I saw him rising to ask what that had to do with anything. Truly, he would have been justified in rising to ask that very question.

I see user fees in here; I see there is a user fee provision in here. I'm wondering if this is going to be the 977th user fee implemented by the government of Mike Harris. You will remember, Mr Speaker, as I did, that during the leadership campaign when Dianne Cunningham and Mike Harris were running against one another for the leadership, Mike Harris said that a user fee is a tax. I believed him on that occasion. I thought, for once he's right. But since this government has been in power they have implemented 977 user fees, once this bill goes through. I don't want to say this bill is going to go through, but if this bill goes through, that would be 977 user fees.

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I hope that if this bill is implemented, this is not an excuse for more government advertising. As we know, the Mike Harris government has spent in excess of \$185 million on what any objective person would see as blatantly partisan political advertising at the expense of the taxpayers. Whether it's in the field of the environment—by the way, you will recall this, members of the Legislature: during the by-election campaign these ads were all running, trying to influence the people of Ancaster and Aldershot and certainly of Dundas—

Mr Caplan: Flamborough.

Mr Bradley: —I think they were trying to influence the people of Flamborough as well.

Interjection: Where there's a racetrack.

Mr Bradley: Where there's a racetrack. We had all kinds of government advertising—education. You turn on the hockey game or the baseball game or the football game or some major attraction and there's the Harris government advertising, using taxpayers' dollars. I hope that doesn't happen with this bill because that would be most unfortunate.

I know there are other members who wish to speak to this bill tonight. The member for Hamilton West is eager, if not speak to the bill, at least to have my speech end—one of the two. He probably has some important business that must be dealt with.

I also want to say this: this bill deals indirectly with agriculture. I think the Minister of Agriculture and I are

both discouraged that within a companion bill that we saw in the House this afternoon, the red tape bill, the Wine Content Act is being dealt with as part of a huge package. They thought they could bury it in there and no one would see it. But of course the vigilant people in the Liberal caucus and others across the province looked through this bill and found that the Wine Content Act was also part of this bill.

The member would know that farmers in the Niagara region, and in southwestern Ontario particularly, are very concerned about the provisions that are found within this legislation. They thought that perhaps the government would be on their side. They're concerned that when people purchase wine that appears to be made in Canada, and particularly—I'm going to be parochial—here in Ontario, they would know how much of that was actually Ontario grapes, that had made that wine. Our goal is to have as many Ontario grapes as possible used for that wine.

Farmers have been flexible in years when there has been a bad crop year, when they haven't been able to produce as much as they would like and there was a need for certain imports. They've been flexible. But they're very concerned about this and I don't blame them. It goes back to another point I made earlier, that if you want to save farmland, you have to save the farmers. That's why I think it's important that they be treated fairly. I don't want to deal with that in this bill because it's not in this bill, but I wanted to make reference to it because I know—I see the Minister of Agriculture is here. He's either nodding in agreement or nodding off at my speech, one of the two.

I suspect that in his heart of hearts, despite what might be said publicly, he would agree that we want to ensure that our farmers are treated very fairly. We want to make sure that the LCBO, which is better than it once was, still would treat our product better than it does at the present time. We see a lot of foreign wines advertised. We should give a better break to the wines produced here in this country and specifically here in this province. But I digress and I don't want to digress.

I don't really see a need—some may differ from me. I'm going to speak firstly on this. My House leader may have a different opinion, and of course the House leader is the person who should speak for the party in this regard. I don't see why this would go to committee. I think this is the kind of bill that would pass rather rapidly. But the government has a certain pattern: it sends innocuous bills to committee for hearings, and then when there is an important bill where there might be considerable opposition—the House leader of the NDP would probably agree with this—where you want three or four weeks of hearings, it's very difficult to get three or four days, and if you do, it's in Toronto.

But there's an innocuous bill—I saw the e-commerce bill. Now, that may be more important than some people think, but it had all kinds of hearings, and yet other bills we've asked for hearings on don't get out there.

How does that help the government? Well, then when they get one of their regular supporters up, those who are trying to ingratiate themselves to the Premier the most, they get up and say, "Well, the Liberals sent the following number of bills to committee, we sent this." In other words, they look at the quantity of bills and the quantity of time in committee rather than what was actually dealt with in committee.

The reason I'm not using my full hour tonight—although I see the member for Pembroke coming in and that may change things. The reason I'm not using my full hour tonight that is allocated to me is that I think, on bills which are less contentious, all of us should spend less time and we should in fact allocate a larger amount of time to bills which are more contentious.

The government whip agrees with me. I think if we could come to that kind of agreement, that the House would function better. For that reason, though I have many other issues I'd like to talk about, I know that this particular bill is confined to a somewhat narrow purview and for that reason I want to indicate that I will study it further, look at all of its provisions, listen to the debate. I'm not a person who likes to say I'm going to agree or disagree with this bill automatically because it's a government bill or not. I like to hear the debate in this House on this bill before I decide whether I think it would be helpful to the people of this province.

This may be one of the bills I agree with. I was, in fact, defending the government the other day. Somebody was attacking the government on a particular issue—

Hon Mr Stockwell: Which government?

Mr Bradley: Your government, the Harris government, on an issue. They said they didn't like the Drive Clean program. I said, "Well, listen, let me tell you something." They wanted me to be critical of it and to say it should be terminated or something. I said, "Let me take a different approach to this. Yes, I agree, the implementation was a disaster. Yes, I agree with you that indeed the government had to be dragged kicking and screaming into the program. But you know, the program is there now. I want to help to make it work. Any way you can help to make it work, I think, is productive."

As I say, this person was being critical of it and says it's a nuisance and so on. I know some people believe that to be the case.

Now, I want to see the government extend it to the major trucks and the major buses and so on out there, the larger vehicles, but it's a start. It's a start and I think it can be helpful, and I'll put myself on record as that. The government may quote that if they wish. As I say, I was at a public meeting where a lot of the people were critical of the government, and I was there to defend that.

So I'm not a person who says automatically when the government introduces legislation that it must be bad. Therefore, in this particular piece of legislation, I'm going to sit down and be interested in the further debate which I hear in this House, either tonight or at a future time, and then make an appropriate decision which I hope is in the best interests of all the people of Ontario.

The Acting Speaker: Further debate?

Mr Christopherson: I believe we have unanimous consent to allow our critic, Tony Martin, the member from Sault Ste Marie, to stand down his lead from this evening to another time.

The Acting Speaker: Agreed? Agreed. Further debate?

Hon Frank Klees (Minister without Portfolio): I move adjournment of the debate.

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

Hon Mr Klees: I move adjournment of the House.

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

This House stands adjourned until 10 of the clock tomorrow morning.

The House adjourned at 2040.

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