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Jeudi 16 avril 2015

Standing Committee on Finance and Economic Affairs

Agriculture Insurance Act
(Amending the Crop Insurance
Act, 1996), 2015

Comité permanent des finances et des affaires économiques

Loi de 2015 sur l'assurance
agricole (modifiant la Loi de 1996
sur l'assurance-récolte)

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Hansard Reporting and Interpretation Services
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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON
FINANCE AND ECONOMIC AFFAIRS

Thursday 16 April 2015

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES FINANCES
ET DES AFFAIRES ÉCONOMIQUES

Jeudi 16 avril 2015

*The committee met at 0905 in room 151.*AGRICULTURE INSURANCE ACT
(AMENDING THE CROP INSURANCE
ACT, 1996), 2015LOI DE 2015 SUR L'ASSURANCE
AGRICOLE (MODIFIANT LA LOI DE 1996
SUR L'ASSURANCE-RÉCOLTE)

Consideration of the following bill:

Bill 40, An Act to amend the Crop Insurance Act (Ontario), 1996 and to make consequential amendments to other Acts / Projet de loi 40, Loi modifiant la Loi de 1996 sur l'assurance-récolte (Ontario) et apportant des modifications corrélatives à d'autres lois.

The Chair (Ms. Soo Wong): Good morning. I'm calling the meeting to order for clause-by-clause consideration of Bill 40, An Act to amend the Crop Insurance Act (Ontario), 1996 and to make consequential amendments to other Acts.

Are there any questions or comments on the bill before we begin? Seeing none, let's go through, section by section.

On section 1: Is there any debate, questions, comments on section 1 of the bill? No? Is everybody ready for the vote? I'm calling the question.

Mr. Arthur Potts: Sorry, where are you?

The Chair (Ms. Soo Wong): Section 1 of the bill. Any comments? I'm going to call the question. Shall section 1—what's that?

Mr. Arthur Potts: Can I have a clarification? We're voting on section 1 as it is currently in the bill, with no amendments proposed?

The Chair (Ms. Soo Wong): Yes. There are no amendments. Okay?

Mr. Arthur Potts: Okay. Perfect.

The Chair (Ms. Soo Wong): I'm going to call it. Shall section 1 carry? All those in favour? All those opposed? Carried.

Section 2: I believe there are three amendments. Mr. Barrett, you cannot do the reading. You have Mr. McDonell. It's because he has been subbed in. Whoever is subbed in will have to do the reading.

You have a package right in front of you?

Mr. Jim McDonell: Yes. I move that the definition of "agricultural products", as set out in subsection 2(1) of the bill, be struck out and the following substituted:

"'agricultural products' means bees, hogs and any other product that is designated by regulation; ('produits agricoles')"

The Chair (Ms. Soo Wong): Any comments, questions? Mr. Potts.

Mr. Arthur Potts: Again, a clarification: I thought we just approved section 1. Isn't subsection (2) in section 1?

The Chair (Ms. Soo Wong): No, no. That's section 1. This is section 2.

Mr. Arthur Potts: No, this is subsection (2) of section 1, according to my information here—oh, this is section 2, subsection (1). All right. I'm sorry.

The Chair (Ms. Soo Wong): This is section 2, okay?

Mr. Arthur Potts: All right. We're into section 2. Fine.

The Chair (Ms. Soo Wong): We're on section 2, everybody, just to be on record. We're dealing with subsection 2(1). Mr. McDonell just read it for the record.

Any questions, comments to subsection 2(1), the motion being put forth by the opposition party? Mr. Potts.

Mr. Arthur Potts: Thank you. I will make the comment that I don't like the notion that we're going to be specifically putting things into the bill. I think that will limit its application. We'll be voting against this motion.

The Chair (Ms. Soo Wong): Okay. Any other comments? Mr. Vanthof.

Mr. John Vanthof: This is enabling legislation over the whole agricultural industry. I also don't agree that we should name two sectors and then make the rest general. It's either enabling legislation to be general or it's very prescriptive, and this is neither.

The Chair (Ms. Soo Wong): Mr. Barrett, I saw your hand up.

Mr. Toby Barrett: Does that mean we go home now?

The Chair (Ms. Soo Wong): No, no. We've got lots of sections.

Mr. Arthur Potts: Did you bring the white flags?

The Chair (Ms. Soo Wong): Any other questions, comments? Mr. Barrett.

Mr. Toby Barrett: Yes, the opposition would like to comment on their motion. We just voted for section 1. We believe that the minister should be creating livestock programs beyond crops. We want to be specific because we've heard so much over this winter about issues over the last few winters with honeybee mortality. This is where the parliamentary assistant could assist. To what

extent do we now have insurance coverage for beekeepers to access?

Of course, I go to a lot of hog meetings. Over the last several years, the issue of PED has been top of the agenda.

Again, this gives us an opportunity to share some information or to clarify some points from the Ontario government—I would assume, perhaps, through the parliamentary assistant. When I start wading through Agricorp documents—we know there's one program of production insurance, and it's titled "Honey." Again, it's not titled "Bees," it's titled "Honey." It's available for beekeepers who have a minimum of 50 beehives. They can insure all the hives. Of course, they have to report and enrol, and they have to have adequate equipment—supers for hives and things like that.

0910

This is registered under the Bees Act. I can't remember whether this legislation—this legislation doesn't make any amendments to the Bees Act. When we get to the regulation stage, if we get caught up where there's an amendment to the Bees Act required, maybe that could be explained as well.

This seems like a bit of a standard insurance program. I heard so much in the media. We have bees on our farms—we've had bees for 40 years—but I don't look after them. There are losses over the last 40 years, but I don't know the details of how producers who have been on my farms over the years insure their honey, or whether they do or not.

Further to the Agricorp documentation under "Production Insurance: Honey," again, we're expanding production insurance beyond crops to other products. It seems that honey is already covered, but to what extent is it covered? Certainly in the Prairie provinces—I think Alberta and Manitoba have honeybee insurance programs; Saskatchewan is developing a program. I'm just not sure how much more we need in Ontario.

I've raised this question during debate. In fact, I've raised it in question period. Of course, that doesn't give the various ministers or the Premier much time to respond, but again, under the Agricorp document, "Production Insurance: Honey," subtitle "Losses Due to Uninsured Perils: Losses due to uninsured perils such as improper use of pesticides"—now, that's been a discussion, certainly, over the last six or nine months, and an awful lot of emotion has been involved in that discussion.

It looks like insurance is available for, "Losses due to uninsured perils such as improper use of pesticides, third-party damage or spray drift"—now that, again, refers to pesticides, not neonics; that would be the old-fashioned way of applying product, with a highboy or an airplane or whatever. But these are not covered by production insurance. That's something I've discovered: A beekeeper, at this point in time, cannot insure their bees for improper use of pesticides or spray drift from pesticides.

Let's see—

Interjection.

Mr. Toby Barrett: Yes, if some light could be shed—

The Chair (Ms. Soo Wong): I just want to remind members—okay?—this is an amendment before us. Let's stay focused, because we could have more discussion later. Let's be focused, because we could be here all afternoon as well, ladies and gentlemen. There are only seven amendments being proposed.

Ms. Hoggarth?

Ms. Ann Hoggarth: I was just going to say that for us to name a couple of different animals, products or whatever, we'd lose all the flexibility that is intended here. This is to get this up and going; maybe eventually, at another time, specific areas will be named, but if we put in only these, it rules out other areas such as emus or—

Interjection: Sheep.

Ms. Ann Hoggarth: Sheep and all of that. I think, definitely, the intent of the government is that we look at this right now to see which area is where it will be needed the most.

Mr. Toby Barrett: Well, exactly, and this motion does say, after bees and hogs, "any other product," certainly emus or any other animal used in agriculture. As you say, sure, we could do this at another time, but this is the first time that the Crop Insurance Act has been opened up since 1996. I was here when it was opened up and in government at the time. We made significant changes then, but that was 19 years ago. This is an opportunity to kind of flesh this out in committee. Sure, some of us get to do a one-hour speech in the Legislature, but it's just an opportunity to flesh some of this out.

Mr. Arthur Potts: Not being an expert in the law, but the son of a Supreme Court judge and with a master's in labour relations, where I had a lot of chance to look at law, when you put in pieces like that that are specific within the generalized, it does have the effect of limiting it. So let's keep it general so we can then go into discussions with each of the sectors to determine the details.

To your point about what the perils will be in any particular industry sector, those will be negotiated between Agricorp, the sector and the ministry, who will look at the details. Things like drift may well be included, where they may not be in some of the documentation you're looking at now. Within the course of those discussions and negotiations, those will be addressed.

The Chair (Ms. Soo Wong): Mr. McDonell?

Mr. Jim McDonell: I think that the issues around the bee population decline and the recent hog issues with PED are really one of the big reasons why this legislation was brought up. I'm not sure why we wouldn't want to at least mention it. The government has been very clear that they want to help these two industries. That's why they opened up this agricultural bill. We want to make sure that the recognition for those two industries—if you look over the agricultural landscape today, those are two sectors that are in the biggest peril. That's what really brought this bill about. We were hoping that we would get a little attention to it and really show them that there is some hard, concrete action on the way.

And I disagree: I think it's very clear. It does say, "any other product" as "designated by regulation". It doesn't

restrict it at all, but it shows these two sectors that we are serious about helping them.

The Chair (Ms. Soo Wong): Mr. Potts?

Mr. Arthur Potts: My final comment would be that those interests, you're absolutely correct, have been covered in the obiter dictum around this bill. That having been said, we expect those industries who are interested in production insurance will come forward and enter into negotiations.

Let's keep it the way it is. It definitely will cover those industries, if they show interest.

Mr. Toby Barrett: I guess that's the key point. We did have hearings on this bill, which we fully supported. As far as the industry showing interest, I think three attended the witness table at Queen's Park for testimony, and I think there were two in Guelph—not very many. I know a number of commodity groups didn't come forward. I'm not saying they didn't show interest. But whether this wasn't promoted to any great extent, or for some reason, there wasn't the interest—I go to so many meetings, and certainly over the past year or so, the priority seems to be the concern with bee mortality and hog mortality. If anything, for the purposes of Hansard, I just wish to make it very clear that the minister has to realize that the priority, whether people were coming forward to this committee or not—we feel the priority right now is bee and hog. We use this partly as a means to an end to highlight our concern with honeybee deaths and our concern with deaths in the hog industry.

We just hope that the minister has the ability to create these programs down the road. We're not going to open up this legislation again for maybe another 19 years. The minister has to clearly signal his intent, not only supporting these commodity groups, but supporting the need for these specific programs.

We don't get to debate regulation, usually. In agriculture, sometimes it is different. I know with the nutrient management legislation—that was 15 years ago—we travelled the province over several years, three times over, to discuss just nutrient management, and not only the legislation. On the last round of travelling—I think it was two weeks of travelling—we travelled—

The Chair (Ms. Soo Wong): Mr. Barrett, can you stay focused on this motion that has been put forward?

0920

Mr. Toby Barrett: Certainly.

The Chair (Ms. Soo Wong): Okay, because we've been debating on this particular amendment being proposed for the last 10 minutes.

Is there any more discussion on this particular motion?

Mr. Toby Barrett: Maybe you could advise me: If this motion does not pass, do we not get to discuss the next two motions? I'm not sure.

Interjections.

The Chair (Ms. Soo Wong): They're still in order.

Mr. Toby Barrett: Okay. As my colleague has indicated, the amendment, as with the legislation, does leave it open-ended. The phrase is in there again: "any other product."

The Chair (Ms. Soo Wong): Ms. Hoggarth?

Ms. Ann Hoggarth: I was just going to say, it says "and any other product that is designated by regulation." Perhaps there are products that are now raised or sold that are not in that list. So this would still cut out producers that have other crops or herds, such as elk, bison or emus, that are not in the regulations right now. I think we need the flexibility left in it.

The Chair (Ms. Soo Wong): Mr. Vanthof?

Mr. John Vanthof: Very short: I appreciate the official opposition wanting to focus on bees and hogs, and I think we should bring light to that, because they are the ones right now facing the most imminent threat. But to name them when there could be another sector that could be under an equally imminent threat six months from now—I'm not sure I agree with that. I agree with putting a focus; I don't agree with putting it in the bill.

In response to Ms. Hoggarth: The "designated by regulation" is what's in the bill now, so any products that aren't now covered by regulation aren't going to be covered by the bill without amendment, either. That's not a good argument against the opposition, because that's the way it is now, right? Something that isn't on regulation won't be covered by the bill as it's proposed here, either.

Ms. Ann Hoggarth: Thank you.

The Chair (Ms. Soo Wong): Ladies and gentlemen, we've been debating on this particular motion. I'm going to be calling the question.

For subsection 2(1), amendment number 1 that's in front of you, I'm going to call the question.

Mr. Toby Barrett: Recorded vote.

Ayes

McDonell.

Nays

Baker, Hoggarth, Lalonde, Milczyn, Potts, Vanthof.

The Chair (Ms. Soo Wong): The motion is defeated.

Subsection 2(1), motion number 2: Mr. McDonell, do you want to read it for the record?

Mr. Jim McDonell: Sure. I move that the definition of "agricultural products," as set out in subsection 2(1) of the bill, be struck out and the following substituted:

"agricultural products' means bees and any other product that is designated by regulation; ('produits agricoles')"

The Chair (Ms. Soo Wong): Any questions or comments for this particular motion? Mr. Barrett.

Mr. Toby Barrett: I'll speak in favour of the motion that we have put forward. Again, it's an amendment purely to give the government more options. If there is some reason that they objected to any of the other products—it sounds like they objected to including all of the products in here—this motion, as you can see, focuses just on bees in the definition. Again, I would

appreciate any comments, just given what we're told of the crisis that we've seen in the last few winters with honeybee mortality.

I do reiterate that the way the motion is worded does not eliminate any other group. It could be nutria or hedgehogs or a certain breed of cattle over another breed of cattle. It's just simply to recognize the difficulty, to highlight the difficulty that the bee industry has had lately, and highly encourages the minister to create programs for them.

I guess my question is to the parliamentary assistant. I did run through the two programs listed under Agricorp and the fact that they do not cover pesticides.

I guess my request is, again, will this enabling legislation open the door to create a more comprehensive form of honeybee production insurance specifically related to the problems that we are told about? I know the jury is out on this. I know this government has stated that the evidence is inconclusive on the relationship between neonics and honeybee deaths. I know the Minister of the Environment has specifically stated that.

Will this enabling legislation change what we have in Agricorp, which excludes insurance coverage for honeybee owners with respect to improper use of pesticides or spray drift from one farm to another?

The Chair (Ms. Soo Wong): Mr. Potts?

Mr. Arthur Potts: Yes, sure, I'm happy to address that. Basically for the same reason we spoke of on the previous motion, we will be voting against this because it is limiting, the way you put this in here and in my understanding of how the law works here.

As I said previously, when the sectors come together with the government to ask for the regulation that will cover their sector, they'll enter and negotiate with Agricorp, and all manner of perils specific to that industry will be considered and determined whether they're insurable in a way that's cost-effective for all the parties concerned.

So let's just move down that process. That's what we've been doing since crop insurance first came in. It's a negotiation of what's particular to that industry. The same rules will be applied as we move forward in this section identified in this motion, so we'll be voting against it for the same reasons.

The Chair (Ms. Soo Wong): Okay. Mr. McDonnell?

Mr. Jim McDonnell: Well, I think, as Mr. Barrett has said, that as of today the use of pesticide spray drift is not included. I think through negotiations this motion would send a real direction that they are included and that it's not up to negotiation. We're looking at all perils and this is a significant one especially for this industry, which is unique. No other industry is affected, supposedly, with the use of pesticides.

I mean, there has been a lot of complaining and a lot of lack of science, but that has been the direction. So if that's the case, instead of negotiating for this, it should be clearly stated that, yes, we are looking at—if there is a loss due to the pesticide of the neighboring farms, it should be covered.

The Chair (Ms. Soo Wong): Okay. Any other comments or questions? Mr. Vanthof?

Mr. John Vanthof: Just a short one. While I am somewhat disappointed by the government's response on the bee issue, the neonic issue—and I'm fully in support of doing things for the bee industry, but, again, if we limit this, name one and then make everything else a lesser issue, because this is an enabling piece of legislation that will last a long time, then I'm afraid—it's my job to oppose the government as well, but this is a long-term piece of legislation.

So to put it on the record that we need to take as much action on bees as we can is very important, but to include them in this legislation and basically giving them pre-eminence over all the other sectors in an enabling piece of legislation—we're opposed to that.

The Chair (Ms. Soo Wong): Okay. Can I call the question?

All those in favour of motion number 2, subsection 2(1)? All those opposed? Lost.

Motion number 3: Mr. McDonnell, do you want to read it for the record?

Mr. Jim McDonnell: I move that the definition of "agricultural products", as set out in subsection 2(1) of the bill, be struck out and the following substituted:

"'agricultural products' means hogs and any other product that is designated by the regulation; ('produits agricoles')"

The Chair (Ms. Soo Wong): Any questions or comments before we call the question? Mr. Barrett?

Mr. Toby Barrett: Again, in the way this amendment is written—I don't necessarily want to see things get political around honeybees or anything like that, if it helps at all to delete "bees" from the proposed amendment and to focus on hogs—just because the hog industry did come forward. The bee industry didn't come forward to testify, but the hog industry did come forward. I know Amy Cronin, the chairman, testified here.

0930

I attended their annual meeting a few weeks ago. I attended a very large meeting in Niagara just last weekend of the hog industry. Ever present in people's minds, as Mr. McDonnell mentioned, is the issue of PED, this viral disease, with very, very high death loss. We lost something like 30% of the herd in Ontario's pork industry. That can be devastating. These aren't the kind of hog operations that we had on our farm, where we would put maybe 300 pigs through a year. We still have the hog barn. But the tremendous size of these operations are perhaps more susceptible to disease.

Again, with general enabling legislation, it really didn't give the farm commodity groups an awful lot to hang their hook on. I know they came to testify, but what can they talk about? Sure, it changes the title of the bill, but there wasn't really a lot that they could hang their coat on.

I, again, would just, in my question to the parliamentary assistant—the direction of this legislation: What will it do for the hog industry, say, specifically for a disease

like PED? We hope we don't see much of that in the future, but there's always something else that comes along.

The Chair (Ms. Soo Wong): Mr. Potts, can you please be brief in your response?

Mr. Arthur Potts: I'll be very brief.

The Chair (Ms. Soo Wong): Thank you.

Mr. Arthur Potts: I was also delighted to see Amy Cronin here, and she was a very excellent spokesperson for the industry. She made it very clear that she was completely happy with the way the bill was written, as it's written. Accordingly, for the same reason we talked about before, about flexibility, we'll be voting against this motion.

The Chair (Ms. Soo Wong): Mr. McDonell?

Mr. Jim McDonell: I think too often a lot of these groups have seen promises made and promises not kept. I think the hog industry—I know we have some large farm operations, hog operations, in our area, and they have been, for the most part, devastated by what has gone on here.

People don't have to remember too long ago when the beef industry had many hard years with no help from this government. I think that while there was a lot of promises, unless there seems to be something that doesn't restrict the government—but it shows the industry that at least there's the intention to help out this one industry. That's why we're putting this in.

You can imagine losing that percentage of your industry, how many years it will take to come back and the impact on public opinion. Although there's no harm to them, there's still that feeling that there's something wrong with eating pork. I think this industry needs some substantial help. It may not seem to be a big thing, but it shows that this legislation certainly does include relief for the hog industry and they can expect some negotiations through regulations in the future.

The Chair (Ms. Soo Wong): Any more questions? Can I call the question?

All those in favour of motion 3? All those opposed? The motion is defeated.

I'm going to call the question with regard to section 2. Shall section 2, without amendment, be carried—the entire section without amendment? All those in favour? All those opposed? Carried.

Section 3: We're dealing with section 3 right now. I believe there are two motions. Mr. McDonell, do you want to read it for the record?

Mr. Jim McDonell: I move that section 3 of the bill be amended by adding the following subsection:

“(8) Section 2.1 of the act is amended by adding the following subsection:

“Coverage for loss from predators

“(5) Despite subsections (1), (3) and (4), Agricorp shall provide contracts of insurance with respect to loss or damage to agricultural products due to prescribed predators.”

The Chair (Ms. Soo Wong): Okay. Any comments or questions? Mr. Potts.

Mr. Arthur Potts: Chair, somewhat for the same reason we spoke on the previous three motions, this will again be limiting. We won't prejudge what perils will be determined by the parties when they move forward, so we'll be voting against this.

The Chair (Ms. Soo Wong): Okay. Any other comments? Mr. Vanthof?

Mr. John Vanthof: We will be voting with this one because this one doesn't limit the products it could be covering. This has been an ongoing issue on a lot of areas, and it has been an issue that has been ignored. It doesn't limit the number of—it doesn't put one sector above another sector, but it does bring some clarity to an issue that a lot of people don't think exists in modern agriculture.

The Chair (Ms. Soo Wong): Any other comments?

Mr. Jim McDonell: My time in municipal politics, even in an area that's considered as, if I might use the words, built up as Glengarry county—we had substantial loss from predators. It was always an issue trying to show what happened here and really, in the end, does it really matter? Obviously it's not a domestic animal that's out killing these animals. It can be chickens, sheep or hogs. It can be a lot of things. This just puts, I think, a little bit of teeth in it. Farmers have been disappointed in the past with the legislation. This is something that has been an issue and I'd like to see it clarified, because it does just clarify it.

The Chair (Ms. Soo Wong): Mr. Baker?

Mr. Yvan Baker: I'll be brief. I think this is just a little bit limiting rather than enabling. Predators can already be considered as a peril. Damage from wildlife is already insured peril under current plans. So this amendment is detrimental in that it requires these plans, even if stakeholders or government did not want these plans now or in the future.

The Chair (Ms. Soo Wong): Can I call the question? Mr. Barrett?

Mr. Toby Barrett: I haven't actually commented on the motion yet.

The Chair (Ms. Soo Wong): Okay.

Mr. Toby Barrett: We're sitting this afternoon as well?

The Chair (Ms. Soo Wong): Well, we don't have to if we keep this up.

Mr. Toby Barrett: Oh no, that's just a question. I didn't want to debate the Chair on that, whether we have to or not.

The Chair (Ms. Soo Wong): We're done by 10:15.

Mr. Toby Barrett: I'm subbed on this afternoon, for what it's worth, but, no, we may not need to sit this afternoon. I wasn't suggesting that.

Again, an amendment—I think from our perspective—I grew up with chickens and sheep. We had a cow-calf and we had predator loss. It was not a coyote or wolves at that time; it was large German shepherds, usually, the neighbour's dog. That is really problematic and oftentimes it still remains a problem. If there was reason, perhaps, for a bit more of provincial government involvement, this may be the case because unfortunate-

ly—these are things that aren't talked about on the back rows that much, but oftentimes the livestock owner has to take matters into their own hands.

We do know that the municipality takes the responsibility. There's a process where farmers are compensated for loss for livestock killed. The program is run by the local municipality. Now, I don't know whether down the road staff could put together a regulation that would change that. Can you bring in a regulation that would tell the municipalities in Ontario, "Okay, you're no longer administering the predator program. It's going to be a provincial responsibility"?

This came up during the testimony. Does this require consideration, given that it's the first time in 19 years this legislation has been opened up? There were indications made that perhaps the province should play a more direct role, because right now it's the old story. We have a patchwork approach. There's a debate whether bounties work or not. They're prohibited under the fish and wildlife protection act. That's provincial legislation; that's not a municipal law. There are a number of counties that authorize where a hunter can receive compensation for hunting coyotes. So there's compensation—

The Chair (Ms. Soo Wong): Mr. Barrett, I'm going to need to remind you to stay focused on the motion. We have a motion before us that's been tabled by Mr. McDonell. Let's stay focused on the motion, okay? Because you're asking questions that have nothing really specifically to the motion.

Mr. McDonell?

0940

Mr. Jim McDonell: I sat here last year, in December, February and March, putting a motion through, and your government sat here and filibustered for three months. The fact that we don't want to meet this afternoon—I mean, this legislation is important to the agriculture community, and I think that if we want to debate, we should have the opportunity. As I say, meeting after meeting for an hour and a half until adjournments—filibustering—was an indication of how these meetings can be run by your side. Ourselves talking about these regulations for a couple of minutes—I don't think it should be pooh-poohed and, "We have to move on because we have to be done by 10:30." We have this afternoon—

The Chair (Ms. Soo Wong): No, I never said that, Mr. McDonell. I'm just saying—

Mr. Jim McDonell: No, but that seems to be the attitude. I don't think we have to—

The Chair (Ms. Soo Wong): I'm just saying, for the record, that we have—

Mr. Jim McDonell: Well, I think, at that time—I have the floor here—we talked many times about having to just call the motion for a vote. It went month after month after month, never getting to the first motion to release a document that should have been public anyway. That's the other side of it, so I think—

The Chair (Ms. Soo Wong): I can't comment—

Mr. Jim McDonell: Sure. It's a fair discussion. I think you were at those meetings, so you know what I mean. Thank you.

The Chair (Ms. Soo Wong): Okay. Mr. Potts?

Mr. Arthur Potts: I just think it's a little instructive that the member is now suggesting that he's filibustering on this bill. We want to get it forward. We'll take the time necessary to get it right, but let's move it forward.

The Chair (Ms. Soo Wong): Mr. Barrett?

Mr. Toby Barrett: Well, I'm certainly not a filibusterer. I don't do that. I made mention of provincial legislation, the fish and wildlife protection act, that that's not municipal. We do know the Ministry of Natural Resources deals with bounties and gets involved between farmers and some of these issues. On a positive side, we encourage hunters to help farmers to try to keep coyotes away from their sheep.

There is a process now where farmers are compensated. They don't buy insurance. They don't pay a premium. It's kind of an after-the-fact thing, and the beauty of insurance—I've bought crop insurance over the years—is that you have to qualify and you have to take certain measures to limit your loss and to limit your risk. There are many sheep farmers, for example, who could probably be doing a lot more with the use of guard dogs, donkeys and things like this—fencing, or perhaps live trapping. There's a lot of work being done on better live traps that don't kill the animal or don't kill the neighbour's dog.

But the link here, as well, with this specific ministry, OMAFRA, is that the program is run by the municipality but is reimbursed by OMAFRA. My question—and I didn't get a chance to ask my question—to the parliamentary assistant: Is there a case to be made, first of all, for OMAFRA, the province, to play a larger role in coordinating and improving this program with respect to predator control through more of an insurance model? And secondly, can this be done just by passing a regulation down the road? I'd hate to have this legislation pass, we don't debate it for another 19 years, and then we find out there are really no options in the future to deal with some of the tremendous predator losses without going back and having one-hour debates again in the Legislature to try to do something about predation.

The Chair (Ms. Soo Wong): Okay. Mr. Potts?

Mr. Toby Barrett: Coyotes are moving in to our province significantly—

The Chair (Ms. Soo Wong): Okay. I want to hear Mr. Potts's answer to your question.

Mr. Toby Barrett: Certainly.

The Chair (Ms. Soo Wong): Mr. Potts?

Mr. Arthur Potts: I appreciate the question. I just think it's beyond the scope of this enabling legislation, so let's just vote on the motion.

The Chair (Ms. Soo Wong): Okay. Any other—

Mr. Toby Barrett: I don't know whether we can get any advice from staff with respect to this issue.

Mr. Arthur Potts: It's not necessary.

Mr. Toby Barrett: This came up during the hearings, and—

Mr. Arthur Potts: You brought a motion that you thought would assist in this direction, and we disagree

with it. If you had other motions that you wanted that would assist, you could have brought them. But we think we're very clear on what this is doing, and I don't think that your motion is going to assist us in what will be a peril down the road.

Mr. Toby Barrett: I'm just asking for advice from the government—

Mr. Arthur Potts: We'll just have it in the hallway later.

Mr. Toby Barrett: I beg your pardon?

Mr. Arthur Potts: We can have it in the hallway later. We can talk about advice, but it's not germane to this bill.

Mr. Toby Barrett: Well, it's really important to get it on Hansard. If we get it on Hansard, because it's hard—sure, hallway discussions are important, but we're here discussing this, and I'd like to take something back to these people.

Mr. Arthur Potts: I have nothing to add.

Mr. Toby Barrett: Nothing to add? Okay.

The Chair (Ms. Soo Wong): Okay. Any other comments or questions to motion number 4? I'm going to call the question.

All those in favour of the amendment being put forth? All those opposed? The motion is lost.

Motion number 5: Mr. McDonell.

Mr. Jim McDonell: I move that section 3 of the bill be amended by adding the following subsection:

“(8) Section 2.1 of the act is amended by adding the following subsection:

“Coverage for loss from catastrophic diseases

“(5) Despite subsections (1), (3) and (4), Agricorp shall provide contracts of insurance with respect to loss or damage to agricultural products due to prescribed catastrophic diseases.”

The Chair (Ms. Soo Wong): Any questions or comments to this particular motion? Mr. Barrett.

Mr. Toby Barrett: Yes, I would like to comment on the motion. Again, the purpose, to stress on behalf of those sectors of the agricultural industry that have been subject to some of these catastrophic losses—one example that comes to mind is H5N2, avian flu, in Oxford county, next door to me. This makes headlines around the world. In the agricultural and food production community, this is very significant. We know that, with respect to turkey broilers and export—just to maybe focus on the food side of things, if the government would be more comfortable talking about that—Toronto is second only to Chicago in North America as a hub for food production and export. The minister is overseas right now and, I would assume, doing his best to better enable us to export agricultural products.

I was at a very large event last night. There were a very large number of people from Ontario, Toronto, the South Asian community—a very large event. Narendra Modi was there. We got kind of crushed and forced off the stage. I don't think they were running up there to see me or Rick Nicholls or anybody like that. But I had so many conversations with people last night who knew I

represent an agricultural area and had a tremendous interest in the food products and other products that we have to offer, like tobacco and ginseng—a lot of ginseng discussions as well.

It's an amendment, again, to highlight the minimum for the minister to consider catastrophic diseases like H5N2 as an eligible cause of death, to make sure that farmers are covered and protected financially. Beyond PED, I guess the highlight of the day is avian flu. We're confident that the minister would recognize these diseases as eligible causes of death. We just want to make sure there is no confusion. Part of that is just to have a minimum of discussion.

I know the Chair is doing a very good job to try and wrap this up as soon as possible, but the food and agriculture business, as we know, is so complex. We just want to make sure there's no confusion on this. Who knows what other disease may come in on a migratory bird? We just want to get a guarantee from the government, through Mr. Potts, the parliamentary assistant, given the clear desire from the agricultural community and the food industry—if you don't get your product from your farmers, then you lose your contract. If you get a contract for sweet corn and you have a drought, for example, you don't get the contract next year. You're done; they go to other farmers.

It's the same with the food industry and the same with Korea and so many other countries. If they're concerned that we're not doing a proper job on controlling disease, we can't even get the product over there, and we lose that contract with South Korea. We know that with BSE in cattle, for example. We just want to have a guarantee from the parliamentary assistant that something like this would be reflected through this legislation.

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The Chair (Ms. Soo Wong): Mr. Potts?

Mr. Arthur Potts: I'm prepared to respond. We don't believe that prescribing perils within the enabling legislation is the appropriate route to go. In fact, it will become limiting because now you're saying that one disease is more important than maybe another disease by highlighting it, the same thing as we talked about by putting specific products in the earlier definitions.

We know that in subsection 5(1) under the act, disease could be considered, and that would be a part of the discussion between the various groups, the government and Agricorp, and they will work out the details of what should or should not be an insurance scheme. So we'll be voting against this motion.

The Chair (Ms. Soo Wong): Mr. McDonell?

Mr. Jim McDonell: I think if you look over the last decade or decade and a half, some of the catastrophic diseases we've seen—they are huge. They can essentially destroy the beef industry for years. I know that even on the dairy farms—my brothers run a dairy farm at home—it was costing them money to ship young calves to the market. They would get a bill and they would ship it to show you just what the product was worth. If you're a farmer and you're looking at this, it basically means bankruptcy.

If you don't have a good feeling that this is covered, you encourage the wrong behaviour. You encourage people to do desperate things, and part of that would be to try to cover up the disease instead of trying to contain it. I think we've all heard talk about other countries where this has happened. It eventually surfaces, but then it's a much bigger problem because it has spread beyond the farm or the area.

I think by clearly putting in, "Yes, we're not limiting in any way; we're just telling you that in this case here, diseases will be covered"—because right now, if you have to sit there and start negotiating these after the fact, actions have already been taken for months. I think that's why it's important to put this in.

The Chair (Ms. Soo Wong): Mr. Vanthof?

Mr. John Vanthof: We will also be voting in favour of this, for a couple of reasons that the opposition has mentioned—to enlarge this legislation. We're not prescribing individual catastrophic diseases, but it would be beneficial if they were mentioned. Having lived through BSE, as a farmer, it's very damaging.

One thing I would like to put on the record: H1N1 and avian flu was mentioned. In my discussions in the technical briefing with the Ministry of Agriculture regarding this bill, it came up that when we were talking about supply-managed sectors, which the feather industry is, they would never be covered. I think that is something that needs to be discussed here, because supply management manages the supply, but it doesn't manage the supply in catastrophic diseases. If your flock is wiped out, that's not covered under supply management. That was something that was very contentious in the technical briefing. I'm not trying to filibuster or anything. This is an issue that has to be discussed, because I got a lot of pushback in the technical briefing. I said, "Okay, what about supply management?" "No, they're not covered." Well, the feather sector is supply-managed, and we need to know that if a catastrophic disease hits a supply-managed flock—turkeys, broilers, chickens—whether or not they are going to be covered. In the technical briefing, we got a lot of pushback, and—perhaps not today, but that's something that really needs to be hammered out.

The Chair (Ms. Soo Wong): Any other comments or questions? Mr. McDonell?

Mr. Jim McDonell: I agree with the comment from John, but it also applies even to a dairy herd—supply management. If your herd is wiped out, it's gone for years until you can bring it back. It's catastrophic, for sure. Anybody that's making a livelihood from a large or a medium-sized flock or herd—does it matter if you're supply-managed or not? You cannot produce the product if you have no herd to produce it. It seems to happen with feathers, but we've actually seen it happen—we think of beef, but the dairy side as well.

The Chair (Ms. Soo Wong): Any other comments? I'm going to call the question.

Mr. Toby Barrett: A recorded vote.

The Chair (Ms. Soo Wong): A recorded vote. Okay. Shall motion number 5 be carried?

Ayes

McDonell, Vanthof.

Nays

Baker, Hoggarth, Lalonde, Milczyn, Potts.

The Chair (Ms. Soo Wong): The motion is defeated. Shall section 3, without amendment, be carried?

Mr. Arthur Potts: Can we have a recorded vote on this?

The Chair (Ms. Soo Wong): Recorded vote? Okay.

Ayes

Baker, Hoggarth, Lalonde, Milczyn, Potts, Vanthof.

Nays

McDonell.

The Chair (Ms. Soo Wong): The motion is carried. Section 4: There are no motions or amendment to this section. Any more questions or comments to section 4?

Mr. Yvan Baker: Chair, could I request a recorded vote?

The Chair (Ms. Soo Wong): For section 4? Okay. Shall section 4 be carried?

Ayes

Baker, Hoggarth, Lalonde, McDonell, Milczyn, Potts, Vanthof.

The Chair (Ms. Soo Wong): It's unanimous. All those opposed? Carried. Section 4 will be carried without amendment.

Section 5: Any questions or comments?

Mr. Yvan Baker: Chair, could I just request a recorded vote on all future sections?

The Chair (Ms. Soo Wong): All future sections? Okay. You got that, everybody? All future sections from here on forward will be a recorded vote.

Any questions or comments on section 5? I'm going to call the question. All those in favour of section 5?

Ayes

Baker, Hoggarth, Lalonde, McDonell, Milczyn, Potts, Vanthof.

The Chair (Ms. Soo Wong): Okay. Section 5 will be carried.

Section 6: Any questions or comments to section 6? Seeing none, I'm going to call the question. Shall section 6 be carried?

Ayes

Baker, Hoggarth, Lalonde, McDonell, Milczyn, Potts, Vanthof.

The Chair (Ms. Soo Wong): Section 6 will be carried without amendment.

Section 7: Any questions or comments to section 7? Seeing none, I'm going to call the question. Shall section 7 be carried?

Ayes

Baker, Hoggarth, Lalonde, McDonell, Milczyn, Potts, Vanthof.

The Chair (Ms. Soo Wong): Section 7 is carried without amendment.

Section 8: Because motions 4 and 5 have been lost, were defeated, motions 6 and 7 will be deemed out of order.

Any questions or debate to section 8? Seeing none, I'm going to call the question. Shall section 8 be carried? This a recorded vote.

Ayes

Baker, Hoggarth, Lalonde, McDonell, Milczyn, Potts, Vanthof.

The Chair (Ms. Soo Wong): Section 8 will be carried without amendment.

Section 9: Any questions or comments to section 9? All those in favour of section 9? It's a recorded vote.

Ayes

Baker, Hoggarth, Lalonde, McDonell, Milczyn, Potts, Vanthof.

The Chair (Ms. Soo Wong): Thank you. Section 9 is carried without amendment.

Section 10: Any questions or comments to section 10? Seeing none—oh, you have a question?

Interjection.

The Chair (Ms. Soo Wong): Oh, okay. I'm going to call the question. All those in favour of section 10? It's a recorded vote.

Ayes

Baker, Hoggarth, Lalonde, McDonell, Milczyn, Potts, Vanthof.

The Chair (Ms. Soo Wong): Section 10 is carried without amendment.

Section 11: Any questions or comments to section 11? I'm going to call the question. All those in favour of section 11?

Ayes

Baker, Hoggarth, Lalonde, McDonell, Milczyn, Potts, Vanthof.

The Chair (Ms. Soo Wong): Section 11 is carried without amendment.

Section 12: Any questions or comments on section 12? Seeing none, I'm going to call the question. All those in favour of section 12?

Ayes

Baker, Hoggarth, Lalonde, McDonell, Milczyn, Potts, Vanthof.

The Chair (Ms. Soo Wong): Section 12 is carried unanimously.

Section 13: Any questions or comments on section 13? Seeing none, I'm going to call the question. Shall section 13 be carried?

Ayes

Baker, Hoggarth, Lalonde, McDonell, Milczyn, Potts, Vanthof.

The Chair (Ms. Soo Wong): Section 13 is carried.

Shall the title of the bill be carried?

Interjection: Carried.

The Chair (Ms. Soo Wong): No, it's a recorded vote, because Mr. Baker asked that the entire section be a recorded vote.

Shall the title of the bill be carried?

Ayes

Baker, Hoggarth, Lalonde, McDonell, Milczyn, Potts, Vanthof.

The Chair (Ms. Soo Wong): The title will be carried without amendment.

Shall Bill 40 be carried?

Ayes

Baker, Hoggarth, Lalonde, McDonell, Milczyn, Potts, Vanthof.

The Chair (Ms. Soo Wong): Okay. Shall I report the bill to the House?

Interjections.

The Chair (Ms. Soo Wong): Unanimous? Okay.

Let's go to a recorded vote, because you have asked for it.

Ayes

Baker, Hoggarth, Lalonde, McDonell, Milczyn, Potts, Vanthof.

The Chair (Ms. Soo Wong): Okay, ladies and gentlemen. We adjourn this committee. Thank you very much. We're finished for the day.

The committee adjourned at 1000.

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Also taking part / Autres participants et participantes

Mr. Toby Barrett (Haldimand–Norfolk PC)

Clerk / Greffier

Mr. Katch Koch

Staff / Personnel

Ms. Sibylle Filion, legislative counsel