No. 61

Nº 61

ISSN 1180-2987

Legislative Assembly of Ontario

First Session, 37th Parliament

Assemblée législative de l'Ontario

Première session, 37e législature

Official Report of Debates (Hansard)

Journal des débats (Hansard)

Thursday 18 May 2000

Jeudi 18 mai 2000

Speaker
Honourable Gary Carr

Clerk
Claude L. DesRosiers

Président
L'honorable Gary Carr

Greffier
Claude L. DesRosiers

Hansard on the Internet

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

Le Journal des débats sur Internet

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

http://www.ontla.on.ca/

Index inquiries

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-3708.

Renseignements sur l'index

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 325-3708.

Copies of Hansard

Information regarding purchase of copies of Hansard may be obtained from Publications Ontario, Management Board Secretariat, 50 Grosvenor Street, Toronto, Ontario, M7A 1N8. Phone 416-326-5310, 326-5311 or toll-free 1-800-668-9938.

Exemplaires du Journal

Pour des exemplaires, veuillez prendre contact avec Publications Ontario, Secrétariat du Conseil de gestion, 50 rue Grosvenor, Toronto (Ontario) M7A 1N8. Par téléphone : 416-326-5310, 326-5311, ou sans frais : 1-800-668-9938.

Hansard Reporting and Interpretation Services
3330 Whitney Block, 99 Wellesley St W
Toronto ON M7A 1A2
Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario

Service du Journal des débats et d'interprétation
3330 Édifice Whitney ; 99, rue Wellesley ouest
Toronto ON M7A 1A2
Téléphone, 416-325-7400 ; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 18 May 2000

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Jeudi 18 mai 2000

The House met at 1000.
Prayers.

PRIVATE MEMBERS' PUBLIC BUSINESS

RAVES ACT, 2000

LOI DE 2000 SUR LES RAVES

Mrs Pupatello moved second reading of the following bill:

Bill 73, An Act to promote public peace and safety by regulating late-night dance events / Projet de loi 73, Loi visant à promouvoir la paix et la sécurité publiques en réglementant les danses nocturnes.

Mrs Sandra Pupatello (Windsor West): I am very pleased to be debating Bill 73, the Raves Act, 2000. I want to give a little bit of background about how we came to be debating this bill in the House, talking about this bill in the Legislature, and how we came to require, in my view, regulation of raves.

Educators were telling me what they were seeing in the classrooms. This began last fall, in November. What they were seeing was excellent students suddenly missing classes on Mondays and Tuesdays on a regular basis, with grades crashing through the floor and kids sick all the time, not the typical kids who you might think might be involved in drugs but excellent athletes, excellent grade A students. What they realized was that these kids were raving all weekend and crashing on Mondays and Tuesdays.

What we did then was meet with a larger group of individuals—police authorities, the RCMP, the Windsor police, educators, guidance counsellors—and in that round table discussion we learned that this was not an isolated incident but rather was widespread in the school system and something that educators and police knew had to be dealt with.

What happened after that was quite interesting, because it drove me to my brief visit to a rave club to see for myself what I had heard that morning, which was quite a surprise to me and I think would be to most people my age and most parents of teenagers.

What we saw was that the use of ecstasy was widespread, and that the most frequent access point seemed to be raves. If they don't buy it at the rave, they are certainly using it in order to go to the rave. The raves are set up to enhance the experience and the physical effects of the drug, so the lighting is dark, with strobe lighting and the beat of the techno music.

What we realized after launching a community task force to address the issue was that we needed to have two avenues of approach. One of them, and the most important, had to be education of students as to the dangers of ecstasy. There is a belief among young people that this drug is safe, and it simply is not. This drug has killed people. Number two, the rave itself has to be a regulated, safe venue and we, as legislators, have a responsibility to enact that.

On the first point, in terms of education, what this community task force did was launch a curriculum piece so that my Windsor board would have a video that is informational for students and parents. Students would take the video home, watch the video with their parents and do a follow-up exercise that would invoke a conversation among young people and their parents about what a rave is, what happens at a rave, what the drug ecstasy is and what other designer drugs are about these days.

What people, especially parents, will be surprised to learn is the kind of paraphernalia that is out there today, things like Pez dispensers and what they're used for, why it is that candy pacifiers are suddenly all the rage. The effect of the drug ecstasy often causes jaw clenching and young people will use pacifiers to stop that effect. Parents will also learn what the pills themselves look like.

The Deputy Speaker (Mr Bert Johnson): The member knows that isn't—

Mrs Pupatello: Thank you, Speaker. They have a "CK" emblem on them, for example, which represents Calvin Klein; "Mitsubishi," "Mercedes," stamped on the actual pill—

Interjections.

Mrs Pupatello: Excuse me, Speaker, but this a very important debate and I don't expect to be interrupted at this time.

These pills have insignias on them to attract young people to want to take them. They look like candy and the names of such drugs are "Seven of Diamonds," "The Butterfly," "McDonald's." Often they have comic characters on them so that they appeal to them. That in essence is the purpose of the education piece. But this is news to parents and they need to understand why these candies of old are suddenly new again and what their use is and why they are suddenly so popular. We don't imply

that young people who use these are necessarily taking the drug, but it certainly is current among those who are.

The other avenue that is just as necessary as the education of parents and young people is regulation. To that end, it brings us very much to this bill today and the purpose of it. This bill, the Raves Act, simply put, allows the holding of a rave once a permit has been issued. The bill allows municipalities to set conditions for which that permit would then be issued.

In response to the information we gathered, especially at the summit that was held in March of this year at the Toronto headquarters and attended widely by municipal administrators and police authorities from across the province, property owners would now be compelled to rent or lease their space for the purpose of a rave only once a permit had been issued. It also would allow police to lawfully enter the premises, ensuring that the conditions set for the permit are being met. Yes, it allows the police to respond as well if the conditions are not being met.

Let me say that in essence the bill provides similar authority to that which currently exists under the Liquor Licence Act. Raves don't have a liquor licence typically. They apply for no such liquor licence, then, and are not subject to those controls. Decades ago, in 1946 in fact, when the Liquor Control Act was struck, raves were not the issue, bars were, and governments responded at that time to set the conditions required for the lawful, safe drinking establishments we often have today. There was not a need for safety measures in venues for raves. Today there is. It is the government's responsibility to respond to what happens in the year 2000, and there are certainly raves going on today.

1010

Let me say unequivocally that we cannot ban raves. I cannot support the notion that we could ever ban raves. They happen. They are currently legal in our community. In fact, just because raves seem to be the greatest access point for ecstasy—if people were buying ecstasy at A&P parking lots, we would not be standing here today looking to ban A&Ps or the parking lots. What we would be doing is talking about how we have to make those venues safer.

The municipalities must be smart in how they choose to set the conditions for obtaining permits to hold a rave. All of us are going to be responsible if the raves are driven underground when people may choose to try to ban them. They will be a greater menace to young people than the dance outlets they are currently. It is important that we note that every generation has had its venue, and the older generations of those have thought they were crazy or, at a minimum, very different. We cannot ban this kind of expression for our young people.

This bill would allow raves. Municipalities might set conditions that they would only be held in certain geographic areas; for example, not in an industrial section of town where warehouses were never built for the purpose of housing thousands and thousands of young people, with little ventilation or not a minimum number of exits in case there was a disaster. It also wouldn't allow for the kind of cooling system required after all the gyration to the techno music, which seems to be the thing at a rave.

A city might want to consider an age minimum. In terms of what I have seen, very young people, 12 and 13 years old, have been at these raves. We don't know why parents would have kids that young out all night. In my city, I spoke with parents who thought this was a very safe place to send their kids, because they knew it didn't have a liquor licence and frankly were not aware of what else was found on the premises. Parents might understand that if their children are old enough to drive a car, then they're old enough to be responsible, and an age limit might be something reasonable, if it were 16.

The level of security that exists at a rave, whether there is fire and ambulance available at the site in case there is an accident, the exits and the availability of drinking water are the kinds of things that likely would be fair conditions for a permit to be issued.

I have to say that I applaud the efforts of the local Toronto safe dance community. They have worked very hard to come up with a safe protocol. Their safe protocol for dances was adopted by my own city of Windsor, and it's the kind of protocol that has to be brought into legislation.

Has enough been done? I would say that not enough has been done, because they still are not safe places for young people. I feel this bill will go a long way toward making raves a safe place for our young people. I look forward to the debate today, and I especially look forward to support from all members of the House when it comes time to vote on the Raves Act.

Ms Marilyn Churley (Broadview-Greenwood): I'm going to say from the outset that I'm not supporting this bill today. I look around this chamber, and there are not a lot of us here, but, I see us and I think that many of us grew up in the 1960s and 1970s.

Mr Toby Barrett (Haldimand-Norfolk-Brant): Yea.

Ms Churley: Yea. I remember. Many of us here—not all—grew up, and I remember, as a young person, going to love-ins and peace events and all kinds of things then. I remember very well, as a young woman, going to these events with thousands of other kids and, yes, there would be drugs around, and sour-faced, stern, uptight, middle-aged politicians coming on TV and trying to stop our fun.

When I say that, I will say right away that we should say no to kids taking drugs. I am not advocating that kids should be taking drugs, and we should do everything we can to educate kids and their parents about the use of drugs and how it can be harmful. We know some of those kids are taking ecstasy. That is a problem. I think one of the problems in our society is that we're set up in such a way as to say, "Drugs are bad; don't take them," when we know the kids are taking drugs. There needs to be widespread education. Just because Sandra Pupatello or I stand up today and say, "Drugs are bad; don't take them," those kids aren't going to listen to us, and their parents have no control of them when they're out of the house.

Mr John O'Toole (Durham): So we just give up?

Ms Churley: No, we don't just give up. They need to be educated about what ecstasy is and what it does to them: If they take too much they get dehydrated, and they dance; they should be taking liquids. You have to deal with this realistically. I'm not advocating that they take drugs, but if they're taking them we have to educate them and let them make decisions based on the knowledge we give them.

To me, this bill is not about dealing with drugs; it's controlling raves. The municipality of Toronto at one point came up with a protocol. Working with kids who go to those raves was very good. Then the hysteria started. I see it as an attack on young people. There's this absolute hysteria around raves. What we should be dealing with here are drugs and the drug dealers. That is the big issue here.

Raves should not be dealt with in terms of law and order. They should be dealt with in terms of—what's used at city hall is "harm reduction model." I think the kids don't like that term, but we want to make our kids safe. I have no problem with that, and most of the criteria in this bill I have no problem with. But listen to the way raves—raves aren't even mentioned here. Listen to the way the events are described here.

"'Rave' means an event with all of the following attributes:

"1. Any part of the event occurs between 2 a.m. and 6:00 a.m.

"2. People must pay money or give some other consideration to participate in the event.

"3. The primary activity at the event is dancing by the participants.

"4. The event does not take place in a private dwelling."

For heaven's sakes, that definition could apply to a late-night Greek event in my riding. We dance all night sometimes.

There's a real problem with the definition here, and I could see some municipalities who do want to crack down on kids having fun using this not to license anything. It's a real problem.

Let me be clear on this: These kids should not be doing drugs. And let me be clear in that I am saying that everything that we can do as a society to prevent the harm that comes from doing drugs should be done. But I do not believe that this bill before us today deals with that adequately. I believe the city of Toronto in particular had set up a really good protocol, working directly with the kids, that until this hysteria came out was working quite well. We don't want to drive these things underground and we don't want some municipalities telling kids that they can't have fun. I believe this bill can lead to that.

Speaking of the 1960s, it reminds me of a song. I'm going to quote Bob Dylan. It's from Highway 61 Revisited. The line is: "You know something's happening, but you don't what it is, do you, Ms Pupatello?" Of course the real line was, "Do you, Mr Jones?"

I believe these kinds of problems have to be worked out with the young people who are involved in it. There are thousands of well-intentioned, good kids who go to those raves, and they feel like they're being attacked by politicians in general these days.

I started off by saying that many of us come from the 1960s. I'm wondering how many people here could say honestly that they didn't experiment with drugs in the 1960s and 1970s.

Hon John R. Baird (Minister of Community and Social Services, minister responsible for francophone affairs): I didn't.

Ms Churley: Well, you're too young.

Young people tend to do that. I'll say again that we have to do everything we can to educate kids and prevent them from taking drugs. But our standing up and saying, "Don't do it, it's bad," is not going to stop them.

So what I would like to see happen is for the hysteria to be toned down, for us to get together with these kids to set up, as the city of Toronto has done, protocols around how these raves can happen in a safe and appropriate way. I don't believe we should be dealing with it in this way, in a law-and-order way, but to sit down with the kids and work out protocols and also to concentrate and focus more on drug education.

1020

I believe that can be done, so I'm not supporting this bill today. I'd be happy to talk with the member and others who are interested in sitting down with the young people and coming up with ideas of how we can work with the municipalities in such a way that these raves can happen in a safe environment where kids do not feel like they're once again under attack by middle-aged, sour-faced politicians who don't know what we're talking about. I think we need to dialogue with them a lot more before we start passing these kinds of bills.

I'll finish by saying that I believe the municipalities should be involved in making sure that these kids are in safe places, but we shouldn't be approaching it in this law and order way. Again I come back to this section which could involve a lot more than thousands of kids at a rave.

Mr O'Toole: It's my pleasure to share my time this morning. As the parliamentary assistant to the minister, I spent a lot of time looking at this issue. I want to put a few remarks on the record.

You have to look at what the government is doing today. Starting back in March when this had come to have more currency as an issue in the media—it was March 14—Minister Runciman convened a sort of symposium of stakeholders in dealing with the issue. I commend Minister Runciman, a former Solicitor General, for trying to bring some order to it under his ministry. Of course, the ministry deals with the Alcohol and Gaming Commission of Ontario, and also the alcohol acts. They brought together local police and law enforcement agencies and other jurisdictions to work in a co-operative framework. That's what happened, and from that a report is expected back by the end of May, a coordinated

enforcement strategy, to deal with it. So I think that's one point that should be on the record.

Of course, it has a lot of currency in the media today with the inquest that's going on, the sad situation with a young person succumbing to ecstasy, or just the whole idea of an environment that's not appropriately safe for young people.

The minister's position on it: The member from Windsor West has the right sentiments, certainly, but I think there are some inherent flaws in the legislation, and some of the members may point that out. I don't think the bill goes quite far enough. In some respects there are legislative reference points or information or laws today that could be enforced through the Municipal Act and other acts.

I've got some comments that I want to put on the record.

I understand the Ministry of Municipal Affairs and Housing has reviewed the bill and I would be interested to hear the analysis of how Bill 73's requirements for municipalities compares with enabling powers that municipalities currently have to establish by-laws. While this specific bill addresses the potential role of municipalities in regulating raves, there's much more that could be looked at to prevent illegal activities from occurring at raves. I believe that ultimately an interdisciplinary approach in dealing with the issue is demanded. As I said before, the minister is working with that coordinated strategy approach.

There are parts of Bill 73 that touch on areas that are the responsibility of the Attorney General and the Solicitor General, and again, I would like the hear their analysis of how Bill 73 compares to the existing powers of police and fire services.

The only provisions of Bill 73 that relate to the specifics of the legislative responsibilities of the Ministry of Consumer and Commercial Relations are referenced in subsection 2(3) of the Liquor Licensing Act, LLA. This measure would oblige the municipalities when considering the approval of a rave to liaise with the Alcohol and Gaming Commission of Ontario and is consistent with the minister's interdisciplinary co-operative enforcement initiatives that are already underway. I expect I can say that the minister will bring forward a much more mature and well-developed legislative piece in the fall. Haste often creates bad legislation.

On March 14, the Minister of Consumer and Commercial Relations, with his colleague the Solicitor General, convened a meeting, as I've said before. The purpose of this meeting was to discuss how the many organizations could use their enforcement powers in a coordinated manner to crack down on illegal drugs and unlawful activities at various venues, parties and raves. Of course, it doesn't quite go far enough in the definition of raves, after-hours clubs and other kind of convened events that we've heard in the news constitute a safety hazard and a danger to our communities.

I'm going to try and save as much time for the member as I can, because he certainly is an expert, having worked 20 years in the addiction area. He has a lot more to add on the lack.

I think it would suffice to say that in a general sense I don't think the ministry has any problem with the bill, except to say that it's not strong enough, doesn't go far enough, doesn't address some of the enforcement issues that already exist in current legislation.

I sincerely appreciate the perspective that the member for Broadview-Greenwood has brought to it, saying that every generation has its little venue for acting out. This has probably gone too far and the reason for that is the drug part of it. That's really a significant issue, and I suspect the member for Windsor West has been watching the rave scene and the after-hours scene very closely.

Mrs Pupatello: Not personally.

Mr O'Toole: Well, not personally, but I'm saying from a legislative perspective. I applaud her for bringing this to the media and to their attention.

This is the concluding remark on behalf of the Solicitor General and on behalf of our Minister of Consumer and Commercial Relations: Safe communities are the focus of this whole debate. We're for safe communities. You can count on us to be there and have the right laws in the right place at the right time.

Mr Michael Bryant (St Paul's): Let me begin by congratulating the member for Windsor West for not only bringing forth this legislation, not only undertaking the education campaign that is represented by the videos that are being distributed across the province, but also for rolling up her sleeves and quite literally getting down into the trenches to find out about this important issue in this province.

She went to a rave. How many members are willing to go that extra mile to find out what's actually happening, as opposed to simply reading it in the newspaper? I congratulate the member for doing that and for bringing forth legislation, yet again on this side of the House, before anything has been brought forward by the government. This is an important issue which is the subject of an inquest. I understood by the comments from the member for Durham that the government supports the intention of the bill, and I would encourage members on the other side of the House to take that into account as they consider whether or not to support the bill.

This is an important issue in the city in which I am an MPP. The issue of raves is such that, frankly, ecstasy is the number one street drug in the city of Toronto right now. Ecstasy kills. It has killed nearly a dozen people in the province. It is the subject of an inquest, the Allan Ho inquest, which is ongoing. Anybody who thinks this drug is simply a feel-good drug needs to roll up their sleeves and find out what the drug is all about, as the member for Windsor West has done.

Let me also say that this approach, unlike what we heard from the member for Broadview-Greenwood, is not a ham-handed approach. In fact, this is an approach which recognizes the fact that you cannot simply ban raves and hope they go away. How do I know that? To begin with, we know from an expert who testified before

the Allan Ho inquest by the name of Trinka Porrata that: "You can't make it go away," in her words, "by just saying, 'No more raves.' That's not the solution." That was her experience based on setting forth anti-rave legislation in the state of California.

When I was teaching at a law school in England—King's College, London—we had at the time to go over the Tory legislation that dealt with raves. They defined the throbbing, beating music that was outlawed and not permitted in open spaces. Of course it was impossible to enforce it and therefore raves continued to thrive.

1030

The problem here, again, is not the music and not the gathering; it's the drugs. Chief Fantino has said that the problem for him is not the raves; it's the drugs. He said at a recent community meeting, "My whole concern is pervasive drug use and the drug dealers that converge on these venues."

So this approach is not the ham-handed approach which just says, "Let's ban it and hope the talk-show circuit says we're taking it seriously," but then really has no effect whatsoever. It's not the approach, for example, that this government took with respect to the squeegee bill. Instead, it recognizes that we have to give municipalities the power to control these, and we need to set forth limits. On this point, I respectfully diverge from the member for Broadview-Greenwood. Yes, we need to work with those who are attending raves to set forth protocols. But if we have a drug epidemic at these parties, it's our job as legislators to bring forth legislation that will regulate raves, set forth sanctions for those who misuse the venues, set forth sanctions for those who are trying to exploit those attending the venues and, in addition to that, led by the member for Windsor West, undertake an education campaign.

I'm going to support this bill, because I and the Ontario Liberals take this issue very seriously. More people will die if we don't do something about the ecstasy epidemic taking place in our province through raves, and so I will be supporting this bill.

The Deputy Speaker: Further debate. The Chair recognizes the member for Niagara Centre.

Mr Peter Kormos (Niagara Centre): As it's called now, Speaker. It used to be Welland-Thorold. It could have been named Welland-Thorold-Pelham-St Catharines, but that would have created one of those lengthy riding names that Speakers would have forgotten too readily.

In any event, I'm listening and anxious to listen. I've got to tell you, I don't purport to speak for the whole NDP caucus here.

Mr Joseph Spina (Brampton Centre): You never did, Peter.

Mr Kormos: You're right. But I've not been afraid to take positions alone, without following the herd, without relying upon directions from above—not from God, but from mere party leaders.

I have real concerns about the legislation, and I'm going to tell you why. I've read the legislation. I've never been to a rave. I haven't. Unlike Tory members who look aghast, who clearly have more familiarity with these events than I do, I've never been to a rave. I suspect that if we were to go to a rave, most of us would see a huge exodus of young people who were in possession of ecstasy from the dance floor to the washrooms, and all the toilets would flush simultaneously. If most of us were to go to a rave, we'd be marked as undercover cops in a New York minute. Some undercover, huh?

The issue here is the focus on the drug ecstasy. Again, I'm familiar with ecstasy only to the extent that I've read about it in the newspapers. Reference was made to the coroner's inquest that's taking place right now, a not inappropriate reference. Really, shouldn't we be awaiting the recommendations of that jury? Shouldn't we be using that as the starting point for consideration? It has available to it an array of expertise, a list of witnesses, obviously resulting from the tragic death of a young person here in the province. But why are we having an expensive coroner's inquest if we aren't prepared to await the results of that inquest and let that jury assess the evidence that was put before it and fulfill its obligations; to wit, make its recommendations?

It's clear that these things, these raves where young people get together and dance through the night, are incredibly popular, not just here in Toronto but across the province and internationally. I've got no quarrel with the proposition of young people getting together and dancing through the night. God bless. My problem is, at 2 am I want to be at home in bed. I simply don't have the physical endurance to pull it off. I suspect that if I were 16 or 17 in the year 2000, I'd be there in the thick of things, because I know where I was when I was 16 and 17 back in the 1960s and into the early 1970s.

Interjections.

Mr Kormos: Come on. We're all suited up and shorn here, but I know some of you were there too.

I've got a copy of an e-mail from Jacques Chamberland of Toronto to my colleague Mr Marchese. As a resident of Mr Marchese's riding, he expressed great concern about this legislation. He was concerned that it wasn't initiated with sufficient consultation not only with the young people—who, as is their right as part of their youth culture, go to raves and dance and interact with other young people, share time with their peers—but with any number of organizations that have begun to address the issue of safety at these events.

What causes me concern about the bill is that it focuses on these so-called raves. Shouldn't any public event that attracts huge numbers of people be subject to certain standards and regulations to guarantee the safety of the people participating in that event, whether it's a youth event, where ecstasy might be the drug of choice, or an adult event, where alcohol might be the drug of choice? I know the reference is to the Liquor Licence Act, which permits police to get into bars, taverns and other licensed places—a hall that's licensed for the evening for an event—and I appreciate that the author of

the bill is trying to replicate that authority in this instance.

I've got to tell you that I was so pleased to see the bust at Toronto airport just a day ago, where huge quantities of this drug, ecstasy, were seized. And I agree with Chief Fantino as well when he says it's not the dancing and not the rave; it's the drugs. Jacques Chamberland talks about the eagerness of himself and others, like the Toronto Dance Safety Committee, to get involved in the process of developing health and safety standards for raves. So I am going to join with my colleague Ms Churley in not supporting this legislation, because I think we're jumping the gun. It's premature to do it without awaiting the results of the coroner's inquest and the recommendations they make.

I appreciate it's a private member's bill, and a private member doesn't have the power to force a committee hearing before second reading. I suspect the bill is going to pass, and I look forward to the committee hearings. I trust they will be as thorough and as consultative as possible, but I really want to re-address the matter of where the focus ought to be. This smacks to some people of the reefer madness, the "rock and roll causes"—I don't know what it caused—

Ms Churley: Bad things, horrible things.

Mr Kormos: —"bad things to happen," that young people dancing through the night is somehow inherently bad. It's the drugs, not the dancing.

Mr Barrett: For years and years people have been trying to explain why young people behave differently than adults, and as MPPs, we're all adults here.

Interjections.

Mr Barrett: We may not totally understand what's going on, but there is some research that may help us better understand this phenomenon and the motivations for those who attend. We know raves have been popular for the last 10 years or so, but much of this is not new. Ontario, as has been pointed out, has been dealing with drug use since the 1960s. The drug ecstasy was first synthesized in 1914, so we have some experience with this drug. My point with respect to this drug and raves is we should not reinvent the wheel.

1040

I want to draw on some work presented by Timothy Weber, Ed Adlaf and Bob Mann with the Centre for Addiction and Mental Health. Raving evolved in the mid-1980s in locations like Manchester, England; Detroit and Chicago. Listening to music or dancing, as we know, has always been a significant part of adolescence and young adulthood. The rave scene, again as we know from the media, has been around since the early 1990s. There are about 10,000 individuals who would identify themselves as ravers in the Toronto area. There has been a lot of media scrutiny as of late due to the occurrences of ecstasy-linked deaths here and there around the world. Deaths linked to the use of ecstasy, which is also known as MDMA, are usually associated with the drug's ability to increase perspiration as well as heart rate. In most cases, death is the result of heat stroke. It is not necessarily linked to the toxic effects of the drug itself.

I mentioned that ecstasy has been around since 1914. It's a synthetic amphetamine. It was used as an appetite suppressant, and in the 1970s a number of psychotherapists in the United States used it as a supplement to treatment. In the 1970s and 1980s, MDMA became a recreational drug, and more recently has taken on the moniker of "ecstasy." It is a restricted drug here in Canada, referred to as a designer drug because it's produced through chemical synthesis, mostly through underground labs. I want to stress there's no medical use for this particular pharmaceutical.

Research reports that almost a third of students in Ontario have attended a rave at least once in their lifetime, or know a friend who has. Overall, 18% reported going to a rave in the last year. The drugs most commonly observed being used are marijuana, LSD and other psychedelics as well as ecstasy. Many attendees across Ontario are also involved in bush parties, something of concern in my rural riding of Haldimand-Norfolk. Despite the stereotype of rave attendees being involved heavily in drugs, it is noted that 51% of bush party attendees and 70% of rave attendees do not use drugs. They use none of the nine drugs that they were queried on in the survey. Some 1.8% of students in Ontario have used ecstasy.

Raves are not a regular or a dominant recreational activity. Bush parties are much more popular, with twice as many people attending these events. Drinking and driving is prevalent at bush parties, and we all know drinking is responsible for a large number of deaths among young people. In Ontario, nearly 75% of all deaths in the 15 to 19 age category are due to accidental or violent causes. Typically, 30% to 50% of these involve alcohol, not ecstasy. I just want to put some of this in perspective.

There are organizational requirements for hosting a rave party of, say, 1,000 people or more. There's the risk of intervention by the police. This has forced most rave promoters in the Toronto area to lease venues for these functions. This shift to legal space has helped to ensure that raves have become safer over time. Mel Lastman was quoted in the Toronto Star saying there's no need to ban legal raves: "If we can put these under a controlled atmosphere, maybe they'll be safe." It's no secret that ecstasy, cocaine, crack, marijuana and other drugs are sold at these events, but no one has been killed or seriously injured at a city-sanctioned rave. Underground raves are much more dangerous, and that's the tragic lesson coming out of the inquest into the death of Allan Ho, a Ryerson student who was using ecstasy in a parking garage last year. By suspending legal raves, we could well be driving kids into places like parking garages and underground warehouses, places that lack the kind of supervision that I feel is required.

The Toronto Star article which quoted Mayor Lastman also talked about holding raves at smaller, more manageable facilities, increasing police presence at these events,

and, most importantly, enforcing strict age limits. Smaller raves would make things safer and more manageable for undercover officers. I also think common sense would tell us that 12-year-olds don't belong at these kinds of events.

Control efforts, in my view, should focus on training security personnel to recognize the paraphernalia and improve search methods to ensure they seriously attempt to keep drugs out. I believe the implementation of harm-reduction strategies is appropriate. It's the right thing to aim for.

Ensuring there is access to water, less humidity, and cooler temperatures within the facility are things that are necessary where these events are held. Some people attending these parties complain of very unsanitary conditions. Testing drugs for purity is also a good idea.

It's unfortunate that some people are drawn to raves only because of the drugs. Just as earlier generations of drug users were attracted to concerts, experienced drug users are attracted to raves. Apparently the environment at raves is friendly. There are fewer fights than in after-hours clubs or bush parties, and a lack of aggression, behaviour normally attributed to the use of alcohol. Handguns and knives are not part of the scene at raves.

Ravers around the world have gained much of their notoriety because of their reported use of illicit drugs. However, some have said the media have painted somewhat of a false picture. The media have romanticized drug use at raves and perhaps encouraged the use. Although ecstacy has received much of the media attention, rave attendees report that the drug of choice at these parties is marijuana. Many of the young people who were questioned regarding raves stated that those who go to the parties only to use drugs are acting inappropriately.

While many people now seem to be clamouring to get on the record calling for a crackdown on raves, they are merely following in the footsteps of the strong leadership already shown on this issue by our minister, Bob Runciman. It was Minister Runciman's initiative to convene a rave summit this year which brought together community partners to explore ways to use existing enforcement options to coordinate a crackdown on illegal drug use. This is in the spirit of our Blueprint and throne speech commitments to revoke liquor licences or business permits of establishments where it can be shown that drugs are being habitually used or sold. We look forward to the recommendations that will follow from the inquest that has been mentioned today.

As for parents, parents must educate themselves. They must get involved in their children's lives. We cannot be our child's friend; we have to be their parent and understand it's OK to say no. It's also vital to be a role model and be careful not to send a double-standard message.

An all-out ban will not stop raves. It will make the problems associated with them worse by forcing teens underground. I lament the reactionary forces, the media, for sensationalizing this issue. We've been through this issue before with rock concerts, bush parties—just in different time periods and with different drugs of choice.

What is important is that we work for a safer venue. The bill we're discussing today may do something. I appreciate the intention of this bill, but it's important to go beyond this to look at education, information and enforcement.

Mr Bruce Crozier (Essex): I want to add to the comments of the member for Broadview-Greenwood that growing up in the 1940s and 1950s wasn't all that bad either, and we had our fun.

I want to make a couple of points today, in the few minutes that I have, in support of the bill of my colleague from Windsor West. She has done a great deal of work in the development of this bill to bring along with it the educational aspect. As was mentioned in her opening remarks, a video has been produced called Dancing in the Dark. She has had a lot of assistance in that. There have been corporate sponsors. Parents and students have been involved in the exercise to bring about this video, that we might all have the opportunity to understand what we're talking about this morning and why we should, I think, support Bill 73.

1050

The video features interviews with undercover police officers and uniformed officers who understand this problem in our community. There are teens in this video who have tried the drug, and we hear about their experience. Educators have given input to this video, as well as the deputy chief coroner of the province. The idea behind this support for the bill is that this video will be taken home, and students and parents will sit down and view the video and talk about the ramifications of these raves that, when combined with the drug ecstasy, can be deadly.

Yes, there is going to be a coroner's inquest into a death from ecstasy at a rave, but there have been 13 deaths in the very recent past. Just yesterday we learned that 170,000 of these ecstasy pills were intercepted at Toronto international airport. They had a street value of $5 million. Notwithstanding what their cost might be, it's the result of the availability of these pills and their use and what it might lead to—so I think the educational part of this has been addressed very well by the member for Windsor West.

As far as the bill itself and some of the regulations, some of the requirements that are in that bill are concerned, I support them. I'm a past municipal councillor, like some others in this Legislature, and I think the municipalities know best those venues in which these types of rave dances can be held.

Mr O'Toole: Allan Rock would legalize marijuana. It reduces stress.

The Deputy Speaker: Member for Durham, come to order.

Mr Crozier: The member for Windsor West isn't trying to prevent these raves, isn't trying to tell young people they shouldn't attend them. In fact I think, in co-operation with community officials, they can be even

better. The venues can be better chosen. It won't be left up to the cheapest and the most available venue. It'll require that permits be issued where the venue can be supervised, where it can be an appropriate facility for the size of the group there might be, where there might be appropriate washroom facilities, if nothing else, available. Water was mentioned, because there's a certain amount of exhaustion, I understand, that goes along with these dances, and I think in particular of the safety aspect of the venue itself, the number of exits that are available. I'm not so sure that it's happened here, but we've heard of events going on around the world where people were literally trampled because there was panic due to fire or some other sudden happening. I think municipalities can play a very important role in helping our young people enjoy their young life and the experiences that growing up brings with it. I don't see anything in this bill that would inhibit the holding of safe, fun raves and I certainly want to support my colleague from Windsor West in bringing this bill forward.

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): I'm pleased to rise and support my colleague from Windsor West in her bill and to say that I've listened to all of the debate this morning on this matter. I must say again I'm a bit constrained in some of my observations because I don't have children. It's been a while since I was a teenager, obviously, but I was absolutely appalled a few months ago when my colleague Mrs Pupatello came to talk to me about what she'd encountered in Windsor. I knew nothing of raves, and I know in many respects I am naive, but I am absolutely appalled at what I've heard from her and from some others.

Yes, we've all been adolescents, and in my days in the Ottawa Valley it was beer and wine and booze. I want to say that over the course of 25 and 30 years, thanks to some very forward-looking direction and leadership from governments provincial and national, and educational authorities and community groups, we've made some very real progress. Attitudes have changed. I grew up in a community where if you were a 16- or 17-year-old male and you weren't driving around town in the mid-1950s listening to Elvis with a brown stubby as you drove the car, there was something wrong with you. That's changed, and it's changed for the good.

Mrs Pupatello described a snakepit of transparent illegality in Windsor. Listen, we should be damned well concerned: 14- and 15- and 16-year-old kids, middle-class kids, being driven by their unsuspecting parents to the doorstep of these pits where they are ingesting this love hug, bug, or whatever the hell ecstasy is called. I mean, we laugh. We laugh.

We're debating in this House right now Bill 74 about education and about authority and accountability. Can you imagine being a principal or a teacher in a high school in Windsor or Toronto or Ottawa or Hamilton and these 14- and 15- and 16-year-old middle-class, upscale, bright kids have been out loving and hugging with ecstasy for 72 hours, and they show up at the school door at 8:30 on a Monday morning? I'm amazed that the roof is still on the school and the windows are still in place. We are talking about, oftentimes, the bright, upscale, upper-middle-class kids, 15 and 16 and 17. Ecstasy is one hell of a long way from beer and cheap wine, and we ought to be really concerned about this if any of the stories I hear are true.

We spent a lot of time worrying about squeegee kids, and maybe we should be worried about squeegee kids, but I'm one heck of a lot less worried about squeegee kids than the world that Mrs Pupatello reported from her visit in Windsor a few months ago. I talked to a high school social worker in my area, little old Pembroke. She was describing a situation where one of her kids went off to something in Ottawa a few months ago, and I couldn't believe my ears. I know I'm naive and I know there are no easy answers, but we'd better understand, folks, that this is a very serious disintegration of the social foundation of this community, if it's fairly reported.

I see my friend from Riverdale saying, you know, "Oh, he's overstating it." Well, maybe I am. I observe this: We lost the battle with tobacco and young kids. Somehow in the last 15 years we've lost the battle with tobacco. I've walked the same walks at the University of Toronto for 25 years, and you know what I've noticed? In the last five years, all those bright kids going to Vic and St Mike's are smoking, the young girls much more than the young guys. I am really disturbed that we've lost that battle with tobacco. We know that we are watching the creation of an epidemic of lung cancer and heart disease five and 10 and 15 years down the road. We've lost that fight with those young kids, the best and brightest across the way at the U of T.

Now I'm told by people like Mrs Pupatello, "Well, you should come to Windsor, or go to Hamilton, or go to Toronto, and see what's going on": 14- and 15- and 16-year-old kids, many of them very bright, upscale, middle-class kids, being driven by their naive parents to the doorstep of these illegal snakepits to spend hours and days hooked on this thing called ecstasy. Let me tell you, we ought to be worried, and as a minimum we ought to be passing Mrs Pupatello's bill.

The Deputy Speaker: The member for Windsor West has two minutes to reply.

Mrs Pupatello: Thank you so much. I appreciate all the comments that we heard today. It enforces for me personally that apparently for some of the members I look a lot older than I am. I haven't hit middle age yet, but I can tell you that it is easy to say, "Let kids have fun." It is hard to bring forward an issue that is controversial that the current largest city in the nation has decided to ban: raves. That in my view is stupid. That is not the answer. What is difficult is for the Legislature to stand up momentarily and vote in favour of the bill so that we can move the bill to committee, where we can determine that it has an appropriate definition of a rave, where we can determine what regulations have to attend the bill so that municipalities will set the right conditions in order to host a rave. Because what I have said clearly

is that we cannot ban raves. We cannot allow kids to not have a place to go, because their intent is always to go, dance all night. I've danced all night. I am not a stodgy, grumpy old politician coming in this House saying, "Kids can't have fun." I'll try to rival my stories with the NDP caucus members. I don't think I'll win. However, I am telling you that it is easy to sit back and say, "We're making a big deal about this." What I have seen with my eyes, as has been illustrated by other members of this House, is something that parents must be concerned about. The parents in my riding of Windsor West have been surprised to know things they just didn't know. If anything, in my riding we have come to a higher level of awareness about the drug ecstasy, the date rape drug, why kids are using pacifiers—because the drugs make you clench your teeth. I beg you, vote in favour of this bill. We need to have this bill at committee.

1100

TEACHER TESTING

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): I move that the Legislative Assembly of Ontario,

(a) believes that the quality of Ontario's teachers is vital to the quality of our education system and the future of our children;

(b) recognizes that in a rapidly changing world, teachers need to keep their skills, training and knowledge up to date;

(c) supports a mandatory program of regular testing and recertification for all teachers throughout their careers.

On behalf of my constituents in Bramalea-Gore-Malton-Springdale, I'm pleased to be able to begin the debate on the issue of testing for Ontario's teachers. Quality education depends entirely upon quality teaching. It is a fact that no amount of technology or textbooks or computers can match the importance of a skilled and knowledgeable teacher, yet we must ensure that our educators' skills and knowledge are always kept up to date to deal with our rapidly changing world. In the last election, Premier Mike Harris committed to the people of Ontario that he would institute teacher testing as part of his plan for quality education. I was very happy to run on that platform, and I see it as a contract with the people of Ontario, one that they voted for, and the government is bound to keep that promise.

We all know that the vast majority of Ontario's teachers are among the best in the world in their profession. Most Ontarians can remember teachers who opened up new worlds of discovery and learning in front of their eyes. Our teachers taught us the skills that let us move forward in our lives. Teachers prepared us for university or college; they prepared us for the working world; they gave us the level of knowledge needed to become good citizens; they reinforced the values taught to us by our parents and our families.

A good teacher makes all the difference in a young person's life. I can tell you that those who taught me are a large part of the reason I have the honour of sitting in this House today—teachers such as Sardar Gurdev Singh Dhaliwal, my math teacher; Mrs Nirwair Kaur, my English teacher; and Sardar Dalip Singh Gill, teacher and principal at the Government High School in Parao Mehna, Punjab. Today, Mr Gill teaches in Abbotsford, BC; Mr Dhaliwal teaches Punjabi at the Khalsa Community School in Brampton; and Mrs Kaur lives in Vancouver, from where she came to visit me after my election. Mr Dhaliwal and his son Nick Dhaliwal were a great help in my election campaign. When I came to Canada at the age of 17 as a young man, I was welcomed by my new teachers, such as Mr Trotz, who taught me English, and Mr Roos, who taught chemistry at my new school, Parkdale Collegiate in Toronto. To all of them I give my thanks.

Nothing can replace teachers who are committed to their jobs and who care that the students they teach are learning to the best of their abilities. I'm certain that everyone here is committed to ensuring that the best teachers in our schools are supported and that all teachers raise their skills and knowledge to the highest level. We owe it to our children and to future generations to do no less.

Parents in my riding have told me they are concerned about how we can keep up with the ever-increasing technology available in our society. In many cases, our own children seem to have a better grasp of computers and the Internet than we do. Teachers, as well, must be able to respond to students who may be more technologically advanced than they are. Technology, however, is only one component of the challenge we face.

During the last five years, the Mike Harris government has made a number of vital changes to improve quality education across the province: standardized testing for students and standard report cards that parents can actually read and understand; a clear funding formula based on enrolment and students' needs, which has defined, increased and protected classroom spending.

We have strengthened the focus on learning through curriculum changes and established school councils to increase parental involvement in their children's learning. Testing teachers is simply a complement to these other reforms, to provide quality assurance at another level. Ontario's teaching profession must have the most up-to-date knowledge, skills and training.

Quality in education is not something that should be determined from the top down. It has to come from the parents of each child in Ontario's schools. The only satisfactory measure of a successful system is what a student has learned and how able they are to succeed in the world. Testing teachers will not give us this answer, but it will increase the likelihood of success from the very beginning.

Testing should encompass both new teachers entering the profession and those who have been teaching for a number of years. A high level of ability and knowledge

must be a prerequisite to become a teacher, but it isn't enough just to test to become a teacher. We must maintain the highest standards for teachers all the way through the system.

A teacher who cannot meet high standards of quality should not be teaching children. A child's education is more important than any individual's job, teachers' union contract or school board plan. Parents should feel confident that when they send their children off to school, they're getting the best education in the world. Anything less is unacceptable.

Testing must be done in such a way that all concerned have confidence in the results. We need to know that all areas in Ontario are benefiting from the same high standards of quality. Government, parents and teachers must establish performance standards with only the interests of students in mind. Collective agreements and bureaucratic policies must not be allowed to interfere.

Teacher testing is not a concept that is restricted to Ontario or even to the teaching profession. People in many different occupations today have a variety of entry requirements, standards for professional development, ongoing assessment and accountability practices. Expectations for quality and excellence have to be met in all kinds of private sector jobs, as well as those in professions, such as law and medicine.

The Ontario College of Physicians and Surgeons, for example, has a peer assessment program that all doctors practising in Ontario must participate in every five to 10 years. The Royal College of Dental Surgeons of Ontario requires dentists to complete a mandatory program of professional development over a three-year period.

I would say that quality in education is more important than in any other profession, matched only by the importance of quality in the medical profession.

Teachers in other countries are also being challenged to continually update their skills and knowledge. A majority of US states, for example, currently require professional development for certificate renewal. Countries such as Australia, England, France, New Zealand and the United States are focusing assessment programs both on new and established teachers. Across Canada, a number of provinces are also addressing the issue of quality teaching.

1110

Quality in education must be a joint goal for parents, teachers, school boards and governments. I call on all of those partners to work towards quality at every level. Testing is a vital part of this plan. We can see the results in the marks our kids get and the tests that students take. This tells us how we're doing at the end of the process. Teacher testing just lets us know more about the beginning of the process.

Since quality education is a direct result of the quality of our teachers, we need to have the best, brightest and most skilled and knowledgeable teachers all the way through the process. So I put this resolution forward and I expect, naturally, that everybody in the chamber will accept that and support it. Thank you.

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): I do stand in the chamber today, but not to support the resolution. I have very great concern about the resolution. I believe that the quality of Ontario's teachers is vital to the quality of our education system—I would never question that—but in no way would I ever support a mandatory program for teacher testing. Ontario Liberals want the best education for our students. That means the best teachers. But I don't believe this government has a plan to support teachers—only to bash them.

Those aren't only my words. I have a quote from an editorial in the Kingston Whig-Standard. It opens with, "If Ontario teachers were baby seals, Brigitte Bardot would have stepped in a long time ago to stop the clubbing by the Harris government." That's the way teacher tests are being viewed across the province.

I am the mother of four children, all students in the education system. I have been a school board trustee and chair of the school board, so I've had some regular contact with teachers over recent years. I know the quality of Ontario teachers first-hand. I know it because I've hired them, I've promoted them, I've negotiated with them, and I've always respected them. I have never questioned their commitment to our children.

When I think of my children and their achievements at school and the fine teachers they have had, if I were asked to describe what really makes a fine teacher, I think of the commitment of the teacher, the enthusiasm that teacher brings to the students in the classroom, the caring the teacher has for the children they see every day.

You can't test for those things, but you can kill those things within a teacher. Teachers can come to a school community fresh and bright and full of commitment and caring and enthusiasm, but when their professional abilities are continually questioned, to the point where they are required to be tested by the government, where they are not treated as professionals—the member who presented the resolution this morning talked about the dentists and their professional college that sets standards that dentists must meet every five years. I would just point out to the member that it's their professional college that has set these standards, not the government. This government is not treating teachers like professionals. You are not allowing their college to set the standards for them. You're treating them like employees. How unfortunate it is, because they truly are professionals with regard to ensuring that teachers are up to date in what's current in education.

In my experience as a school board trustee and chair, we used to have professional activity days, and it was the responsibility of school boards to ensure that new educational initiatives were the topic of professional activity days. But this government has changed that. They've removed that opportunity for teachers to come together collectively as professionals to benefit from those opportunities for professional development. Now, when you've taken that away, you tell them that's what you expect of them, which in my opinion is a great contra-

diction. You have a cabinet document that clearly shows that the government is knowingly undermining the College of Teachers' authority to regulate teachers. What is the purpose of the College of Teachers if it is not to address the professionalism of their members?

I have a fact sheet from the Ontario government with reaction to the new Ontario teacher testing. I was very disturbed when I read Cathy Cove, from Parent Network Ontario, who indicates:

"Evaluation benefits all partners in the education system. The traditional teacher evaluation process was not linked to student achievement. This new teacher testing program is a first and crucial step towards just that."

So am I to understand that it is the intention of this government, in introducing teacher testing, that their performance will be evaluated based on the success of their students? How totally inappropriate. How very little you know about the job of teachers and what makes a good one.

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): I'm very pleased to join in the debate of the resolution put forth by the member for Bramalea-Gore-Malton-Springdale, Raminder Gill—a very exceptional member, I may add. His resolution is basically this: He believes that the quality of Ontario's teachers is vital to the quality of our education system, that there are changes that teachers need to keep up with, with their skills, training and knowledge, and he supports a mandatory program of regular testing and recertification of all teachers throughout their careers.

What the ministry is trying to do, and in my role as parliamentary assistant to the Minister of Education, is set out a framework with respect to quality education, a framework for a comprehensive Ontario teacher testing program. There will be a plan of support. There obviously will be a model developed. But we wanted to set out what our expectations are so that we could stop any fearmongering that would be put forth by the opposition parties and deal with bashing of what they're talking about in terms of our educators. Quite frankly, I don't think they get it. The public wants standards with respect to education.

The program with respect to teacher testing has three key elements: First, beginning next fall, all teachers will have to be recertified every five years to show that they're up to date in their knowledge and skills. To be recertified, teachers will have to successfully complete a number of required courses, including written tests and other assessments.

Second, in the year 2001, all new teachers will have to pass a test before they can qualify to teach in Ontario. This will ensure they know the subjects they will be teaching. We'll also be introducing an induction program similar to an internship that will help new teachers develop good classroom management and teaching skills through coaching and support from more experienced colleagues. I can tell you that's something that is very positive. We do that in the legal profession, which I have been a part of. Before you enter the profession, you certainly are put through testing and you are made to show that you can practise the profession of law; that induction program has served the legal profession well. I think it will serve the teaching profession well.

Third, by next fall we will establish new province-wide standards to ensure that all teachers are evaluated in the same consistent way across the province, because quite frankly that is not happening. That is something that I think parents expect and school boards will welcome with respect to setting standards in that area.

1120

We will also develop a new review process to determine if teachers who are not meeting the standards should have their certification removed. Under the new standards there will also be increased opportunities for parents and students to evaluate their teachers. All the stakeholders will have a role with respect to that evaluation. In addition, effective this June we will require that all teachers trained in a language other than English or French pass an oral and written language test before entering the teaching profession in Ontario. That to me is strictly common sense, what parents would expect to happen within the classroom.

So I can say that in terms of curriculum, parents expect and students need to have their teachers up to date with their curriculum. How can you assess that unless there are assessments, there are standards and there are practical examinations with respect to whether they're up to date with the curriculum they're expected to teach? And if they're expected to move into additional qualified courses, one would expect that they would be able to teach in those courses after having been assessed and having passed a test to be able to move up to the next level. That's something you expect in other professions, certainly if you're going to become more of a specialist or if you're going to be able to teach in another area or you're going to be able to advise and care for people in other areas. In the legal profession, if you wanted to be known as a specialist, you have to be assessed by your peers and you certainly have to have the experience to be able to move up to that level of what people expect.

This is not something that is not happening in other areas of the world. In the United Kingdom this is an area they have focused on as important, as a priority with respect to making sure their teachers are up to standard. Because if they're not, obviously because of the important role they play, our education level is not going to be up to standard and our students will suffer. That is something very important with respect to what we're trying to accomplish.

In closing, I don't accept what we've heard from the members opposite with respect to teacher testing, because we've set out a framework. We will work with the stakeholders in consultation as we put this together. There will be an approach. We've set out the steps of implementation, we've set up the approach in the three areas that we're looking for in terms of recertification of teachers, with respect to standards for all school boards

in assessing teachers, and new teachers having to pass tests and an induction program before they get into the classroom. I think it all makes common sense. I think it will all come together. Because what we're trying to achieve here is excellence in our education system and move beyond the rhetoric that we hear from the other side, the rhetoric we hear from the big unions, and deal with quality in education.

Mr Ernie Parsons (Prince Edward-Hastings): Back when I first graduated from university, I worked in a construction camp and I realized very quickly that one of the social behaviours that happens in the construction camp, and I would suggest in life, is that we picked out a scapegoat. There was someone in the camp who, no matter what they did, it was wrong. The rest of us were all united against this one particular individual, and when that individual left the construction field, we picked a new one. This government has picked teachers. Anything that's gone wrong in this province has been because of the teachers. Whether it be acid rain or global warming, somehow teachers are behind it and we need to get down to it.

We're now going to look at a testing method that will clearly define in some neat little formula—because the approach from this government is that everything is a neat little formula that we can fit people into and that way we can tell if they're a good teacher or not. I would suggest to you that with this neat little formula, Picasso would probably not be qualified to teach art in our system. We need to recognize that much of teaching is an art rather than a science and that it is a reflection of a teacher's ability to inspire, to turn people on to education, to make them interested in learning—not necessarily just the curriculum but to develop the love of learning.

I don't think we have a system in Ontario that we should be ashamed of. I had the pleasure, about a year and a half ago, of acting as a tour guide for a group of educators from Japan who were going around the province. I said to them: "Why are you looking at Ontario? We keep hearing through the media and through government ads that the other systems are better and Japan is the leading expert in education."

They said: "No, we're in dire straits in education. We need to see how you're doing it because we believe you're on the right track. Certainly," they said, "our test scores are higher, but we test only the top 10%. When we compare our top 10% with your top 10%, you're ahead of us. You test everyone. We test the top 10%."

I will not dispute that there are bad teachers—there is bad everything—but I think the majority of teachers are good. How do we decipher who is good and who is not? One of the best systems in the world has been parents. Parents are extremely responsive when they believe their child is not getting the education they should. In a local community, the parents then have the opportunity to talk to a school board, somebody they will see in the grocery store, someone they see on the street and convey it. There are teachers each and every year who leave the profession, but we're watching at the same time that the powers of school boards for them to work with are being stripped.

I have no question that teachers require to be assessed. I would suggest that's happening now. When we hear about doctors and lawyers being assessed, I would note they're being assessed by their peers. This is radically different in that we're not recognizing the peer ability now through the principal, through colleagues, through a school board, to assess a teacher and respond directly to the parents.

Mr Toby Barrett (Haldimand-Norfolk-Brant): I have taught at the university, community college and high school levels. In every case, I was teaching in a system based on testing, a system that relied on testing to evaluate students to ensure they're receiving quality training and education. Regular testing was very important to monitor the skills and knowledge of my students, and regular testing is very important to ensure that our teachers are up to date in their profession.

Testing teachers may be a new initiative in Canada, but in other jurisdictions it's the norm, not the exception. Last year, when our government proposed teaching testing, I found that 23 US states test new teachers entering their school systems. In Texas and Pennsylvania, all new teachers will be required to renew their certification every five years through continuing education. In North Carolina, an existing teacher may be asked to do a recertification test if he or she has been identified as a poor performer in a poor-performing school.

Last year, we promised to implement a system of teacher testing in Ontario. Parents and students told us it was a good idea then, and a recent Angus Reid poll confirmed that 71% of people think teacher testing is a good idea now. Our plan will put these ideas, supported by both parents and students, into action.

I see in the Toronto Star there's support from others at the federal level: "Tom Long says he would like to take the Mike Harris education agenda—including teacher testing and obligatory extracurricular time—nationwide," not by spending money but through persuasion. Preston Manning as well has said that "a government led by him would always look to the provinces for fresh ideas.

"'There is need for education reform,' said Mr Manning."

Just to wrap up, we've come a long way in education since 1995. We have a new fair funding formula, steps to ensure that teachers spend more time in the classroom, a rigorous new curriculum, standardized report cards and increased parental involvement in education, but there's still much more to do.

For too long, education in this province has been focused on what is put into the system rather than what students are getting out. There has not been enough focus on results.

Mr James J. Bradley (St Catharines): There's a letter which I think best exemplifies what this bill is all about. It's to the Minister of Education from an individual who is a supervisor:

"Please be advised that upon the day Bill 74, the Education Accountability Act, 2000, receives royal assent, I intend to resign as supervisory officer of the Connell and Ponsford District School Area Board in the township of Pickle Lake, Ontario.

"I've been an educator since 1960, as a teacher, curriculum coordinator, principal, superintendent and director of education. I have been appalled at the indignities your government has cumulatively heaped upon education since 1995. I can, however, tolerate it no longer. I cannot, in good conscience, supervise the implementation of such a draconian piece of legislation as Bill 74."

1130

Interjection.

Mr Bradley: Quit using up my time.

Mr Tascona: On a point of order, Speaker: The member is not speaking to the resolution. Can you—

Mr Bradley: I am speaking to the resolution.

Mr Tascona: He's not speaking to it at all. He's speaking to Bill 74.

Mr Bradley: That's a waste of time.

Mr Tascona: He's not speaking to the resolution in front of the House. He's wasting the House's time.

The Deputy Speaker (Mr Bert Johnson): That is not a point of order.

Mr Bradley: Thank you, Mr Speaker. I know the member wants to use up my time because what I'm saying is searing the government on this particular issue.

This person, I think, is absolutely right. He says:

"History has given us a name for regimes where it is the practice to establish enforcers, demand reports, encourage covert reporting from the disgruntled or vindictive citizenry and punish those who do not abide by their rules: totalitarianism. Each of these features is present in Bill 74," which corresponds to what the member, in his resolution, wishes.

"As enforcers, elected boards of education are compelled to create enforcement plans and these must report to you. Of course, you have reserved the right to micromanage or reject their plans. This is bad management. It is management without consultation or negotiation. It makes management subject to an arbitrary external authority that knows nothing of local conditions or demands.

"To add insult to injury, Bill 74 forbids the board as employer and the teachers as workers to collectively negotiate the terms and conditions of co-instructional duties. ... As if this is not enough ... Bill 74 encourages school councils or individual citizens to 'snitch' on boards or principals through a 'complaints' reporting mechanism when they believe trustees or administrators are not following your rules. This is the kind of behaviour Canadians have associated with the KGB or the Stasi and I simply must state my opposition to such unethical and reprehensible tactics."

He eventually says that as a long-time educator and supporter of the school system—here is an individual who is going to resign because of the kind of content that we find in the member's resolution.

The Deputy Speaker: Further debate. The Chair recognizes the member for Trinity-Spadina.

Mr Rosario Marchese (Trinity-Spadina): Thank you, Speaker. It's getting easier, eh?

I just want to speak forcefully against this resolution. I did so last night and the day before and I'm going to do it again. Speaker, have you seen this resolution before? Doesn't this resolution seem like overkill? As if the minister hasn't already dealt with this issue, we need a backbencher now to present it again under the guise of a resolution?

Mr Tascona: He's PA to the Minister of Labour.

Mr Peter Kormos (Niagara Centre): That's right. He makes an extra $12,000. Instead of only $78,000, he makes $90,000. And he wants a salary increase.

Mr Marchese: Is that on the record?

So, this resolution: The minister talked about this just last week. What does this resolution say? "Believes that the quality of Ontario's teachers is vital to the quality of our education system ... recognizes that in a rapidly changing world, teachers need" to keep up with their skills.

Let me review this one at a time. First: "believes that the quality of Ontario teachers is vital ...." Who disagrees with that? But what's underlying that comment? What's the underlying politics? That teachers are incompetent. Is there any evidence to show that somehow the quality of teacher competence has gone down? There is none. There isn't any, except that this government says: "Oh no, quality is a problem. It's a serious crisis and we've got to fix it. And you know what? We need change."

Speaker, you're familiar with that because you're part of their caucus. "We need change." What kind of change? "It's irrelevant. Let us worry about the changes that need to be made, but change must be made because the quality of education is down." So we need to fix the crisis—orchestrated, abetted by the Tories.

Mr Snobelen started it when he said, "We need to create a crisis in education," and successfully it has been pursued very craftily by the other ministers, where each and every way, along every road we have a crisis created by the government that needs to be fixed by the government in order to get re-elected again.

Please, that's the political game. I know the game, except that the poor public watching this doesn't know the game. It's a serious political game for you guys. You are the most capable manipulators I have ever seen. I give you high grades for that. It's just that the public doesn't know. You've gone after teachers the way you went after welfare recipients. You have literally made teachers equivalent to welfare recipients, and I know my good buddy M. Baird, the minister, understands this very well.

If you do polling, what does polling reveal? It reveals that teachers are potential victims who can be victimized like welfare recipients. That's why you have Mr Baird, the minister, from time to time—every couple of months—going after welfare: just to remind the good public of Ontario that the system of welfare needs to be

fixed on an ongoing basis. These guys have done the same with the educational system. They started with boards of education. They started with bureaucracy. You understand that term "bureaucracy." It exists somewhere but, "We've got to chop it down because we could save billions in order to deal with the deficit." If we could only cut into the Tory bureaucracy, good God, we'd save billions indeed. No problem there; the problem is somewhere else.

We've got big government for everyone except the corporate sector; smaller government for the corporations by giving my money to them and big government for teachers because we need to fix the crisis, big government for welfare because we need to fix the crisis, big government for squeegee kids—poor squeegee kids. I can't help—bringing those poor squeegee kids back to—these people needed to clean the crime off our streets, the riffraff, the lowest of the low, the scum of the earth. We needed to clean them off with a bill—squeegee kids cleaning windows, making a poor couple of bucks to make ends meet. But not for these Tories.

We needed a bill to get tough on law and order. So we got tough government, big government for squeegee kids, for teachers, for welfare, for municipal government. And we have less government for whom, Speaker? You know, because you're in their caucus. For the corporations, for the money-makers, the guys who sit in front of the computers. The guys who sit in front of the computers say: "Oh, here's a couple of thousand I can make today, a quick buck. Good God, I can make $10,000 today. Good God, $20,000 tomorrow." These are the new millionaires we've had in the last 10 years, but they existed before. These guys want to give them a tax break. Up to $100,000 they don't have to pay a cent. The money-makers, the paper-pushers, the paper economy people, the ones who don't need my money—these people say, "Yes, they deserve money from the taxpayer."

Interjections.

Mr Marchese: Less government for the taxpayer, more government for the teachers. Why? Oh, listen up. Come on, it's all connected. I'm connecting it for you. And you've got more government for the beleaguered teachers. You're taking the entrails out of the educational system, out of teachers, ripping them right out. Why? Because 50% of your public believes that doing that is good. And it feels good here viscerally; right here it feels good. You guys are good, very good. Our only hope is that part of that 50% of the population that supports this political, manipulative process catches up to it.

The Deputy Speaker: I don't think you want to use that word "manipulative" very often. I also want to remind the member that when I'm in this chair, I'm in nobody's caucus.

Mr Marchese: Speaker, did you say that "manipulative" is unacceptable to you? Is that what you said? I might as well just sit down and leave. We don't even have hearings any more because this government, in all its wisdom, says: "We don't need hearings any more. We can have one afternoon to deal with it." New Democrats had four weeks of hearings on almost every bill; these people have one day of hearings on every bill, and then you come to me say "manipulative" is unacceptable in here. Come on. Please, Speaker. Honest to God, they're taking every little word that has any substance, any spice, and they're saying, "Oh, it's not good." What kind of words do you want me to use for them? Words that little children can understand? That's what I'm trying to do. You need peppery words to reach them—peppery, spicy, vinegary. You need that kind of stuff, right? How else do you reach Tories except through that acidic kind of flavour of the word? Please don't neutralize or sanitize what I am trying to say.

1140

The poor teachers, the next victims after the welfare recipients—I don't know who's left out there that these people haven't picked on, but it's getting bad. I heard the previous speaker talk about teacher testing. I don't know where he got his notes from. There is not one test that I am aware of or any research that we have done or that other people have done, including the College of Teachers, that shows a test has been implemented that is effective or useful. It's a wacky idea. Is that acceptable to you? It's wacko. It's nuts. It's stupid, and your minister and your government know it.

Mr Kormos: And it's manipulative.

Mr Marchese: Of course it manipulates the public's understanding or lack of understanding of the issue. That's what it's all about. That's why Tom Long is jumping on the bandwagon. He's saying: "Oh, I think Mike Harris has got a good one here. Let's test the teachers nationally." It's a stupid idea. Even the minister knows and admits as much. What the minister has now accomplished simultaneously is this: For the supporters who want teacher testing, she says, "Oh, yes, we did do it." For those who oppose teacher testing, she says, in response to the Liberal critic: "No, you haven't read the bill. It's not about that. Maybe there is a little bit of that, but it's about so much else." Simultaneously, this minister has been able to accomplish two things: (1) "Yes, we're testing"; (2) "No, we're not testing," and has it both ways. You guys are really good. You guys cut and the poor public doesn't know whether you're cutting or not.

Someone called in at the Mike Coren show last night while Peter Kormos, my buddy, was there, and this caller said: "By the way, the opposition says the government is cutting. The government says, 'No, we're not.'" The poor guy is saying, "Who is telling the truth?" He doesn't know.

Mr Kormos: I explained.

Mr Marchese: Peter explained. For those who watch the program, he explained, and it was a good answer. But you can't say these things: Who's telling the truth, who's not telling the truth? My answer is, go to the schools yourself; see and hear the stories.

Fundraising in the Catholic and public systems: Have you ever seen more fundraising for essential things than ever before? Have you ever seen it? People are fund-

raising for textbooks and computers. They're fundraising for essential things.

Mr Kormos: Bake sales.

Mr Marchese: Bake sales. That's what they used to do just for a couple of things, for some excursion or other, but now they're fundraising for essentials in a good economy, and they give $1 billion away. Can you imagine what $1 billion could do? Think of it. Open up the mind. Can you imagine what $1 billion could do? They gave it away, the $1-billion boondoggle. That's what it's all about, giving it away. Yet they're forcing poor parents of modest means to raise money. The rich ones won't have any problem raising their $100,000. Poor people have now got to fundraise for essential stuff, basic stuff. Those kids up there know what it's about. You just have to go ask them. Don't come and ask me and believe me. Ask those students up there. You have squeezed education. You have taken the entrails out of the educational system. Think of it. Can you see it, Peter? The entrails ripped right out.

Interjection.

Mr Marchese: Quality, my foot. Every time you good taxpayer citizen of Ontario hear of quality, that they're fixing the system, that we need change, you've got a problem. Every time they say quality, think the opposite: They're destroying the system. Every time they question the competency of the teachers, question their motives. Question the political motivation behind it.

Look, Harris doesn't hate teachers; neither does Ecker. Harris was a teacher before.

Mr Kormos: Really?

Mr Marchese: Yes, he was.

Mr Kormos: For how long?

Mr Marchese: Irrelevant. But it's not because he hates them, or he didn't have a good experience or had a good experience, or was a good teacher or a bad teacher; I don't think it's got anything to do with that. Do you know what it's got to do with? There's a political constituency out there that says: "If you whack teachers good, we're behind you because, you know what? They're overpaid and underworked and they're not competent, so if you go fix that, we're with you, Mike." And Mike, as a good leader, is perpetrating that mythology as a way of keeping those constituencies by his side, not because he hates teachers but because it's good to go after them. They're victims, like welfare recipients.

Mr Kormos: Very manipulative.

Mr Marchese: Manipulative. Political manipulation. Good people, good politics, smart. Whacko, but smart. They don't worry about the consequences; they don't worry about the effect of bad policy. They don't worry about that, because they'll just pass another bill to fix an incompetency of theirs previously instituted. "No problem; just pass another bill and we'll correct it." I've never seen a more incompetent government in that regard. You just fix problems by introducing new bills every other day, and then you don't have hearings, you just skip over here, because the good public doesn't need to know. They're busy working. They don't have to come to Queen's Park and be troubled by all that minutiae. Let M^{me} Ecker worry about the minutiae. Change is needed? "We'll fix it." Quality is a problem? "We'll fix it." We have a crisis in education? Mr Snobelen said, "We'll fix that." That's how they get elected. They're good.

"Supports a mandatory program of regular testing"—this minister said, oh no, it's not the kind of testing this member is proposing, yet they're introducing that kind of bill again, mandatory testing. The minister denies that she's doing it. This member is presenting it again, as he did a year ago under their 1995 electioneering plan. His minister is denying they're doing it. He's saying: "That's OK. Reannounce it again, because the good public needs to know we are testing teachers. We're going to help M. Tom Long with his campaign as he nationally tours Canada and says: 'We need a national test to test teachers, because they're incompetent. Elect me, Tom Long. We'll fix that, because there's a crisis out there.'"

I appreciate your attention.

The Deputy Speaker: Further debate.

Mr John O'Toole (Durham): I just wanted to take a minute and compliment the member for Bramalea-Gore-Malton-Springdale, Raminder Gill, on his resolution. He is a very professional person himself, I think a professional engineer. There is testing and certification and upgrades in all professions, whether it's dentistry, medicine, law. I think the intention of the resolution is to really respectfully make sure the profession—and I do refer to it as a profession—is upgraded.

The minister spoke the other day. I've listened to constituents, and 71% or 74% in some polls, by the province and others, have recognized that testing of teachers is extremely important. It's more or less an appraisal system, an evaluation, a performance review. The NDP's Royal Commission on Learning also recommended in some respects that testing and review of teachers is an important part of the profession's growth and development. Parents have told us we need to provide more direction to Ontario's publicly funded school system to ensure that students come first. They want school boards to be accountable for the delivery and benefits of Ontario's education reforms to children.

From the beginning, our education reform agenda has aimed to ensure that Ontario's students have access to the best-quality education system. After all, it is all about students in the classroom. For too long, we've neglected the essential point of the whole issue. The key elements of education reform, many of them stemming from the Royal Commission on Learning, which came from the NDP government, are about a fairly funded system, more resources in the classroom, a new, more rigorous curriculum, regular testing to show how our students are progressing, standard report cards so parents can understand the results. The investments are all in quality, initiatives such as the code of conduct to make sure that disruptive behaviour and disruptions in our schools and threats to safety just aren't acceptable any longer. Teacher testing is simply a part of making sure we have the best-quality

educational system not just in Ontario but indeed in the world.

I just want to comment with respect to the most recent initiatives of the Ontario English Catholic Teachers' Association. The article here says "Performance review yes ...." I also read this week in the paper that Patricia Bell, who is the president of OECTA, stated very clearly that she didn't really find it as repulsive as original. And you should know that OECTA's position was in total defiance of what the government would make as a law. Even before they knew what the law was, they said they were not going to participate in the testing. That's exactly this whole polarizing dilemma where our children, the students, get left out of the equation.

1150

In my view, most of the teachers won't have any problem at all with this system that's been proposed. The key recommendations from the College of Teachers: refine the policies; a written assessment of knowledge related to the new curriculum; a two-year introduction program for core components defined by the college; a return-to-practice program for teachers returning to the school system following a break; a requirement that teachers develop professional growth plans so that they learn computers and Internet and where the new resources are.

I think that generally, once you get by the politics of this, all we want to do is enhance and improve the quality of education in Ontario. Who could disagree with that? The parents demand it. The government is responding. The politics is all in the union part of it.

I'm going to share my time with the member—yes, thank you.

Mr Gerard Kennedy (Parkdale-High Park): It is interesting to be here in private members' hour with a new member of the House to whom we extend the greatest of respect. However, whether it is by inference or simply by direction, there is a connection between what has been presented today ostensibly as this private member's opinion for our deliberation and the government's actions last week—in fact, the government's actions in the election last year, where it said to all of Ontario, "We will find you a test for teachers." They said recertification exams. We stand here today then not talking about an idle concept that someone has brought to us but rather the government's promise of the day during the election to the public: "We will find you a test that will tell you whether the teachers are good or not." Instead, in the cabinet document, in the very core of this government's consideration of this issue, there is no teacher test.

So we're in a funny position today. We're being asked by the members we heard commenting opposite to approve something we know can't be done. We know there is not a test. It's a false pass and a false promise to be able to put forward from this august assembly that somehow the teachers of this province can be submitted to regular testing, because that's what in this resolution. The very cabinet document that enabled the announcement from the minister of this government last week proved differently. Just as the College of Teachers, just as the state of New York, just as a variety of authorities around the world have said, you can only be irresponsible, you can only be disrespectful of the teaching profession, if you submit and subscribe to the idea that a test is going to tell you whether or not the people standing in front of the children with one of the biggest trusts that we accord to any member of society can be tested.

So why then do we have before us this resolution today? Why do we have the members of the Conservative government in here today apparently supporting an idea that can't be done? Why would a backbencher put forward for us in this assembly a patently impossible task of teacher testing? It is frankly because of the propaganda that this government is exercising. And willingly or not—and again we extend the benefit of the doubt to the member who brings us this today—the people who would support this resolution fall into that category of misleading and propagandizing an agenda which does not bring good repute to this House. This House, and this hour in particular, is only advanced when we in good faith bring forward the things we actually can do.

I say to the member opposite, if you look at the cabinet material—if you don't have a copy I'm happy to provide it to you—you will see that in that cabinet material there is not a teacher test. Further, it is very important to understand that this government is cutting $1.6 billion from its share of education funding. Therein lies the real motivation. This government, far from protecting children, far from making sure that governments are providing enough funds, that teachers have the resources—in fact, $1.6 billion is being removed from this government's share of funding, a terrible legacy. In fact, today the bill this resolution is linked to says, "Spend $15 million chasing down teachers but spend no money improving teaching or learning in this province." Shame on all of you.

Mr Joseph Spina (Brampton Centre): I stand here supporting this resolution and I stand here supporting the policy of this government for more than just one reason, that it's something that's been put forward by this government. I'm the husband of a dedicated teacher for over 26 years. I spent 12 years in a classroom personally and I have diplomas from all levels of education, elementary, secondary school, community college and a degree from the university level. I have had great teachers and I can tell you that I have had teachers who were the absolute pits. I must remind everyone that this is what Dave Cooke said on TV last week: Teacher testing is a phrase that is used in an election campaign; the proper process is an evaluation. And that's exactly what it is.

Mr Kennedy: This is an abuse of the Legislature.

The Deputy Speaker: I will not warn the member from High Park again.

Mr Spina: It's an evaluation taking into account all of the wonderful skills and talents that a teacher brings forward to the classroom in a way that they can best

deliver it for good, quality students so that we have the best system in this country, the best system in the world. If you have qualified people teaching, you'll have an excellent product that comes out of the system.

The Deputy Speaker: The member for Bramalea-Gore-Malton-Springdale has two minutes.

Mr Gill: It is my pleasure to wrap up this debate today and I would like to thank all the members who took part. All the members in this House remember June 3 last year. We went to the people. Before that we had a platform called Blueprint. As we went door to door, people told us, "Your government has done exactly what they said they were going to do." Even people who opposed us told us that. This is just a commitment that we are fulfilling for the people of Ontario. We said it in black and white. I have a copy of the Blueprint here. I'm going to read it very briefly and this is on page 41:

"The quality of a child's teacher can make or break that child's education. We have excellent teachers in Ontario but the world is changing rapidly and we've got to make sure all teachers are keeping up. They must have the up-to-date skills, training and knowledge to put our students at the top."

When we go to a doctor for ourselves, for our families, we want to make sure they're the best in their profession, and it's only fair to demand and ask and ensure that the teachers we send our children to, especially the secondary and primary school teachers, where the children's foundation of education is going to start, are of the highest standards.

One of the things this program says is that teachers who have all the classroom skills, but may not be trained in the language of English or French, should also be tested to make sure their proficiency in English is up to date. So this is a very fair program. Even an Angus Reid poll said recently that 71% of the people support us, and I'm hoping all the people across the aisle also support us. I understand one of the people said for the record that Liberals will not be support it. That's a shame.

RAVES ACT, 2000

LOI DE 2000 SUR LES RAVES

The Deputy Speaker (Mr Bert Johnson): We'll deal first with ballot item number 25. Mrs Pupatello has moved second reading of Bill 73. Is it the pleasure of the House the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

May I see those standing again? I declare the motion carried.

Mrs Sandra Pupatello (Windsor West): I move that the bill be referred to the justice and social policy committee.

The Deputy Speaker: Is the pleasure of the House the motion carry? It is carried.

TEACHER TESTING

The Deputy Speaker (Mr Bert Johnson): We will now deal with ballot item number 26.

Mr Gill has moved notice of motion number 12.

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 nays have it.

Call in the members; there will be up to a five-minute bell.

The division bells rang from 1200 to 1205.

The Deputy Speaker: Order. If there are two of us standing, one of us is out of order, and it's not me.

All those in favour will please rise and remain standing until recognized by the Clerk.

Ayes

Arnott, Ted	Galt, Doug	Ouellette, Jerry J.
Baird, John R.	Gill, Raminder	Spina, Joseph
Barrett, Toby	Klees, Frank	Stewart, R. Gary
Chudleigh, Ted	Mazzilli, Frank	Tascona, Joseph N.
Clark, Brad	Murdoch, Bill	Wood, Bob
DeFaria, Carl	Mushinski, Marilyn	
Dunlop, Garfield	O'Toole, John	

Interjections.

The Deputy Speaker: It's late in the morning. I must remind you that my temper is getting short. I don't know, maybe it's the time of day or something, but I'm downright out of sorts. Let me remind you that I have absolutely no desire to throw anybody out, but that is my first instinct. You are here in the company of a group of students and you are not showing them the type of leadership they should expect of you. I would ask that you refrain from commenting. I would exhort you to go ahead and vote the way you would like to.

Mr Gill has moved a resolution. Those opposed will please rise and remain standing until recognized by the Clerk.

Nays

Bartolucci, Rick	Cordiano, Joseph	Marchese, Rosario
Boyer, Claudette	Crozier, Bruce	Martin, Tony
Bradley, James J.	Di Cocco, Caroline	McLeod, Lyn
Bryant, Michael	Dombrowsky, Leona	Parsons, Ernie
Caplan, David	Duncan, Dwight	Peters, Steve
Christopherson, David	Gerretsen, John	Phillips, Gerry
Churley, Marilyn	Gravelle, Michael	Pupatello, Sandra
Cleary, John C.	Kennedy, Gerard	Ramsay, David
Colle, Mike	Kormos, Peter	Sergio, Mario
Conway, Sean G.	Lalonde, Jean-Marc	

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 19; the nays are 29.

The Deputy Speaker: I declare the motion lost.

The business of this morning has ended. We stand adjourned until 1:30 o'clock this afternoon.

The House recessed from 1210 to 1330.

MEMBERS' STATEMENTS

OCCUPATIONAL HEALTH AND SAFETY

Ms Caroline Di Cocco (Sarnia-Lambton): Sarnia-Lambton is known for its large petrochemical industry. Fibreglass, Holmes Foundry, Owens-Corning and many of the other industries shut down a number of years ago.

The community has paid a high price for the economic prosperity of the past. The price paid? People who have died from occupational disease and the growing number of people who have contracted fatal diseases from the workplace.

For years, grassroots advocates have attempted to raise awareness of this issue to governments, as early as the 1980s and all through the 1990s. Every government has failed to address this horrible legacy.

The city of Sarnia recognizes also that it can't run away from these issues, and a monument is being erected on the waterfront as testimony to lives lost from disease because of the lack of safety standards of the past.

Occupational disease is not a partisan issue. It is in that spirit of actually working co-operatively to resolve many of these issues that I invited Minister Stockwell to come to Sarnia-Lambton in January to meet with the community on this matter. We both agreed that we must learn from the mistakes of the past, that we must work together to truly resolve the horrible consequences of occupational disease in a responsible and compassionate manner.

AGRICULTURAL TRADE SHOW

Mr Doug Galt (Northumberland): I rise in the House today to encourage everyone to start the season right by coming to Northumberland this Victoria Day Weekend and attend RAV ON.

RAV ON stands for Rural Agri Ventures Ontario, which is a unique agri-venture trade show organized by the Campbellford-Seymour Agricultural Society. This unique showcase begins tomorrow in Campbellford and concludes on Saturday.

RAV ON was established to give anyone who is involved in new, innovative, alternative or diversified agribusinesses an opportunity to display their products and their ideas. It also will provide visitors with an opportunity to meet and greet owners of successful agri-businesses and seek advice on how to start up their own agri-venture.

According to the show's director, Mr Don Frise, there will be a wide range of alternative agribusinesses featured. These will likely include emu, ostrich and buffalo farming; organic and herbal gardening; and farm vacation operations such as bed and breakfasts.

This kind of showcase not only brings our attention to new and innovative ideas in agriculture, it also provides opportunities for these innovative ideas to emerge and develop into new business opportunities.

I commend Mr Don Frise and the Campbellford Seymour Agriculture Society for their hard work and dedication in organizing this trade show. I encourage everyone to join both myself, and many others, at the RAV ON trade show this weekend in Campbellford.

EVENTS IN CORNWALL

Mr John C. Cleary (Stormont-Dundas-Charlottenburgh): I am pleased to rise today to invite all members to my riding over the summer months to enjoy and participate in the festivities during l'Écho francophone and Worldfest 2000.

Every year francophones gather together in the community to celebrate their heritage and achievements. This year the celebration will be held from June 1 to 4, and the kickoff will include a wine and cheese reception where francophones will be honoured for their many achievements in the Francophone Hall of Fame. The rest of the week will see sporting events, dances and community brunches to celebrate the French culture.

Franco-Ontarians are a strong and proud group in my riding, and I am happy to be able to congratulate them and hope they have a successful celebration.

I also would like to highlight the 16th annual Worldfest, taking place July 4 to 8. Worldfest 2000 is a showcase of music, dance and cultural diversity reflecting the importance of all peoples who make Canada the great nation that it is. With the generous sponsorship of industry and service groups, there will be delegations from Brazil, Belgium, Cuba, Nigeria, Slovakia and possibly Zimbabwe. Canada will be represented by two groups: our own MacCulloch Dancers, and Sondaky, a native aboriginal group from Quebec.

This year's event promises to be the biggest yet.

The organizers of both events are expecting to have good crowds, and I hope to see many of you there.

SENIORS GAMES

Mrs Julia Munro (York North): I rise today to talk about the York region senior games, which are being hosted this year by the town of Georgina and my riding of York North from May 23 to June 9.

The Ontario Senior Games program began 18 years ago, and was initiated by the Older Adults Centres' Association of Ontario. In 1983, with financial assistance from the Ministry of Tourism and Recreation, the Ontario Senior Games had approximately 4,600 participants in 31 activities in 21 different communities.

In 1999, the Ontario Senior Games Association, with the Ministry of Citizenship, Culture and Recreation, and the seniors secretariat, began the groundwork for the first winter games for seniors in the province of Ontario. This is to be named Winterfest and held biannually on the odd-numbered years after the launch in 2000. This year it was held in the town of Collingwood and had over 400 competitors.

I would like to invite everyone to the town of Georgina to come and watch the York Region Ontario Senior Games.

I would also like to take this opportunity to congratulate all the volunteers and extend best wishes to all the participants for their efforts.

ONTARIO WHOLE FARM RELIEF

Mr Pat Hoy (Chatham-Kent Essex): Last week I asked the Minister of Agriculture a direct question concerning the rules he is using to evaluate inventory for the Ontario whole farm relief program that is denying Ontario farmers millions of dollars of federal money. The minister totally ignored my question, twice, and instead of answering, he produced one of his bafflegab answers to deflect the criticism of the farmers of Ontario on his refusal to distribute the money, as it must be done, as it is being done across Canada.

Instead the minister said it was the federal government that is holding up the money and pulling money out of the program. This is utter nonsense and he knows it. He does have the authority to issue those cheques, though he told this House he does not. He issued the money last year when the agreement with the feds was not signed until July. He knows very well what in interim payment is; he uses them himself.

The real issue he has been avoiding is his refusal to allow the changes in inventory which the federal government has adopted to give out millions more to Ontario farmers. I don't think he has the matching 40%. The farmers of Ontario know exactly what he is trying to do. The minister must not jeopardize farmers' access to millions of dollars of federal money. He must take immediate action to allow enhanced inventory assessment.

ADOPTION DISCLOSURE

Ms Marilyn Churley (Broadview-Greenwood): I have a letter in response to petitions I've been reading out on adoption disclosure reform. Minister Baird responds to this petition by saying that the ministry has invested $350,000 in the 1999-2000 fiscal year to respond to the seven-year backlog of the matches being made for people who are looking for each other. That budget increase is welcome, but it's missing the point.

I did meet recently with the minister and he certainly has not ruled out helping me get my private member's bill on adoption passed. I'm going to be introducing that bill again soon in the House, as you know; I did in the last session, and it died when the House was prorogued. However, I had strong support from all three parties in the House at that time. The same bill will be reintroduced with perhaps some new amendments, because at that time it came up so quickly, I didn't have time to add them.

I appreciate the fact that the minister did meet with me to discuss the bill. I had an opportunity to talk to the Premier and House Leader Sterling about it. This bill will be coming forward again. The time has come to pass it. Members will be hearing from me shortly. I hope very much that this time we can pass the adoption bill.

1340

EVENTS IN NIAGARA REGION

Mr Bart Maves (Niagara Falls): This past weekend I once again had the wonderful opportunity of participating in the opening ceremonies for the annual Maid of the Mist Blossom Festival in Niagara Falls. This year the Blossom Festival has expanded to three weeks, with several free concerts at Queen Victoria Park with musical guests such as Blue Rodeo last weekend and Amanda Marshall this weekend. Attendance over the duration of the festival is expected to exceed 200,000.

Just last month, Minister of Tourism Cam Jackson provided the festival organizers, Brian Merritt and the Niagara Parks Commission, with $50,000 to help with the organization and promotion of this event. In addition to the funding for the festival, the Niagara Economic and Tourism Corp received close to $25,000 from the Ministry of Tourism to help market the Niagara region and to lure investors.

I would like to reiterate what Minister Cam Jackson said in Niagara-on-the-Lake last month: "The Niagara region is a hotbed of tourism activity. More opportunities exist here in the region than anywhere else in the province. This economic region is going to be the marquee for the province." Speaker, I think it already is.

In celebration of Tourism Week, which officially begins next week, I congratulate the organizers and participants of the festival. The previous dedicated and hard work of the Cummings family has kept the festival alive for many years. I encourage everyone to come and visit Niagara for this reinvigorated event.

SPECIAL REPORT, INFORMATION AND PRIVACY COMMISSIONER

Mr John Gerretsen (Kingston and the Islands): This government's systematic attack on the independent officers of this Parliament continues. These officers are the watchdogs of government and are totally objective individuals who are vigilant in their duties and give an open, honest and unbiased assessment of the government's performance.

First, last spring, it fired the Environmental Commissioner when she issued a very critical condemnation of this government on its environmental record in the last five years.

Next, it reduced the Ombudsman's term of office from 10 to five years and thereby severely compromised the total independence of this office.

It is now threatening the office of the Information and Privacy Commissioner by having a legislative committee, dominated by government backbenchers, review the freedom of information and protection of privacy legislation because of her very critical report on the disclosure of personal financial information by the Ministry of

Finance's own Province of Ontario Savings Office, which affects some 50,000 people in this province. As you know, in the report she states that her office experienced extensive difficulties from the Ministry of Finance in allowing her to do a full and complete investigation.

The people of Ontario can be assured that we on this side of the House will fight to ensure that any changes to the legislation will enhance and improve a person's ability to get information from the government in a faster and less costly manner. We will make sure that any information of unfounded allegations collected by the government will be immediately removed from government records and not kept for seven years, as is currently the practice. The government has completely ignored her recommendation that these records be removed within a one-year time period.

SPECIAL OLYMPICS

Mrs Tina R. Molinari (Thornhill): I'm honoured to rise today to congratulate the courageous men and women who participated in the recent Year 2000 Special Olympics held in York region. I had the pleasure to attend and speak at the opening ceremonies of the floor hockey event for these Special Olympians in my riding of Thornhill. In the early days of the Special Olympics we saw Harry Red Foster, that outstanding sportsman and famous broadcaster, accompany a floor hockey team from Toronto to the first international Special Olympics Games held in Chicago in 1968. Red Foster was quick to see in the Special Olympics a further opportunity to enhance the lives of challenged Canadians. The rest of the story is history.

The Thornhill residents I represent were delighted to host this Special Olympics event. We were completely captivated by the enthusiasm, tenacity and achievement of each athlete.

The story of the Special Olympics is a source of great inspiration to me, to my constituents of Thornhill, and no doubt to every member of this House. The Year 2000 Special Olympics was truly one of this province's finest moments, and we celebrate the achievements of all who participated. Each of these athletes can serve as a role model to all of us. Their courage and determination is reflected in the oath they live by: "Let me win, but if I cannot win, let me be brave in the attempt."

These athletes, their dedicated coaches and the hundreds of volunteers who assist them deserve our heartiest congratulations. May they continue to follow their dreams and achieve their goals. On behalf of my constituents of Thornhill, I wish these fine athletes every success in the future.

VISITORS

Mr Pat Hoy (Chatham-Kent Essex): On a point of order, Mr Speaker: I know you and all members of the Legislature would want to welcome the students and their chaperones from Mill Street Public School. They've travelled here to their Legislature from Leamington.

The Speaker (Hon Gary Carr): That's not a point of order, but we welcome the students.

LEGISLATIVE PAGES

The Speaker (Hon Gary Carr): Just before we begin, today is the last day for the pages, and I think all the members would like to join in saying goodbye to our good friends. We wish them well in their endeavours.

SPEAKER'S RULING

The Speaker (Hon Gary Carr): On Wednesday, May 10, 2000, the member for Renfrew-Nipissing-Pembroke raised a point of privilege with respect to the special report on disclosure of personal information by the Province of Ontario Savings Office, Ministry of Finance, which was presented to this House on April 26, 2000, by the Information and Privacy Commissioner.

In raising his point of privilege, the member argued that various officials inside the Ministry of Finance and elsewhere have perpetrated a contempt on this Legislature by frustrating an investigation undertaken by the Information and Privacy Commissioner. He refers to the commissioner's report in which she outlines the difficulties experienced by her office in conducting her investigation. The member quoted the commissioner as follows:

"In our view, the ministry endeavoured to restrict the scope of the investigation and the investigative tools available to the IPC. Attempts to interview current and former government officials ... were met with protracted negotiations and resulted in key individuals refusing to be interviewed."

The government House leader provided a written submission on this point in which he argued that there is no prima facie case of privilege because the Ministry of Finance co-operated with the Information and Privacy Commissioner at all times. He further stated that the ministry not only met its statutory obligations to participate in the investigation but also went beyond its legal requirements and encouraged its employees and all involved to assist the commissioner in her work.

The member for Renfrew-Nipissing-Pembroke requested that I review the matters raised for a determination that they "constitute a prima facie case of contempt."

With respect to both members and officers of the House, Erskine May has said on this matter of contempt, and again I quote:

"Generally speaking, any act or omission which obstructs or impedes either House of Parliament in the performance of its functions, or which obstructs or impedes any member or officer of such House in the discharge of his duty, or which has a tendency, directly or indirectly, to produce such results may be treated as contempt even though there is no precedent of the offence."

Section 46 of our own Legislative Assembly Act sets out the jurisdiction of this House to inquire into and punish, as breaches of privilege or as contempt, a number of matters including: "Assaults upon or interference with an officer of the assembly while in the execution of his or her duty."

In light of those authorities, I have carefully considered the arguments put forward by the member for Renfrew-Nipissing-Pembroke as well as those submitted by the government House leader. In addition I have read the commissioner's report.

What I am left with are two opposing points of view: one that speaks of co-operation within the law and another that speaks of obstruction. I am not in a position to determine who is right and who is wrong and can only acknowledge that an unhelpful conflict exists.

My role and duty is simply as outlined by Maingot at page 221 of the second edition of the Parliamentary Privilege in Canada, to determine if "the evidence on its face as outlined by the member is sufficiently strong for the House to be asked to debate the matter and to send it to a committee to investigate...." The role of the Speaker does not extend to deciding the question of substance or whether a contempt did in fact occur. That is ultimately up to the House to decide.

1350

What I have to determine is whether or not a prima facie case of contempt has been established. The question for the Speaker is whether the matter is of such a character as to entitle the member who has raised it to move a motion to have it considered further at committee.

In considering the question, I find the very fact that an officer of this House, a person selected by this Parliament and sworn to faithfully discharge her duties to this House, has taken the extraordinary step of advising us that the authority of her office was disregarded and discounted to the extent that she was, and again I quote from her report, "unable to conduct a full and complete investigation," is in and of itself a challenge to the supremacy of this House, from which she draws that authority.

In official business dealings with an officer of this House, individuals owe an obligation of accountability to Parliament. That our own officer advises that the opposite was the case is sufficient cause in my mind to find that a prima facie case of contempt of Parliament has been made out. How could it be otherwise? The privacy commissioner's sole loyalty is to this House, manifest in her trusted discharge of the role and functions assigned to her, by us, in this act.

At the end of the day, it may very well be that in this instance, the commissioner's inability to "conduct a full and complete investigation" emanates, as is argued by the government House leader, from a lack of statutory power. That may very well be the crux of the question as to whether or not a contempt occurred. But again, I am only charged with determining whether a prima facie case has been made out.

Having so found, I now recognize the member for Renfrew-Nipissing-Pembroke and invite him to move the motion of which he gave notice last Wednesday, which would very simply refer this matter to committee for consideration.

MOTIONS

SPECIAL REPORT, INFORMATION AND PRIVACY COMMISSIONER

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): Mr Speaker, I move that, in light of your ruling that a prima facie case of contempt has been made, the special report to this Legislative Assembly made on 26 April 2000 by the Information and Privacy Commissioner, Dr Ann Cavoukian, concerning disclosures of personal information made by the Province of Ontario Savings Office in the Ministry of Finance and the obstruction the commissioner encountered in the course of her investigation, be referred to the standing committee on the Legislative Assembly for its immediate consideration.

The Speaker (Hon Gary Carr): I will now call on the member for debate.

Mr Conway: I very much appreciate the opportunity to speak very briefly to the motion. I have to say that I obviously appreciate the care and consideration that not only you took in this matter, but my friend and colleague the government House leader, as you observed, tabled a six-page submission on behalf of the government on this matter.

I say again to my colleagues in the Legislature, as members of the Legislature, that the report presented to us by Dr Cavoukian, our Information and Privacy Commissioner, just a couple of weeks ago on 26 April says—let me just take you to her summary of conclusions. On this day particularly, where the nation is seized of this matter of freedom of information and the protection of privacy, here is what our commissioner, our officer, said happened in the sphere of the Ontario government, the Ministry of Finance, privatization secretariat, in the summer of 1997.

Our officer, Dr Cavoukian, found, upon her albeit limited and apparently obstructed investigation, three things. She found that in the summer of 1997 personal, confidential information affecting 50,000 Ontarians who are depositors at the Ontario savings office was wrongly and illegally released into places where it ought not to have been released, and that there was a failure by the officials at the Ministry of Finance and at the privatization secretariat to take reasonable measures to protect against that kind of inappropriate and illegal release of the information.

Again let me remind you: 50,000 Ontarians who are depositors at the Province of Ontario Savings Office. I happen to be one, but there are almost 50,000 others, and

they're not just in places like Toronto and Ottawa and Hamilton and London and Windsor; they're in places like Aylmer and Walkerton and Woodstock and Pembroke and a whole bunch of other places, large and small. These Ontario citizens had their confidential banking information released by their government. What kind of information? Their names, their social insurance numbers, their accounts, their account balances, all of it was released inappropriately, and according to Dr Cavoukian on page 25 of her own report, illegally.

She says clearly: "The three disclosures of personal information, (a) from" the Province of Ontario Savings Office "to privatization, (b) from privatization to Angus Reid" polling company, and (c) from the Province of Ontario Savings Office to CIBC "Wood Gundy, were not in compliance with the act"—that act passed by this Legislature some years ago called the Freedom of Information and Protection of Privacy Act. She says that very clearly on page 25 of this report.

That is, on this day of all days, in my view a very serious matter. It is a matter, as we used to say in the old parliamentary parlance, surely of urgent and pressing necessity. But it's worse than that. When the commissioner found out that this illegal release of confidential information had been made by public servants working for the Ministry of Finance and the privatization secretariat, people she tells us who are not nearly as careful with the information as private sector people at Wood Gundy and Angus Reid, when the Globe and Mail reported two and a half years after the incident occurred that this illegal information affecting 50,000 Ontarians had taken place, what are we then told? We are told in this report, by our officer to us but two weeks ago, that there was a systematic frustration and obstruction of her best efforts to find out what happened in the summer of 1997.

I think all honourable members, faced with this kind of clear evidence from our officer, who in this matter is an independent referee—Dr Cavoukian is the umpire with a mandate from us to adjudicate these matters. When she seeks out information that is clearly material, not just to us, but I say again, on behalf of the 50,000 people out there who had their confidential banking information illegally released by their government—can you imagine the farmer in Oxford county, the retail clerk in Pembroke, the Ontario government employee at Queen's Park, if they had known that this was going to happen?

We know, for example, from the commissioner's report that when Angus Reid started to make the calls back in the summer of 1997, one branch alone got 30 complaints. The people complaining didn't know the half of it; they didn't know the people at the other end of the line were sitting there saying, "Conway, S.G.; 545 Herbert Street, Pembroke; social insurance number 800XXX; account numbers A, B and C; balances, $942, $4,016"—

Interjection.

Mr Conway: Well, it's not a trifling matter. We had people by the score phoning in very upset just because they were getting the call. Can you imagine what those people might have said, might have thought if they had known that the caller had confidential financial information that was illegally let loose by their Ontario government?

1400

So I simply make the point again: Not only was there, according to the commissioner, an inappropriate and an illegal release by the Ontario Ministry of Finance of confidential financial information affecting 50,000 Ontarians, but when the independent umpire employed by us, Dr Cavoukian, went to finance and the privatization secretariat to find out what happened—who did what, when, under what circumstances—she was frustrated and she was obstructed.

She concluded her examination weeks after it began when she concluded that she was simply not going to get the appropriate co-operation that she expected, that she got from Wood Gundy, that she got from Angus Reid and, to be fair to the Ontario government, that she's been getting from the Ontario government, by and large, for years. Therefore, she submitted to us on the 26th day of this year a report in which she said, "Yes, I found that there was an illegal release of information by the Ontario Ministry of Finance and the privatization secretariat, and it affected 50,000 people."

I want the House to deliberate over the offence here. This is not a trifle. I would be not taking this as seriously if the offence committed by our public servants at finance and privatization was not as egregious as it clearly is. But the initial error and misjudgment and the initial mistake and illegality, in my view, have been doubly compounded by the attitude by the Deputy Minister of Finance and others I don't yet know of, because I just have the report, but certainly the Deputy Minister of Finance, perhaps the secretary of cabinet and I don't know who else was involved.

When our commissioner went to do her job, to find out who did what in this serious matter, she was obstructed. I submit that this House, as a self-respecting Legislature, cannot let this report stand without further action. It is on that very serious account that I stand here today and support my motion and ask all honourable members of this House to support the motion so that a committee of our Legislature, in this case the standing committee on the Legislative Assembly, can, on a priority basis, take up the commissioner's report and complete the work that, because of the ministerial obstruction complained of in this report, makes it an incomplete report.

We talk, and we talk rightly, about accountability and about responsibility. As the Legislature, in the public interest we have a duty to ourselves, to the broad public interest and most especially to those 50,000 depositors, those 50,000 Ontarians, to get to the bottom of what happened in the summer of 1997. That's why I believe this report is extremely important and why it has to be

supported. To do anything less, I say to my colleagues on both sides of the aisle, is to tacitly agree with and recommend to people who have committed an illegal act according to the umpire in this case: "Not to worry. Parliament, which is sovereign in these matters, really doesn't seem to care about its ultimate responsibility, about its sovereignty and about the people it represents."

I say in conclusion, Mr Speaker, I want to know more than I now know as to what happened at the Ministry of Finance, particularly in July, August and September 1997. I know those people at finance. I have a high regard for the public service. My experience, as both a member and certainly a minister, is that on this kind of a file, where there is this kind of confidential information, the every instinct of the public service in Ontario would be to say, "No, no, no," to do exactly what Angus Reid and Wood Gundy did when they got it. The commissioner tells us when Angus Reid got it and when Wood Gundy got the information, they said, "We shouldn't have this; you've given us more than we need, more than we want," and as far as we know they sealed it there. My knowledge of and my experience with people, particularly people at finance, is that would be their every instinct. So I'm left with this almost incredible situation that people in that culture allowed this kind of information to escape their control. Something happened. Something seriously misfired. I have some theories about what it might have been, but they are just theoretical.

I do observe, Mr Speaker and colleagues, that at some point late in the summer of 1997, something twigged at finance and very quickly did they pull back. That I understand entirely. That would have been their first instinct, I would assume.

My question, not answered by the commissioner's report for the reasons she cites in the appendix, having to do with frustration and obstruction, is, why didn't it happen? Because when I saw the report as to what, I think it was the deputy minister, did—stop it, pull it back—that I believe; that I understand totally. So why didn't it happen initially?

I guess I also have to say we talked just this week about accountability and responsibility. We are going to probably, in this Parliament and in others across the land, be looking at issues of freedom of information and protection of privacy. I'm quite prepared to have that debate. But I want to also focus on what happened here in the summer of 1997, because this is not theoretical and this is not trivial. This is actual; this was serious; and according to Dr Cavoukian, it was illegal.

I can't, and I don't really want to, contemplate future changes and future possibilities until I understand what on earth happened in 1997. And do you know what? I want something else. I want somebody to be held to account. That farmer in Oxford county, that clerk in Pembroke or in the Ottawa Valley who had their confidential financial information illegally released by their Ontario government are owed some accountability. This isn't some private corporation; this isn't some malingering municipality. This is Her Majesty's Ontario government, the department of the treasury, the Ministry of Finance, who did this, and they did it to 50,000 citizens, I assume most or all of whom live in Ontario.

So I not only want to know what happened, I want to know who was responsible for this inappropriate and illegal activity. I want to know from the Minister of Finance, from the leader of the government: What sanctions have been or will be applied? What accountabilities have been or will be exacted from those people in finance, at the Cabinet Office, at the privatization secretariat or whoever else was involved inside government, for this serious and illegal activity that injured and impaired the rights and entitlements of 50,000 Ontario depositors to the savings office owned and operated by this Ontario government?

Mr David Christopherson (Hamilton West): I am certainly pleased that you have chosen to recognize the fact that this is a serious matter and was not one of partisan fodder.

I would point to the fact that on Wednesday, April 26, when this report was tabled, I not only asked a question of the Minister of Finance, but also—and reading from Hansard, upon your recognizing me on that day, I said to you:

"Mr Speaker, my point of order is with regard to the report that you've just tabled." That would, of course, be the report that we are now debating. "Given the fact that it's a stunning report that speaks of the government actually violating the law, we in the NDP request unanimous consent to have an emergency debate about this most important, crucial issue that affects Ontarians in terms of their rights to privacy."

You responded, Speaker: "Is there unanimous consent? I heard some noes."

I remember clearly, Speaker, those noes came from the government side. This government had no interest in doing anything about this.

Interjections.

Mr Christopherson: And they're beginning to heckle now because they know that they're exposed on this.

Their hope was that it was a couple of years ago; they would make some murmurings about agreeing with some of the recommendations that the privacy commissioner has made, and by virtue of that they hoped it would go away. You know what, Speaker? It did go away. There were a couple of news reports the next day, but basically exactly what the government wanted happened: It went dead, it went quiet.

1410

We even raised a question the next day. We asked a lead question that day when it was tabled and asked a question the next day—nothing, no interest. I shouldn't say "no interest." To be fair, there was in fact one reporter, Was it John Ibbitson who broke it? If I'm wrong, somebody send me a note, but I believe he first broke the story. I think there was a follow-up to it, but not nearly the kind of headlines or newscasts that would suggest today was ultimately going to happen, because this doesn't happen very often. It's not very often that we

get a Speaker who stands in his or her place and says that they have found a prima facie case of contempt—extraordinary, breathtaking in terms of what it means.

I expect that we're probably going to get an amendment from the government. I wouldn't be surprised if it happens this afternoon, although there are a couple more days because, let me assure the government, we're going to talk about this until we get to the bottom of it or you muzzle us, one of the two. But that's what's going to happen. This is not going to voluntarily go away, nor should it. This is a huge issue. But they're going to move a motion, I suspect, an amendment that will send it off to committee and they're going to try to have that committee look at the overall Information and Privacy Commissioner's legislation, which of course is the freedom of information legislation that governs what government can release and what they can't. We all know that every committee in this place is stacked with a majority of government members. So sending this off to a committee, if the government tries to make that sound reasonable, is merely a ploy to further muzzle this investigation, and it's certainly not going to happen willingly.

The fact of the matter is, the government broke the law with regard to Ontarians' personal information. I said at the time, and I repeat: The only thing that could be of greater importance is if you had released someone's medical information. What we're talking about is a government that took the name, address, phone number and bank balances of Ontarians and gave them to a polling company. In doing that, the commissioner has found, and it says right in here, you broke the law. I think it speaks volumes that you did everything you could to muzzle it, because those sorts of things aren't important to you. Bullies wouldn't care about something they would consider a minor technicality: "Oh, you know, a little bit of information leaked out. We got on top of it right away and we sort of changed things." That's not acceptable, not acceptable by a long shot.

Some 50,000 Ontarians had their fundamental right to have their financial information kept private violated, and when the officer of this Legislature, the Information and Privacy Commissioner, looked into it, as rightly she should, you stonewalled her. Look what she said in her letter of April 27. This is the day after we asked our question in the House. The commissioner wrote to the finance minister and said in part: "My strong preference, however," in terms of the action that would be taken as a result of this report being tabled, "is that these changes"—and by that, Speaker, if I might, the changes that the information commissioner requested would have given her the powers to continue the investigation to answer the questions that she says are unanswered.

I point out parenthetically that if anyone questions whether or not there were real issues, the commissioner outlines the questions that weren't answered and outlines in her report "obstacles we encountered during this investigation." It says, "This investigation clearly demonstrates the need for explicit statutory powers to enable the Information and Privacy Commissioner to conduct a full and complete investigation." So we have a violation of the law. An officer of this Legislature looking into it reports back, "Here's what I could find out, but these are all the things I couldn't find out, and here were all the obstructions that the government put in the way in terms of my ability to complete this investigation."

She then recommended what powers—it says right in here what powers she would need in order to complete the investigation. We, the NDP, offered, and I'm sure the official opposition would have been in agreement, to table those changes immediately, give unanimous consent for first, second and third reading, and then allow the commissioner to continue the investigation she had started. You said no.

She goes on—this is in response to her recommendation—and she gives very clear language about what powers she needs in her law in order to conclude the investigation and overcome the obstacles and obstruction of the Harris government on behalf of the people of Ontario. She says, "My strong preference, however, is that these changes be fast-tracked in the form of a short bill, rather than referring this to a legislative committee as part of a complete review of the act." Again, I might say, that was the motion that the government House leader tabled, that this whole matter be referred to the legislative committee, and then it would have gone off into the black hole of a committee review, probably never to be heard from for a couple of years, at which time the trail would have been so cold, it would have been very difficult to get to the bottom of this matter—exactly what the government wanted and exactly what the information commissioner was trying to avoid.

I want to note, and I want to state on the record on behalf of myself and my caucus, the courageous position that the commissioner took. Given the retaliation this government takes against people who cross them, she has probably put her job on the line, and she has done that for the people of Ontario. We ought to be grateful that we have an officer of this Legislature who has the integrity and the courage to speak out in the face of the kind of retaliation this government has been known to take out on people who cross them.

She goes on to say in her April 27 report: "While your suggestion of referring the entire act to a legislative committee shows the importance you are placing on the need to add to the powers we require to protect the privacy of Ontarians, I respectfully ask that you consider a faster route." You wouldn't do it. She then goes on to say: "I believe that enough time has been spent studying this matter. The time for action is now." She's making reference to the changes that she needs to the legislation. She concludes by saying, "Respectfully, for the reasons I have cited in my special report, I ask that the government proceed to bring in these amendments as quickly as possible." What did the government do? They ignored it. They waited a few weeks for things to simmer down, which they did nicely, then they tabled—I believe it's been formally tabled with the Clerk—a motion that would have the effect of sending the whole thing off to

the legislative committee, exactly what the commissioner said she didn't want to happen, and she explains why.

1420

This is a scandal of monumental proportions. The fact that the commissioner had to go so far as to say: "The Information and Privacy Commissioner has taken the extraordinary step of producing an addendum to this report. The addendum outlines the difficulties experienced by this office in conducting the investigation into the disclosure of POSO account holder information"—extraordinary. I was absolutely flabbergasted at how little attention this report got on the day that it was tabled.

Interjections.

Mr John O'Toole (Durham): It looks like it today too.

Mr Christopherson: We hear the government heckling. This is all funny to them. It's just a big joke. The fact that this government has been found in contempt is a joke. You're all laughing. Everything is a big joke. That's the way bullies approach things. Everything is a big joke. You tried to muzzle this, but you didn't get away with it.

Interjection.

Mr Christopherson: You talk to me about the truth, Minister. Let me tell you, you've got a commissioner who wants to get at the truth and it's your government that provided the obstacles that prevented her from getting at it. Rather than sitting there and heckling, I would suggest you talk to your fellow cabinet colleagues and talk about doing the right thing, which is to give the commissioner the immediate powers she needs—we can do that in an hour—and let her go on and complete the report. You want this thing to go away today and not have it a week Monday when we return, and the next day? You don't want this issue on the floor of the Legislature? Then let's agree that we will table the legislation that will give the commissioner the powers she asked for in her report and allow her to get on with that investigation. If that happens, we can go on with other business in this place. All she ever wanted to do was to go and carry out her duties, to do her job. It was your government that denied her the right to do her job. In fact, having already said in writing that you broke the law, the commissioner points out all the unanswered questions that she can't get to.

You're going to have a tough time now that the spotlight is finally on this issue. Boy, I sure wish we could get this kind of spotlight on a lot of other things you're doing. But this spotlight is on here now, and you're not gong to be able to squirm out of it. You're either going to have to give the commissioner the powers she needs to do her job or you're going to have to be seen for the bullying, antidemocratic government that you are. Anything else could not be hidden under the rug, because finally we've got the spotlight focused clearly on another crucial issue, and now we're going to have the time and the attention to talk about it and finally get to the bottom of some of these things.

I don't know what you're going to do at the end of the day in terms of voting for or against the motion. You're going to have a tough time saying no to this. Let me say again that if you think just referring it to the committee for a general review of the legislation is going to get you out of this, you're sadly mistaken, because the commissioner has already addressed that in her April 27 letter.

Not to try to be over the top about this, but it does start—

Interjection.

Mr Christopherson: You laugh now. We'll see where we are in a few weeks. I say to my friend across the way, we'll see who laughs last. This is so extraordinarily serious. You're going to have a very difficult time sloughing this off when the spotlight is on. Laws were broken. Personal, private information of Ontario citizens that is guaranteed by law was released in a breach of the law. That much she has already concluded. What we don't know is, what else is there? Why are you prepared to run the risk of facing this kind of a report rather than allow the commissioner access to the people and information she needs to answer the questions she feels need to be answered to carry out her duties? What are you hiding? What's buried? What is being covered up?

That's why I made the comment. If you remember President Nixon, it wasn't the initial burglary that got him into the deepest water, recognizing that was serious enough. I think this case is very similar. There was a breach of the law, but where you're getting into serious trouble—and believe me, those backbenchers are sitting there so smug. I suggest it's just because you haven't been here long enough, and I don't say that in a disparaging way. I just don't think you've been here long enough to understand the significance of a ruling from the Speaker that you are found in contempt of this Legislature. That says to me that the cover-up was a risk worth taking, and incurring the wrath of the information commissioner and whatever bad publicity you might get is worth taking in the short term because in the long term you don't want the whole story exposed.

I would not stand here and tell you what I think is at the bottom of all this. I don't know. The point is: neither does anyone else. The privacy commissioner's job is to answer those questions. She tried to do it. You obstructed her. Having already broken the law and violated the rights of tens of thousands of Ontarians, you attempted to obstruct and prevent an officer of this Legislature from carrying out her duty. Why? I can only conclude that it's necessary to cover up. So, we've got an initial infraction of the law being broken and then a more serious question of potential law-breaking, certainly contemptuous action, in order to cover something up. That sure sounds like Watergate to me.

What is it you're hiding? What is it about the answers to the questions the privacy commissioner feels she has to get to the bottom of that is so terrifying to you it's worth taking a hit? Except the traditions and the rights of members and the rights of Ontarians finally got into this

place and the Speaker, having looked at this objectively, has decided that yes, there's a prima facie case of contempt, a significant, huge issue that rarely happens. In all of the parliaments around the world, this doesn't happen very often, and when it does, it needs to be treated with the greatest attention possible.

As my time winds down, I say to the government once again, if you're serious and honest about wanting to get to the bottom of this, then agree with us that we'll give unanimous consent to first, second and third reading to give the commissioner the powers she wants. If she has those powers, she can continue her investigation. We can move off this in this place and do other government business, but at least the investigation will continue. In the absence of that, this is nothing more than a serious, high-level cover-up meant to stop the commissioner from getting to the bottom of this breaking of the law and the rights of Ontario citizens.

Mr David Young (Willowdale): Let me say at the outset, as clearly as I can, that Minister Eves and the Ministry of Finance accept the Information and Privacy Commissioner's recommendations and certainly will comply with them. In fact, to set the record straight, four of the seven recommendations made in relation to the operation of the Ministry of Finance have already been complied with, are fulfilled, and the remaining three are well on their way. Furthermore, let's also be very clear that Minister Eves has said publicly, and I will reiterate today, that all of these recommendations, all of the recommendations that emanate from the report of Dr Cavoukian will in fact be complied with by July 31 of this calendar year. That, Mr Speaker, as you will know as someone who has reviewed the report in question, is well in advance of the expedited timetable that was put forward by Dr Cavoukian. I say to you, and I say to the members of this Legislature and to the public, that that is in fact a clear demonstration of our willingness to co-operate and to ensure that the difficulties that Dr Cavoukian had in the past will not be repeated.

1430

I also wish to say very clearly that this government acknowledges that the commissioner has requested, in the strongest terms, additional powers. She has said she wants additional powers to compel production of documents and witnesses and so on and so forth. In order to clearly understand what the commissioner is asking for and why she has or does not have that authority at this time, I think it's important to look at the history. Let's consider when this legislation was passed, who was in power when the legislation was passed and what decisions in fact were made as to whether or not she should in fact have these powers.

Mr Speaker, as again I'm sure you're aware, in 1988 the Liberal government of the time decided to pass the information and privacy legislation that allows the commissioner to operate. I think it is prudent, in spite of the rhetoric that emanates from the Liberal benches, which are feeling very sensitive as this point in time about some deficiencies in that legislation they passed, I think it is important to talk about in what instances the commissioner has the sort of wide-ranging powers she is seeking and in what instances she does not have those powers under the current legislation, the legislation passed by the members opposite in the Liberal Party or their predecessors.

It is interesting to note that there are certain instances, certain investigations that she can conduct where she can in fact compel production of documents, where she can in fact summon and examine witnesses to come forward and give evidence. But for some reason, and undoubtedly during the course of this debate we will hear from the members opposite as to why this is the case, they chose, when dealing with an investigation of this sort, that the commissioner should not have that authority. There is no reference to her ability to be able to compel documents, to be able to summon witnesses. And by necessary implication, we must assume that the Liberals, for some reason, didn't want to give her those powers. They did in some instances; they didn't in these instances.

So it's important to recall that, just as it's important to recall—and I know the member from Hamilton West will recall this because he was in government at the time—that in 1991 this act was reviewed by the then NDP government. And in 1991 the NDP—let me be as clear as I can at this point in time—ignored the Legislative Assembly committee's call for an expansion of the commissioner's rights, ignored the committee's recommendations. In 1994, the NDP government decided to conduct yet another review and, once again, they ultimately took no steps to empower or further empower the commissioner in her investigations. They took no steps whatsoever to increase her statutory powers.

The motion that was tabled on May 16 by Minister Eves is proof positive that this government is prepared to consider the commissioner's request for broader statutory powers. This demonstrates clearly that we are committed to improving the process. But to keep this matter in perspective, it must be recalled that privacy commissioners across this country, by and large, do not have the authority that the commissioner is seeking. The majority of provinces do not allow their privacy commissioners to do what it is that the commissioner is asking to do. Provinces that do not have that authority granted to the privacy commissioners include Saskatchewan, Nova Scotia, New Brunswick, Newfoundland, Prince Edward Island and the Northwest Territories. To be fair, there are some provinces, a minority of provinces, that have recently granted this extra authority and we are prepared to look at replicating that in this province.

I want to say at this juncture, as emphatically as possible, that the member for Hamilton West, with the greatest of respect, greatly overstated your finding today. Let's be very clear. What you found, Mr Speaker, is that there is a prima facie basis for discussion of this point. You made it very clear, and I took notes of exactly what you said. You made no finding of contempt this afternoon, and certainly the inflammatory language utilized by the member from Hamilton West does not serve to

advance this debate and ensure that the difficulties that were encountered will not be repeated. Talking about illegal acts and so on and so forth, and findings in that regard, are simply fanciful. There is no basis in fact for that if one is to consider the ruling that you made this afternoon.

Notwithstanding our acceptance of the commissioner's findings, notwithstanding our acceptance of your ruling of the existence of that prima facie basis and notwithstanding our commitment to follow through on Dr Cavoukian's recommendations, it's important that we stop and note that ministry officials throughout this investigation attempted to comply with the commissioner's requests time and time again. They attempted to do so while balancing the existing rights that she had and the rights that the individuals she sought to confer with had as well. I'll talk about that a little further in a moment.

By way of explanation, let me review some of the relevant facts and dates. First of all, the freedom of information coordinator—and that is, as you know, the individual considered the resident expert in a ministry staff—gave advice to the privatization secretariat and that advice suggested that their contemplated actions complied with FIPPA. That is very clear from reading the commissioner's report. She disagrees with that advice, but she acknowledges that that source was conferred with and that was the opinion granted. Over the period of the review, it's also important to remember that the Ministry of Finance provided every document sought, a total of 39 sets of documents, a total of 417 pages, were provided to the commissioner in accordance with her requests.

With this in mind, the government is clearly surprised and disappointed by the commissioner's statement that the Ministry of Finance was less than fully co-operative throughout this process. The Ministry of Finance was officially advised, officially informed of the Information and Privacy Commissioner's desire to undertake this investigation, on January 8, 2000. After the privacy commissioner's office informed the minister that she would be embarking upon this review, the Ministry of Finance immediately committed to her that they would devote considerable effort and resources to assisting with her investigation. I'm going to talk about exactly what was done, rather than banter about these bold and factless allegations that we've heard throughout this afternoon, I'm going to talk about just what was done.

It was a challenging task for a number of reasons. The first reason, of course, is that we were dealing with an incident that had happened some time earlier. Arising out of that, I come to the second reason and that is that many of the individuals whom the privacy commissioner wanted to speak with were no longer in the employ or no longer had any association with the government.

Mr Speaker, let's remember that some of the individuals the privacy commissioner did want to speak with were in fact members of OPSEU and have certain rights that I'm sure you and others in this chamber will acknowledge exist, and those rights include the right to counsel. I'll come back to that in just a moment.

Ministry officials took numerous steps to assist the commissioner, and I'll go into those in some detail right now. We responded in detail to every question asked by the office of the commissioner, providing every available document to her. I repeat, in total, 39 sets of documents, 417 pages, were provided to her. They participated in numerous telephone conversations and requests for meetings. The commissioner and her staff phoned the Ministry of Finance and wrote to the Ministry of Finance on numerous occasions and on each and every occasion there was a timely and meaningful response.

Let's just for a moment look at the early days of the investigation. In January 2000, ministry officials responded to requests by the office of the privacy commissioner on January 7, 10, 13, 19, 24, 25 and 28. In the interests of full disclosure and to allow for a complete review of the events in question, the ministry also identified and provided the privacy commissioner with a list of 40 individuals, and those were individuals who were directly involved in this matter in 1997. We note that for reasons that are not known to us at this time, and were not known earlier this year when the investigation was underway, the privacy commissioner chose to contact only 13 of those 40 individuals. She actually interviewed fewer than that. Why the other individuals were not contacted I know not.

1440

It needs to be noted and emphasized that many of the individuals she sought to speak with were no longer in the employ of the ministry, as I said, and in some instances were existing members of OPSEU and had certain rights that had to be considered, and they did consider them.

The commissioner concludes her report by stating that there are many unanswered questions. Perhaps those unanswered questions could be answered if those 27 individuals that she chose not to contact were contacted and interviewed.

The ministry did everything within their power, and we should note for the record here exactly what was done. On February 1, the commissioner requested that the ministry contact 13 individuals—we talked about those 13 individuals a moment ago—and we did just that. We contacted those individuals, we advised them of the commissioner's desire to interview them, and from February 7 to 18, all of those 13 individuals were contacted by the ministry at the request of the commissioner.

At that time, the ministry wrote a letter to each of those individuals and those individuals heard by way of that correspondence the following, and I'm quoting from the letter emanating from the Ministry of Finance now: "The Ministry of Finance is co-operating with the Information and Privacy Commissioner in this investigation."

It's important to note that public servants and former public servants are, by and large, bound by oath not to reveal information relating to their work. Workplace issues are out of bounds, Mr Speaker. You know that and I know that. The deputy minister informed all of those

select individuals identified by the commissioner of the following, and again I'm quoting from written correspondence that was forwarded to them: "In order to enable you to answer any questions that may be put to you by the commissioner as part of this investigation, the ministry is releasing"—and I emphasize "releasing"—"you from the oath of secrecy."

If the ministry had not wished to co-operate, if they had wished to stonewall or somehow block or terminate the investigation of the commissioner, surely all they would have had to do was to have omitted that waiver, omitted the fact that we were not holding them to the oath. That would, in all likelihood, have thwarted any sort of meaningful investigation that the commissioner wished to conduct.

The ministry's decision to waive or release individuals from that very serious oath that each of them took, as they were obliged to, is clear proof, and should have been and undoubtedly was seen by those individuals as encouragement of the fact that we wanted them to co-operate, that we wanted the commissioner to get to the bottom of this. It should also be noted that many individuals were not contacted by the privacy commissioner and many of these were/are high-level government officials. Let's talk about who these individuals were whom the commissioner, for one reason or another—and I dare not speculate as to what those reasons might have been—chose not to contact, chose not to interview. Those individuals include the Honourable Ernie Eves and the Honourable Rob Sampson. Of course at the time in question, the subject time, Mr Sampson was the minister responsible for privatization. Mr David Lindsay's name came forward. She was free, of course, to contact Mr Lindsay. She chose not to. Miss Rita Burak, and I heard that name bandied about earlier in this assembly, was not contacted. Mr Peter Clute was not contacted. The list goes on and on.

The privacy commissioner has suggested that some individuals would not speak to her, and I want to say very clearly that this does cause the Ministry of Finance some concern. We were anxious to ensure that she achieved full and complete co-operation, that she achieved full and complete disclosure. However, it must be recalled, and it's worth saying one more time, that it was not within the power of our ministry to compel many of those individuals to provide information and documents to the commissioner. Yet everyone in the ministry, every individual in the ministry who was asked for documents, who was asked for information, complied with those requests and did so in a timely manner. In fact, in total there were requests made to only three individuals within the ministry who were interviewed. Three individuals were asked for interviews and three interviews were granted.

It's interesting to note that the fourth individual, identified at one time as an individual the commissioner may choose to interview, was Mr Tony Salerno. Mr Salerno, the CEO for the Ontario Financing Authority—by the way, the office it has responsibility for and posts their reports to—stated by way of correspondence to the commissioner on March 1, 2000, the following: "In the spirit of full co-operation, I would be prepared to answer any further questions or requests for clarification you may wish to submit to me." I'm advised that Mr Salerno has never been contacted by the privacy commissioner. Why? I don't know.

Finally, I'd like to submit that throughout this investigation, officials at the Ministry of Finance have approached every aspect of the privacy commissioner's review with diligence, with respect for her office and with respect for the process. I must reiterate that Minister Eves stood in this very Legislature and committed to complying with the seven recommendations that were made by the commissioner relating to the Ministry of Finance. Again I say, so that we are perfectly clear, four of those recommendations have already been complied with, one of them is almost fully complied with and the remaining two are well on their way to being complied with, and that will bring us to a point where all of the seven recommendations will be complied with by next July 31. The privacy commissioner asked for that to be done within six months of the issuance of her report, so we're proceeding about twice as fast as she anticipated we could or should.

We have pledged over and over again to follow through with her recommendations, but also to take a good look at this act. While I am aware that it is the opposition's job to inflate and overstate each and every instance where this government proceeds in what may be perceived by some as a less than exemplary fashion, I know that righteous indignation comes rather easily from the members opposite, and I guess to a degree that is the role of opposition.

I would ask you, Mr Speaker, and I'd ask the members of this assembly when they consider where we go from here, to consider a number of factors. First of all, I'll say one more time, because it's important to be repeated, you did not rule today that you found contempt. What you said, Mr Speaker, very clearly is that there was a prima facie case that deserves some further investigation. But it also needs to be remembered that this government devoted extensive efforts to assist the commissioner. It also needs to be recalled that the commissioner, because of legislation passed by predecessor governments, had limitations on the scope of her power. It also needs to be recalled that this government has taken timely remedial action to correct the matters addressed by the commissioner particularly as they relate to the Ministry of Finance.

Mr Speaker, I would ask you and the other members of this chamber to consider those facts as we proceed forward with this discussion.

Mr Christopherson: On a point of order, Mr Speaker: We've been attempting to get a copy of your ruling for obvious reasons. We're being told that we've got to get it off the instant Hansard, and apparently that's not yet available. I'm asking for your assistance in getting your office to provide us with a copy of your ruling.

The Speaker: We will get it as quickly as possible. As you know, the instant does still take a little bit of time. We will try to get it as soon as possible because I obviously know members would probably like to refer to it in the debate as you speak about it. We will work on that as quickly as we can and try to make the instant Hansard available as soon as possible.

Mr Christopherson: Mr Speaker, I could do that without any help from the Chair. What I'm asking is, because it was a prepared text, if your office has copies, if they could just be photocopied and handed out, it would speed up the process.

The Speaker: The problem with that is that I sometimes am not too good with going by a prepared text and may have taken some things out, added and then deleted. I would rather wait because, if I do that, there were some things in there that I purposely didn't strike out but didn't say and knew I wouldn't say. That's the problem with doing that. It's also in a print so large for me to be able to see that it was about 19 pages long. We will try to get it as quickly as possible.

1450

Mrs Sandra Pupatello (Windsor West): I'm very pleased to join the debate today, discussing what people in Windsor will be very interested to hear, because there is a POSO office in Windsor.

There is one of this type of bank, which is very much like a credit union, with 50,000 people who have bank accounts with this institution. What does this mean to the people on Elsmere Avenue in Windsor West? They're saying, "Could someone explain to me what the government did back in 1997?" The government took private information about Joe Smith on Elsmere Avenue, what his account number was, all the information you fill out when you open a bank account at the bank. That's the information that was turned over to a private company, and Joe Smith didn't know that it went over to a private company.

Interjection.

Mrs Pupatello: Including balances, but we're going to get to that, because ultimately we don't just need their name, address, phone number, social insurance number and the account number. I don't know if they've got the PIN, but that's quite an interesting question to ask, if they have their PIN as well. The point is that they also got their account balance. Joe Smith on Elsmere Avenue gets a phone call, not from an official at the banking institution; he got a phone call from Angus Reid, a pollster. Angus Reid started to talk to Joe Smith about his opinion and his attitude and how he'd feel if they were going to turn this institution over to private hands.

At that time, in this House, in 1997, the minister for this office of privacy, Rob Sampson, would have been sitting here day after day on pins and needles on that chair, waiting for the question from this side of the House. I am angry that we didn't know that this had happened, because you can bet we would have asked that minister, on his feet, to explain to this House how 50,000 people's personal information, like how much money they have in their bank accounts, could be turned over to private hands, and under what conditions. What safeguards did those people have?

For two years that minister sat in this House; for two years the government was busy papering this down in a hurry: "Don't let this information out. Paper that down, batten down the hatches, here comes the question. Any day now it's going to get out." I can't imagine.

We're busy asking about superjails, which he was also busy doing, while they were hiding all this information about a major leak in the government, and today in the federal House the privacy commissioner for the federal government is undergoing this same discussion, and not just in some illusory manner, that we might consider how we have to deal with what private information is in the hands of the human resources ministry. They are saying: "Look what happened in Ontario. Look how the Ontario government bungled the handling of private information, of banking information."

I wonder how I would feel if I got a call from Angus Reid that said, "Sandra Pupatello, we understand that you have so many thousand dollars in the bank." I would be aghast to get a phone call from anyone having my private information. The Minister of Education wants to ridicule or minimize this today in the House. But this is my personal information. No one has a right to my private information, least of all how much money I have in my bank account and least of all the people on Chilver Avenue. I wonder if the Richards on Chilver Avenue would like it to be known out there that someone, we don't know who, has their private banking information, how much money they have in their account. I mention the Richards on Chilver because their son, Reade, is a page in this House and he was supposed to help deliver the petition today.

We've moved question period aside today to debate the response from the Speaker on the point of privilege raised by our member from Renfrew, where the Speaker is sending this to committee for debate because I, like many people in this House, read that Globe and Mail article several months ago. When I read it I thought, "What was that minister doing in the House for two years, sweating it out, waiting for the question that was going to come that we didn't have the information to ask: 'How could you possibly release private, personal information about your bank account balance to an outside firm? What were those conditions?'" Worse yet, when this woman, Cavoukian, finally laid her report on the table in April, what the Information and Privacy Commissioner said was quite interesting. What they concluded in their report was, and this is very clear:

The disclosures of account holder information from this banking institution to the privatization secretariat, "from privatization to Angus Reid ... from POSO to Wood Gundy," yet another firm, "were not in compliance with the" Freedom of Information and Protection of Privacy Act. Do you know what that means? That is a breach of the act, and that's what we're discussing today. The government broke the law. It is a breach of the government's own act.

The minister responsible for this area is supposed to be the defender. My colleagues would agree. We have former ministers on my side of the House. The ministers who are responsible for the area of privacy you would think would be our champions on issues like this, that those ministers would be going to the wall to ensure the protection of information, like how much money I have in my bank account. It was this minister who gave the shop away to Angus Reid so that 50,000 people out there could get a phone call from Angus Reid to ask them for private information, including a commentary on how much money they have. I wonder how the people in Windsor and those who attend their accounts at the Windsor office feel today.

A complaint was made by an account holder, and the complaint went to the banking institution, which is how the government managed to stash this aside and keep it under wraps, clamp everything down to the point where, when Cavoukian was then doing her report, she found—what was unusual about the report, first, was that they took the extraordinary step of producing an addendum to this report. This addendum outlines the difficulties that this office experienced in conducting an investigation. So not only did the government break the act; they were so busy trying to paper this over and cover it up that the people who have the job of doing the investigation were hampered. In fact, she said that "in our view," the ministry endeavoured "to restrict the scope of our investigation and the investigative tools available to" the information and privacy commission.

Attempts to interview current and former government officials involved in those events of 1997 were met with protracted negotiations, resulted in key individuals refusing to be interviewed. In fact, this commission has concluded it's the duty of the Legislature and of the public to produce a comprehensive and timely report, and it was hindered by the lack of clear statutory power to investigate privacy breaches as well as the lack of appropriate protection for witnesses.

I must say the ministry stopped, put hurdles, put up roadblocks to the commissioner doing her job, the job that in essence was the minister's job in the first place. If I had gotten a call, as a member of the public coming from Windsor West with potentially my account in the Windsor office of the savings office, what if I had called the ministry? I wonder whose ministry I would have called. The questions Angus Reid was asking were about if I would consider the privatization of the banking institution. I might have called the privacy minister, the minister they put in charge of this issue, and then would be stunned to learn that it was this minister who sent the information out in the first place. Is this not why the federal government is so serious now in looking at and determining what they are doing with information that's held in the human resources department? Our federal government has information, the basics about who we are, when we were born and where, our social insurance number, all kinds of passport information. They wonder: "How are we housing the information. What's the database like? Is there a breach of data available?"

We all experienced the love bug virus only a couple of weeks ago. That love bug actually shut down the entire British Parliament for a day. We got off a little lighter than that. The contents and all of the issues surrounding how we hold information that is absolutely private and absolutely confidential is a world issue. That's why the federal government is so concerned about it.

1500

Now we have a privacy minister with the government who was the one to set up all of the hurdles when there was an investigation going on. It was this same minister who launched it in the first place, handed it over.

The questions are legion. Does Angus Reid give all of it back? Let's liken it to this massive phone blitz that Tom Long is on at the moment. He got the Conservative data bank, and the Conservatives are all mad about it now because he wasn't supposed to use a Conservative Party data bank in order to access Conservative member phone numbers so that Tom Long could call them and ask them to join the Canadian Alliance Party. Now Tom Long says he's going to give back the list. Even the government whip is laughing. The government whip is saying, "He's no fool." Of course he's going to copy the discs before he returns them.

Interjections.

Mrs Pupatello: The new member from Hamilton, how ridiculous.

I ask you, does Angus Reid take the data electronically? Do they copy it on to a disc? Do they keep their own copy of the disc? What do they give back when they give back data? These are questions I want the answers to.

The next time Angus Reid is doing a poll, for whomever their client might be, they can say, "Jeez, I've got a data bank here of 50,000 people, and I know how much money they have." How convenient. Just like all of the Conservative Party members of Ontario who today are furious with the Tom Long Canadian Alliance campaign for stealing the Conservative Party membership data bank in order to phone them to join the Canadian Alliance—and even believe for a minute that he's actually going to give you back the list without copying it—it's the same question we ask now of Angus Reid: Were there terms and conditions? Did the Angus Reid people come over to the ministry office and access the data from there? How did they get it? Did they get a copy of it? Did they transfer it electronically? Maybe they had it all along. We don't know.

The point is that these are questions that should have been divulged. These are questions that, in 1997, if the minister was truly committed to what his role was in the discussion of privacy and privatizing items and assets of the Ontario government, he would have laid on the table. He would have held a press conference, just like the Attorney General runs down to the Canadian Tire to spend $3.50 on a squeegee so he can have the best available prop for his photo op, and probably $1.99 for the pail so he can whip that squeegee in the pail when he launches his squeegee bill. What ridiculous, frankly em-

barrassing, behaviour for an Attorney General. That's what I see happening here.

That minister should have booked the media studio, walked in there and said: "We had a breach. We made a mistake. We made an error. These are the steps we have taken to correct it. Yes, we will be turning everything over in an appropriate and timely fashion to the commissioner, who is going to review and make an investigation and eventually a report." That would have been the responsible thing to do. Instead, this government, at its whim, picks up every prop imaginable when they want to get a point across to the public, when they feel they are being responsible to their constituency. This is what we see, a papering over.

I just go back to what that minister must have been thinking since 1997, sweating it out every day, day after day, each question period: When was the question coming in the House?

I was furious when I read the Globe article. I was furious that we didn't know this had happened, because we sat at the social development committee when we were talking about the welfare bill, the big workfare Ontario Works bill, and went around Ontario. We talked about the fingerprinting of welfare people. We talked about the potential of eye scanning, scanning of the eyes so that we could determine who those people were who were going to be on welfare. You didn't have any problem taking information of a very private nature like that, and you didn't even see that it might have been inappropriate, that you usually fingerprint convicts. You thought it was totally appropriate to do that to welfare people.

You have such a disdain for the notion that people would have any sense or any individual rights that you probably don't even think it's such a big deal that you turned over to a private firm the private information of 50,000 individuals and their bank balances. These 50,000 people, you don't know who they are. Maybe they're farmers. Maybe they're the people on Elsmere Avenue. You might not know how much money they have. That just seems so irrelevant to you. Someone came along and said, "We've got a little complaint here," and shut the operation down, and you didn't even notice the seriousness of what you had done.

Frankly, that comes down to the attitude of the government overall. That, to me, speaks to the same kind of attitude that has come out of the government all the way along, and I've been here since 1995 to watch the behaviour. We have watched the teacher-bashing time after time, all of the people the government thinks are irrelevant, so we can focus on the people who you think count today. You want to talk about the people who are going to show up at all your fundraising events and whether they're going to be thrilled with you or not. Every time it comes down to just regular folk who work every day, regular folk who go to the bank at the end with their paycheques and put their money in the bank for whatever they want to do with it in their lives, you just take that information and hand it over without a thought. When you get caught by it, even then you don't want to tell anybody about it, because you probably don't think it's such a big deal.

But there are people here who know that there were personal privileges being violated, and I find it interesting that we now have a report tabled April 26. There was the extraordinary step of producing an addendum to this report—I don't know if that has ever happened before in the production of a report by the commission—and what is so striking is that the attempts to interview the current and former government officials involved in the events were met with protracted negotiation. Clearly these hurdles were inappropriate. Clearly you should have just said: Yes, we made a mistake. Come in and look. Help us build so that this doesn't happen again." That's not what this government chose to do.

It's interesting to note that after the 1999 election, when all was said and done, the Premier chose to put this individual back in cabinet. The Premier chose to take that same finance minister and put him back in finance. These are the people who were in charge. Those were the ministries that made the decision to paper this over, and both the Minister of Finance and the former minister for privatization, today the Minister of Correctional Services, are still sitting at the cabinet table. The Premier should have led by example. Both of those ministers should have been gone. Both of those ministers should have been brought to the table and held to account for that kind of mismanagement. Instead, this Premier put them back in cabinet, one in finance and one in corrections. And you expect, in those cabinet positions, then, to have the respect of the public? This is the same Minister of Correctional Services who is now going around the province hand-picking which communities are going to have a jail; worse yet, probably a privately run jail. Are there no rules over there? That's my big question. I keep coming back to that.

Fifty thousand people, some of whom likely live in my riding—we have an office of this banking institution in Windsor—had all of their information turned over to private hands. We don't know how or why, or when it came back, or if there's still a copy of this information somewhere. How are you calling 50,000 people to tell them that this even happened? Did you call 50,000 people to say: "The government made a mistake. The government turned over your private information. You might have received a call from Angus Reid. I can tell you that if you haven't, you won't, because we stopped it, because we were found to be in error and we have taken corrective measures." Did you say that to 50,000 people and do you think you owe that to them? That's my question for the minister who was in charge at the time, for the Minister of Finance, who should have known better, who's been sitting in this House since the late 1970s or early 1980s and has been through this.

Those are the kinds of questions we have. That is why it's so relevant to talk about it in the House today, even if it moves our question period aside and even if we can't bring those petitions to the table today. The people from

Windsor West are going to want to know the answer to that question.

1510

This is a government that is on a quest to privatize. We were scared last week when the Premier admitted in the House, or out in a scrum, that he's actually contemplating the privatization of the ORC and that perhaps that's the best thing to happen to the Ontario Realty Corp with the absolute scandals that are happening in that organization today. This is a prime example of why you need to have caution in the area of privatization.

I look forward to continued debate on this matter. I look forward to the questions coming back with real answers and a real look at what responsibility those ministers had, and that this will never happen again in Ontario.

Mr Frank Mazzilli (London-Fanshawe): Mr Speaker, I do take your ruling and I think it was a fine ruling. The member from Hamilton talked about contempt and all these things, but really what you said is that there's a case for debating this report in this House. That case has been made and this is the opportunity to do that.

Mr Speaker, as you know, an independent legal opinion has been tabled with you on this matter. Essentially what that independent report, produced by an independent law firm, says is that the Information and Privacy Commissioner tabled a report into things in 1997. In that report the commissioner complained of perhaps some sort of lack of co-operation. But again, that's the commissioner's opinion, that there was a lack of co-operation, and she said that in her report.

You rightfully ruled that perhaps there is enough opportunity to debate this, but in the independent summary, what it does say is that "any act or omission which obstructs or impedes"—

Ms Marilyn Churley (Broadview-Greenwood): Mr Speaker, on a brief point of order: I just heard the member from London-Fanshawe mention an independent legal report referring to the very issue we're talking about today. If he has such an independent report, I would ask that he table it immediately so all of the members can see it.

The Speaker: Just so you know—and this has come up in the past regarding reports and so on—what needs to happen for the Speaker to ask that it be tabled is if he quotes from it, and I believe the word is if he quotes from it "extensively." I don't believe he did that at the time. But just so all members are aware, and this came up in other instances in other jurisdictions, if you do stand up and quote from something, you should table it. I don't believe he did that in this case, though.

Mr Peter Kormos (Niagara Centre): Mr Speaker, on a point of order: My apologies to the member for London-Fanshawe. The member for London-Fanshawe—and again, I'm not suggesting that the Speaker was distracted during his initial remarks—very clearly was invoking an independent legal report and making reference to it by way of defence on behalf of the government. With respect, I submit that the record will show that too. I appreciate what the Speaker says about quoting extensively, however; that's one facet. The other facet I submit to you is when it's an integral part of your argument. This isn't a passing reference to it. The member for London-Fanshawe has referred to this independent legal report as an integral part of his argument in defence of the government and in opposition to the motion. I think under those circumstances, you might consider concluding that there be more than one basis upon which an independent legal report would have to be filed, not just frequent or constant reference.

The Speaker: I understand that, and as a result of the discussions that went on, I actually did go back to the new book that was done by the House of Commons and looked at all of the precedents on this. But I will listen very carefully to make sure that the member does not refer to it.

Again, I think we've done that with the Chair of Management Board as well. If you quote from something and if you refer to it, it is only fair to have it tabled, and I would like to let all members know that. I will listen very carefully. Sorry to interrupt the member from London-Fanshawe.

Mr Mazzilli: On a point of order, Mr Speaker: In fact, I did not quote from any report but just the general principles in law that you get from an independent opinion. I did not quote from any specific report.

Ms Marilyn Mushinski (Scarborough Centre): On a point of order, Mr Speaker: The point of order did take about two minutes of the government's time. Could the clock be restored?

The Speaker: I'd like to accommodate that, but if we do that every time—I think this was legitimate. It wasn't to delay time. Sometimes, as you know, points of order are done, and I apologize to the member for doing that. The more I talk and apologize, the less time he has. But it was a legitimate point of order and we should keep the clock running, I'm afraid.

Mr Kormos: On a point of order, Mr Speaker: In this context then, I would seek unanimous consent for the government to deliver up all of those legal opinions that it has acquired and will rely on with respect to this motion and with respect to the report of the privacy commissioner.

The Speaker: That may be helpful. I think the Minister of Labour may be helpful in letting some things be known.

Hon Chris Stockwell (Minister of Labour): There's nothing that we're trying to cover up here at all. We've released all three opinions to the media. If you would like copies of those opinions, I'm sure we can provide them for you.

The Speaker: I'm glad we worked that out.

Just very quickly, the reason we have to do this with the time, the member will know, is that we divide the time up evenly. If we stop for points of order and put the time back on, then what happens is that—I don't want to say the words "louses up"—it affects our time and we don't adjourn on time. So I apologize to the member.

Mr Mazzilli: If I can commence from the beginning, and perhaps with some consent this time, I can quote from the report that has been released to the media and the members of the House at this point. I suspect there's no difficulty with that.

Essentially, the privacy commissioner, in her opinion, felt that somehow some information was withheld, but with no explanation as to problems, as to why maybe it was withheld. We heard from the parliamentary assistant that there are OPSEU contracts with rights and privileges, and employees of the ministry have those rights. Of course the privacy commissioner does not have to take that into account in her report. She can come to her conclusions, her opinions, but she does not have to respect the contracts in place with our employees in this province. But in fact, the administration at the ministry does have to respect those contracts and those rights of the employees under the ministry.

"Further, any act or omission which obstructs or impedes any officer of the Legislature in the discharge of his or her duties may constitute contempt of the Legislature." The important thing is "may."

"While the commissioner is an officer of the Legislature, the Freedom of Information and Protection of Privacy Act establishes that the commissioner is not under a duty to investigate compliance with the act, nor does she have the power to compel individuals to participate."

We certainly did not come up with this legislation. The freedom of information act came under the Liberal government. If they felt so compelled, so strong about this issue, why did they not incorporate that power, that authority for the privacy commissioner to have those powers at that time? I suspect the reason is the Charter of Rights and Freedoms, because these are arbitrary powers. Perhaps the Liberals felt that those types of powers should not lie in the hands of one individual at any given time. I suspect that is why they did not do that.

What this is really all about is a ministry that has done all the right things. They've taken the seven recommendations from the privacy commissioner, implemented four, and the remaining three are going to take a short period of time to implement. In fact what you have is the Liberals raising this issue after seven of these things have already been corrected. Do you know why? Because they don't want to talk about this.

Interjection.

Mr Mazzilli: Yes, that is the 2000 budget. That's what they don't want to talk about. Well, I do want to talk about this.

Mr James J. Bradley (St Catharines): It's out of order.

1520

Mr Mazzilli: It contains some interesting—

The Speaker: Just so the member knows, it is out of order. You need to speak to the particular topic we have today. It has been my indication in the past that we tend on some bills to wander off that a little bit, but in this case we are dealing with a motion that we should speak to, and not go off into other things. It has always been my intention to try to let things go if it can be shown somehow how that applies. But I would remind the member, we need to speak to the topic and not go off and deal with things like the budget. Sorry for the interruption.

Mr Mazzilli: Thank you, Mr Speaker. Again, I was speaking to this, but I felt it was very important, in light of the situation today, because I believe that what is really behind all of this is the fact that the Liberals do not want to talk about the 2000 budget and the tax cuts and money being returned into the pockets of Ontarians. But I will go back to this bill and I will incorporate it with budget 2000 along the way that the Liberals do not want to talk about.

If I can go back to the definition of contempt of the Legislature: "The power of the Legislature to punish for contempt is a general power similar to that possessed in superior courts of law. In contempt proceedings in a court of law, the proceedings must be conducted in accordance with the principles of fundamental justice."

We have people getting up today in the House and they don't want to go through any of the rules of fundamental justice—none. They just want to give one person the arbitrary power to call people before them, no matter what agreements, no matter what the charter says, to call people before them with no legal authority and answer all of the questions. Who has that kind of power? In the House of Commons, many people wanted the Prime Minister to testify in relation to students being pepper-sprayed. Did he show up voluntarily to testify? No, he did not show up voluntarily to testify. Why? Because he was not obligated in any way to show up. So what did he say? "No, I'm not going to show up. People were pepper-sprayed. Too bad, so sad."

That's certainly not the case here. As we heard from the parliamentary assistant, the ministry not only has complied with four of the seven recommendations made by the privacy commissioner—and in my view the role of the privacy commissioner is to look into things and, if there are problems, to table a report, and then for the ministry to look at those recommendations and indeed implement them.

The Deputy Premier and finance minister did that. He looked at the seven recommendations and said: "These are valid concerns. I will implement them immediately." To this date, four of those seven recommendations have been implemented, and the other three will be implemented, as we've heard from the parliamentary assistant, by July.

It's pretty clear, if you are a privacy commissioner or an investigator of any sort and someone chooses not to co-operate, that it can be your opinion that somehow that person has something to hide, without looking at the full details. In this case, the people responsible for the ministry have obligations to their employees and to OPSEU contracts. Certainly they cannot cross the line there; they have responsibilities to their employees within the ministry.

But the second question raised by the parliamentary assistant—and this is a question the privacy commissioner certainly had not obligation to consider before coming up with her report—concerns people who are no longer employed by that ministry. Is a civil servant who left the ministry in 1997, when these deficiencies occurred—let's call them deficiencies—somehow going to be compelled to respond to the privacy commissioner three years later? Under what authority can one possibly expect that we can compel civil servants who have left employment with the civil service to come back and be accountable to the privacy commissioner? I would submit that that is a very difficult task and one that probably is not reasonable in any way.

Let me look at it this way, Mr Speaker: If the Quebec Nordiques were to call you today and compel you to appear before them and explain why in 1980-something you let in five goals, or perhaps to compel you to answer why you did not play well in a season, would you show up? I would submit not. You would have no obligation, nor would you care. By the way, they don't exist any more. This is the same sort of argument. The privacy commissioner certainly does not have to look at any of the reasons why there was lack of co-operation, but only that she felt there was a lack of co-operation.

I want to go back to the fact that the Liberals certainly know what this is all about. This is a stall tactic today, because we were supposed to be talking about the 2000 budget, about the tax cuts that have created more jobs in Ontario—703,000 new jobs and 500,000 people off the welfare rolls with their dignity back. What did all that create? A surplus in our budget. And yesterday, $1 billion went into hospitals in Ontario—$1 billion—the single biggest investment in health care this province has ever seen.

Mr Dominic Agostino (Hamilton East): On a point of order, Mr Speaker: (1) I believe the member is not speaking to the debate; and (2), and more important, a number of times the member has suggested that the reason we're having this debate has a bunch of other motives. Mr Speaker, the reason we're having this debate is as a result of a point of order and a ruling you made. I believe the ruling of a Speaker may be challenged by referring to the facts. We're having this debate simply because of your ruling.

The Speaker: I didn't think he was challenging. But I did warn the member, and I'm sure he will try to stick to the motion. I do allow a little bit of latitude, because sometimes things relating to budgets, health care and education can overlap. In this case we are dealing with something where we should stick to speaking to the question at hand.

Mr Mazzilli: I appreciate the ruling. In my riding of London-Fanshawe, the stall tactics of the Liberals raising this issue to overshadow an enormous investment—$100 million into the hospitals in London—are certainly something my constituents do not appreciate. But I will go back to the ruling.

Mr Speaker, your ruling, in all fairness, as the parliamentary assistant to the Minister of Finance said, was greatly overstated by that side of the House. What you said is that there's essentially a prima facie case to debate this issue, and that's what we are doing. I certainly have read the report; I've read the legal opinions. How many people has the member from Niagara ever seen found in contempt? Not many, I suspect. Not many, right? It's something that's extremely difficult.

1530

The privacy commissioner has an obligation to report any deficiencies, which she did. There were seven deficiencies that she felt occurred within the Ministry of Finance. Deputy Premier Eves took those issues very seriously and implemented them immediately, with a few recommendations taking perhaps a little longer. They will be implemented by July of this year. In her investigation, the privacy commissioner, in my view, did not have to take into account the Charter of Rights and did not have to take into account OPSEU agreements. Mr Kormos, you know what that's like: You cannot overstep the charter and OPSEU. If the Liberals felt that a privacy commissioner should have those arbitrary powers, they should have written them into the legislation in 1988. They did not. But they're sitting here today changing the subject, because they want to talk about something from the past.

Finally, the jobs that have been created in my riding and the $100 million that has gone into health care, into the construction of hospitals, is something my constituents want to talk about. I look forward next week to the Liberals perhaps not impeding and in contempt of this Legislature, and talking about health care and cutting taxes.

Mr Bradley: I must say I detected an insult to the Speaker of the Legislative Assembly this afternoon, who made what I thought was a very fair and landmark ruling for members of the Legislature. For the member for London-Fanshawe to say there's a diversion on the part of the Speaker is preposterous and an insult, in my view, to a fair and independent-minded Speaker who, I must say, has come up with a ruling which I think is of great interest to all the people of this province.

I was watching television last night. As you know, they have somewhat of an opposition mentality in the—what do you call it?—parliamentary press gallery. When he was on television—I think he was on CTV—Bruce Phillips, who was a good friend of the Conservative Party over the years, and was made the commissioner for privacy and information by Brian Mulroney, a good friend of the members of the government, there was a big hullabaloo in Ottawa over the fact that a lot of information about people in this country is available on computers. Well, you can see why there is. I hope it's as big an issue here at Queen's Park as it was in Ottawa. I hope that from Victoria to St John's we see on the major television networks tonight Mike Duffy and Ken Shaw, and all these people who talk about important issues, talking about this issue. Surely if it was an issue in the federal Parliament, a case where the Speaker finds the government in contempt on this issue is even much more significant.

But this fits a pattern, and my worry now is that Dr Cavoukian is going to be subject to some pressure from the government. Here's why as I say that: As soon as you disagree with this government and you are in an independent position, you're given your walking papers.

You will recall that when Eva Ligeti, who was the Environmental Commissioner in the province, brought out her report in April of this year, which she should have, by the way, not in October as the present individual is going to, and that report was critical of the government, she was turfed out, fired by the government, her contract not renewed. Instead we brought in Gordon Miller, a good friend of the Premier and president of the Progressive Conservative Association in Nipissing, who was made the person in charge of the environment as Environmental Commissioner—a good friend of the government and twice a Conservative candidate, as the member from Oak Ridges would know. So Eva Ligeti learned her lesson: You get your walking papers if you're critical of this government. There's a pattern there. Roberta Jamieson, an outstanding Ombudsman for the province, did not have her contract renewed. She was given her walking papers. What sin did she commit? She was critical of this government. So this is why it is of particular note and courageous of our present Information and Privacy Commissioner to have taken the government on and been critical of the way the government handled this particular issue.

This government is notorious for keeping secrets when it wants to keep secrets and reveal information when it's convenient to them. Just try to get some information from this government on its internal workings, not information which affects people across Ontario, but what this government is doing behind closed doors. It takes weeks and months to get the information and you have to pay all kinds of money to get it. Look at what the Sierra Legal Defence Fund had to spend, the rigmarole they had to go through to get information from the Ministry of the Environment on discharges into our waterways, highly embarrassing information which showed this government isn't even charging anybody who violates those laws and showed how many people are violating the laws of this province.

I can see this government now saying, "Well, I guess it's time to look at freedom of information and privacy," because their agenda will be not to fix items like this, the one before the House today, but rather to slam the door on the media, the opposition and the interested public on information which should be available in a timely way and at a minimum cost to the people of this province.

Now, the former Speaker will be cooking up an opportunity to make some kind of amendment which will weaken this particular motion. I have that feeling. I have no evidence to substantiate it except the fact that I see him conspiring in the background with the government officials. So I have this feeling that this is coming up.

This is highly serious. Thank goodness for the member for Renfrew-Nipissing-Pembroke, Sean Conway, the dean of the Legislature in terms of years of service in this Legislature, for raising this point of order with Speaker Gary Carr and having a ruling which I thought was a very progressive and enlightened ruling on this issue.

I want to commend once again Ann Cavoukian, who is a person of great courage and integrity prepared to raise this issue.

John Ibbitson of The Globe and Mail, who as well is the author of a book on the Mike Harris government, said in his column of Saturday, January 8, "The Ontario government committed a major breach of the privacy rights of tens of thousands of Ontario bank depositors two years ago by handing over to a pollster"—that's to a pollster—"the names, addresses, phone numbers and account balances of depositors of the Province of Ontario Savings Office." That is absolutely appalling, but not surprising to me, because this crowd across from us is possessed with privatization and doing things for its friends in the private sector. It was bound and determined that it was going to privatize the Province of Ontario Savings Office, an outstanding institution which has served people very well, which certainly doesn't want to be privatized and its people don't want it to be privatized.

I'm going to repeat that information for people at home who may not have recognized the importance of it:

"The Ontario committed a major breach of the privacy rights of tens of thousands of Ontario bank depositors two years ago by handing over to a pollster the names, addresses, phone numbers and account balances of depositors of the Province of Ontario Savings Office.

"The pollster then started calling the depositors to survey their attitudes toward possibly privatizing the provincially owned bank.

"When customers complained about a polling firm having access to their confidential records, the Ministry of Finance quickly shut the survey down and launched an internal inquiry."

But they already had been caught with their hand in the cookie jar. The minister of privacy in those days must have been sweating through six or seven shirts each day wondering when a question was coming. But they had done such a good job of hiding the information, of keeping it secret, instead of calling a press conference and saying, "A major, appalling mistake has been made in revealing personal information about depositors with the Province of Ontario Savings Office." Instead of doing that, with the Tory backdrop, the way they always have a blue backdrop with the Tory message on it, they're skulking around the halls of Queen's Park and the corridors hoping and wishing that no one will find their hand in the cookie jar, their hand in the till in this particular case because we're talking about the depositors' savings.

1540

Mr Ibbitson goes on to say:

"Fortunately for the government, word of the breach never leaked out. If it had, privatization Minister Rob Sampson would almost certainly have lost his job. Finance Minister Ernie Eves would have been under pressure to resign and the government of Premier Mike

Harris—already under siege over an approaching province-wide teachers' strike—would have had a second major political controversy on its hands.

"The disastrous misstep remained the government's secret—until word of the affair was leaked to the Globe and Mail."

This is absolutely appalling. We have a Province of Ontario Savings Office in St Catharines. I'm wondering—and I'm sure some of my colleagues are—if the government of Ontario will now be sending out a letter of apology to all of the people they have offended by leaking this information about them. They are going to be large as life sending out the $200 cheque, which is a cheap political trick for them. They have all this information they put out. They spent over $100 million on government advertising before the last provincial election, paid for by individual taxpayers. One wonders now whether they will be sending out an apology for misusing the private information of depositors with the Province of Ontario Savings Office. I somehow don't think they will.

They think they can get away with it. They know the long weekend is coming up. They know that next week is constituency week and the Legislature won't be sitting. So they're hoping this will go away. They're hoping the news media will forget all about this. Well, they're wrong, because members of the news media watch the proceedings of this House. They're aware of the importance of this particular issue to people in Ontario.

Interjection.

Mr Bradley: The member for Brampton Centre says the media are the opposition. I don't think any independent observer would say that. The last time I read the National Post it was cheerleading for whatever you were doing at the time. There are just a few newspapers and a few television stations that treat you quite nicely, the people who make the big decisions at the top. I'm not talking about the people here—people here are very fair—I'm talking about the people at the top who make the decisions. I don't think any intervention from the government in the sense that you don't get a fair break in the media would cut any water with anybody.

John Ibbitson goes on to say in the article, "Created in 1921, initially to assist farmers, the provincial bank boasts 25 branches and 90,000 chequing and savings accounts, with $2.1 billion in deposits."

What happened was that they were going to gather this information on people and give it to a private polling firm, in this case Angus Reid. If you think, "Well, we can get it back and they won't keep copies of the lists," when you give out lists, as we found out with Tom Long—I don't think the member for Durham East, as it used to be called—is it still Durham East?

Mr O'Toole: Just Durham, all of Durham.

Mr Bradley: Just all of Durham. I don't think he gave his lists out to the Tom Long people. But the people who did give the lists out know that even if they get them back, somebody has made photocopies.

You'll remember in this House, on the issue of private information again, I asked the minister, who is the Chair of Management Board, to table in the House all polls which have been commissioned by the government of Ontario, the cost of those polls, the content of those polls and the answers in those polls, because the government is using taxpayers' dollars to poll people in this province and then keeping that information secret to itself.

I know, because these members ran along with Mike Harris saying that they were going to end all unnecessary expenditures, that they would not be undertaking this. At least I thought that the case. But we find out it isn't. Was the information forthcoming? No. The minister refused to table it in the House or reveal it in the House. He just tried to bafflegab his way out of the question.

I challenge the government now, under the provisions of the Freedom of Information and Protection of Privacy Act, to provide the results of those polls to all members of this Legislature and to the House. Otherwise, the Progressive Conservative Party, and not the taxpayers of this province, should pay for those polls, and indeed for the kind of self-serving, blatantly partisan government advertising to which we've been subjected over the years.

What we found out is that the government has broken the law in this province. That's what the commissioner, Dr Ann Cavoukian, has said. The government broke the law, and we know the government covered up, and now they can't be allowed to cover up the cover-up, which of course is what they're trying to do. It broke the law by releasing private, personal information to outside firms. The Globe and Mail called the breach disastrous and said that the government's secret would have stayed secret if it had not been leaked. In other words, they were prepared to keep it a big secret behind closed doors.

Key officials refused to be interviewed, if you can imagine that. They blacked out portions of key documents. So you get the document and the good part of it is all blacked out so you can't read it, making the document less than useful in some cases. They dragged their heels at virtually every step along the way. So much for the codes of conduct, so much for responsibility and accountability and so much for respect for the law. These folks here are the law-and-order crowd, they say. We know they're soft on environmental law, because they refuse to prosecute and bring to court violators of environmental laws. Now we know they're prepared to break this particular law.

The government must not be allowed to cover up. I think most of us agree with that. I'm glad we're having this debate. The member for London-Fanshawe said they're trying to divert attention to something else. I point out that it was the Speaker himself who made this ruling, which precipitated this particular debate. It's embarrassing to the government, no question about it. It's an extreme embarrassment to this government, and not just the fact that they released this private information concerning depositors with the Province of Ontario Savings Office, but also because they tried to cover it up,

because they were, to put it very kindly, less than forthright.

The government must send this matter to a legislative committee for investigation now. There's no question about that. We don't want a situation where we have the government members simply taking orders from the whip in the committee to do exactly as—we hope it's an open and freewheeling inquiry. I would think that fair-minded members on the government benches, those who aren't simply trying to ingratiate themselves to the Premier and the Premier's staff so they can advance to the cabinet, fair-minded and independent-minded individuals within the government, will want to get to the bottom of this and ensure that it doesn't happen again.

The government cannot be allowed to turn that investigation into a sweeping review of legislation instead of a targeted investigation of what happened in this case; they are two separate things. I happen to believe, for instance, that the privacy part and the freedom of information part should be separated. The member for Kingston and the Islands has said that on numerous occasions, and I think it's sage advice in that particular case.

We know as well that this government keeps other information. It has kept—for how long, six years?—information about—

Mr John Gerretsen (Kingston and the Islands): Seven years.

Mr Bradley: Seven years—people on welfare, and there's another instance where they've kept it.

Mr Gerretsen: Unfounded allegations.

Mr Bradley: Unfounded allegations, snitch lines. They keep this information. They're supposed to get rid of it after one year, certainly no more than two years. But they keep it.

Now, for the ones they think might support them, for the snitch line on people who are evading taxes, that line shut down. I'll give you, Mr Speaker, the challenge of trying to determine why they would shut down the snitch line on tax evaders and not on others who are supposedly defrauding the government of Ontario in another way. I would suggest to you they know who their friends are and who they don't want to offend.

The government has been missing the point. The problem with the law is that the government broke the law and then the government tried to cover up. The commissioner has asked for the law to be toughened precisely because she was obstructed in this case. The portion she wants tightened is the portion which deals with the release of private information about individuals, not government secrets over there that you're just going to be embarrassed by, but rather information which is private.

The government broke the law, it covered up and it must be held accountable. That is why I am so pleased that my colleague, the dean of the Ontario Legislature, having served now for almost 25 years in this august body, raised this issue in such an articulate and informed manner the other day with the Speaker. The Speaker, to his credit, took the necessary time and effort to carefully evaluate the question and the contention brought before him by the member for Pembroke, Nipissing and other parts of the riding. I want to commend him for that.

I believe that as a result the news media will be aware of this. I hope all of the taxpayers in this province, and particularly those who have been offended who are depositors in the Province of Ontario Savings Office, will remember this and call this government to account.

1550

Mr Kormos: First, I'm disturbed by the attempts of some of the participants in this debate this afternoon to try to diminish the seriousness of this. The fact that, clearly in violation of section 61 of the protection of privacy and freedom of information legislation, something which was an important event—that law in its own right was an important event in this province's history in terms of guaranteeing access to information but similarly protecting the privacy of information in the custody of the government.

I can't think of anything as repugnant as the trust that depositors place in a bank—and here we're not even talking about a corporate bank; we're talking about the province of Ontario savings bank and the incredible level of trust that people place in that bank when they entrust it with their money, with personal data regarding their incomes, their assets, the balances of those accounts, the nature of money coming in and out of those accounts and, as has been mentioned, their social insurance numbers, other references perhaps, locations of other bank accounts, locations of investments, locations of other financial obligations. This is as egregious a violation of individual privacy as could ever been committed. I am beyond merely confounded; I am very disturbed by the proposition, "Oh, it was 1997." One of the reasons for the delay in the report of April 26, 2000, to this Legislature—

Mr David Caplan (Don Valley East): Obstruction.

Mr Kormos: —was the compounding of the violation of section 61 of the Freedom of Information and Protection of Privacy Act, the compounding of that violation to the outright—

Hon Rob Sampson (Minister of Correctional Services): Come on outside. Say that outside. I'll call the media.

Mr Kormos: This is like the schoolyard. Somebody is getting called outside here, Speaker. Let's go. My goodness.

The Acting Speaker (Mr Tony Martin): I find that behaviour unparliamentary and would ask any member in this House not to behave in that manner from here on in or they will be asked to leave. He has already left, so I don't have to do that. Would the member continue, please.

Mr Kormos: My apologies for that interruption, Speaker. In any event, I don't know whether he was calling me outside or not. If I thought he was calling me outside, I would have gone out and joined him. I'm getting old, but heck, I can still pull it off when I have to.

Let's not demean the seriousness of what's happening here. The suggestion that this took place in 1997 and somehow therefore isn't or shouldn't be subject to an investigation now is spurious, because the reason it took so long for this report of the Information and Privacy Commissioner, Dr Cavoukian, to reach this Legislature is because of the obstruction and the stonewalling by this government and by its most senior elected officials.

Very specifically, let's understand who the people are who are calling the shots here: a Minister of Finance, who is the same Minister of Finance today as was the Minister of Finance in 1997, and the minister for privatization, who I understand was then Mr Sampson. This was a joint effort.

And let me go one further. What makes this even more repugnant is that the exercise was all about the prospect of privatizing yet another public institution in Ontario, the Province of Ontario Savings Office.

Interjections.

Mr Kormos: Speaker, please. Can some of these members conceal their emotions a little better? I understand that this is uncomfortable for some of the members of this Legislature, but to engage in the schoolboy tactic of calling somebody outside is really carrying it a little too far, isn't it, Speaker? Besides, between Mr Caplan and Mr Sampson, he's got some weight on you and some length—some reach.

The Acting Speaker: The member will know that you are not to refer to members by their names. Refer to them by their ridings if you're going to do that, please.

Mr Kormos: Weight and reach—my money's on Caplan.

What makes this even more repugnant is the fact that this wasn't an exercise to let's say improve the nature of services that the Province of Ontario Savings Office was providing to its clientele. It wasn't about making the Province of Ontario Savings Office a more effective source of banking services for its patrons. The purpose of this exercise was to dismantle and accumulate data and some justification for the privatization of a historic and important public institution here in Ontario.

For any member to treat lightly what amounts to a specific violation of section 61 of the freedom of information act is unbecoming to any of the people in this chamber, people of elected stature and people with responsibilities not only to their own constituents but indeed to the whole province.

In January of this year—January 8 specifically—Marilyn Churley and the New Democrats very specifically called out for a public inquiry and an appropriate investigation into this whole matter with a view to determining whether or not there had been a violation of section 61, which is the offence—we're talking here about an offence. We're talking about breaking the law and the prospect of the law being broken by, among others, two of the most senior members of this government—people in cabinet, people with accountability not just to their own constituents by virtue of being members of the provincial Legislature for their riding, but people who have an elevated level of responsibility, not only to their own constituents or to their own political party or the political party's interests, but to the broader public interest. These are among the people we call upon to uphold the law. Clearly the report of Dr Cavoukian cries out for an investigation—a criminal investigation—into the conduct of not only those most senior elected members, two members of Mr Harris's cabinet, but also the most senior of appointees in well-paid managerial positions.

1600

The impression I got from Dr Cavoukian's report was that these data wern't even called for by the pollsters or the broader accounting type of firm, Wood Gundy, being called upon to prepare it. Everybody's saying no, but somebody was saying, "Please, you must." My suspicion—it's only a suspicion, please, without a proper investigation—my strong suspicion at this point is that even the people from Wood Gundy and Angus Reid were fearful of being given this information because even they knew at the time it was forced upon them that it was the result of somebody breaking the law. That's clearly an inference that has to be drawn about their reluctance to take this information in the first instance—the most sensitive and private information that people could ever accumulate in their lifetime; information entrusted not just to a banking institution but a publicly owned institution that people identify very much with their own government, with their own province, the last banking institution they would expect to see violating their privacy.

I have some of the same concerns other members do about the mere reference of this matter to the Legislative Assembly committee. I've had enough experience here with government-dominated committees—and I'll not be partisan about that. I'll leave it at this: I've had enough experience with government-dominated committees to understand that they can more often than not be less effective rather than more effective at getting to the real issues; that the government members can use their majority in a very partisan way on these committees to obfuscate, to do more stonewalling, to redirect matters away from—well, yes, from where the smoking gun lies.

I, of course, will support the motion and I would expect that every member of this Legislature has to put aside their partisan ties, their partisan nature and understand that we're being called upon here to do something that goes beyond the partisanship of fighting an election campaign. This is a very important step. One of the speakers, the member from London-Fanshawe, talked about how rare it is for this to happen, didn't you? I agree with him. It's an exceptional thing to witness a contempt of Parliament, and that is what has been found to have occurred—a contempt of Parliament. What we are witnessing here—

Hon Mr Stockwell: On a point of order, Speaker: This point must be clarified. It was not a contempt that was found; it was a prima facie case of contempt, which is very different, and the member opposite, being a lawyer, would know this.

The Acting Speaker: OK.

Mr Kormos: Precisely the point: I do know what prima facie means. What we have here is a finding of contempt. Were there not a finding of contempt, the Speaker would not have been moved to invite Mr Conway to present his motion. It's because—

Hon Mr Stockwell: On a point of order, Speaker—

The Acting Speaker: Order.

Interjection.

The Acting Speaker: No member in this House can correct another member's record, but in fact the Speaker did find prima facie contempt as opposed to contempt, just to put that on the record.

Mr Kormos: Quite right, which is why we have this motion before the House inviting the government to defend itself, inviting the government to present sufficient evidence to overturn, or cast doubt, at the very least, on the finding made by the Speaker today. That's what the process is all about. We wouldn't be here had there not been that finding made by the Speaker. We wouldn't be debating Mr Conway's motion.

Look which just happened, Speaker. That's the very sort of pettifoggery in efforts to distract from what's going on that can be utilized by a government majority in committee. It's the sort of stuff that, again, I have witnessed over the course of a number of years now far too often. I have no control over that, but I can plead with the members of this assembly to support this motion, because the government being put into this position as a result of the finding of the Speaker, if there is not an opportunity for the government to offer up its defence, if you will, then I put to you that the finding of contempt stands, Speaker. Do you understand what I'm saying? Because that's what "prima facie contempt" means, that in the absence—

Interjection.

Mr Kormos: That's what it means, I'm sorry to tell you this. In the absence of anything to the contrary, you're stuck with it.

The government has talked about its legal reports, and I'm sure that the taxpayers of Ontario have spent a pretty sum over the course of the last several weeks, at the very least, preparing what are legal briefs designed not to be conclusive about whether there was a violation here of section 61 of the freedom of information act, not to be conclusive about whether there was an obstruction of justice in the course of the investigation by the privacy commissioner, but simply indicating the sort of legal arguments that might be made depending upon the type of evidence that's available—purely speculative at their best, and with no disrespect to the well-paid authors of those legal opinions.

We've got more than one issue here. The purpose of the Legislative Assembly committee is to give the government an opportunity to explain why the contempt finding of the Speaker should not stand. Do you understand what I'm saying, sir? But this issue goes far beyond the mere contempt that has been shown for this Parliament and the rules of procedure and the rules of this House and for the people of Ontario. This goes well beyond that, because this goes to the need for a specific investigation into a violation of section 61, a specific investigation into the conduct referred to by Dr Cavoukian, which suggests obstruction of her investigation by any number of players, and it also goes to the ministerial accountability, the need for ministers to accept responsibility for what took place during—as has been said by so many—their watch, while they were on guard, while they were responsible for performing their duties to ensure that this breach doesn't occur. Yet in terms of cabinet or ministerial responsibility, the very suggestion isn't so much that not only were they not there to ensure that the breach didn't occur; the suggestion very much is that they were very actively participating in the breach.

1610

The people of Ontario have been confronted today with findings that suggest they have at the helm a government that feels it is above the law, a government that finds itself quite prepared to break the law and a government that, when it has broken the law, is quite prepared to stonewall—

Hon Mr Stockwell: On a point of order, Mr Speaker: The speaker cannot accuse the government of breaking the law. That's out of order.

Mr Kormos: I very much accuse this government of breaking the law.

The Acting Speaker: I'm trying to give the speaker as much leeway as possible. This is a very difficult issue and speaking to it is a challenge, I'm sure. I would prefer, though, that you not accuse the government of breaking the law and that you withdraw that particular point.

Mr Kormos: Withdrawn.

There's clearly evidence that substantiates an allegation that section 61 of the freedom of information act has been violated. There is clearly the suggestion inherent in Dr Cavoukian's report, based on her experience and her efforts to investigate the serious assault on the privacy rights of Ontarians by this government, that there was obstruction of her investigation. I submit to you, because I'm prepared to stand with those allegations—

Mr Mazzilli: On a point of order, Mr Speaker: Clearly there's an opinion from the privacy commissioner, no evidence. So I would ask—

Mr Kormos: I stand here on behalf of the residents of the communities I represent and I stand here with other members of this Legislative Assembly who find this sort of conduct by this government repugnant. It cries out for thorough investigation. It cries out for a public inquiry. It cries out for committee investigation. I tell you, every member of this House is obligated morally and as a member of Parliament to support this motion.

Hon Mr Stockwell: I want to deal in my 20 minutes with a series of issues that have been brought before this House. I firstly want to say to the members of this House, and speaking on behalf of the government, a couple of things. First, we are not taking exception to the ruling the Speaker made today. But let us very clearly understand the difference between prima facie case of contempt and contempt itself.

The Speaker decided, on the submission made by my friend from Renfrew—and a very good submission, I might add, well documented and thought out. The submission was put to the Speaker that, in the opinion of the member from Renfrew—not the officer of the House, but in the opinion of the member from Renfrew—there was a case of contempt of the Legislature. Let's be clear, my friends. It doesn't mean that he has made the case for contempt; it just means that he suggests there could be contempt. Now, the Speaker's—

Mr Kormos: On a point of order, Mr Speaker: You see, the Minister of Labour misrepresents prima facie. "Prima facie" means that if there's no evidence adduced to the contrary, the contempt stands.

The Acting Speaker: That's not a point of order, member for Niagara Centre. Minister of Labour.

Hon Mr Stockwell: When he's saying "misrepresents," it's out of order. Now listen. The fact is that he's suggesting that there may need to be some review. Now that's the prima facie case. There was no contempt found. It's not in the Speaker's power to find contempt. That's how the Legislature is structured. For a thousand years that's how the Legislature has been structured—a thousand years. No Speaker finds contempt. It's a prima facie case the Speaker looks at. The submission made by the member for Renfrew was a good submission. It was well documented and thought out. But let's now deal with the case of contempt, because that's now what we're supposed to be speaking to. We're talking about the ruling. We accept the prima facie nature. Now we have to deal with the facts as they are. The facts as they are, are before this House, and the facts are steeped with all three parties in the driver's seat when this act was in fact adopted.

The privacy commissioner act was instituted in 1986 when the coalition of the NDP and Liberals were governing the good province of Ontario. My friend, the member for Renfrew, held many important ministerial positions during that time. Now, in that act there was contemplation to give the officer of this House the powers to subpoena witnesses and cross-examine them. At the time, the duly elected Legislature, dominated by my friends the Liberals and NDP, decided that wasn't acceptable. They decided that this officer of the Legislature should not have those powers, that that was too far; it was too much; it wasn't acceptable to them. They asked to draft the legislation excluding the powers to call witnesses, cross-examine and subpoena. It was accepted. On balance, it was reviewed in 1991 by my good friends opposite, and the member who just spoke was part of that government sometimes. When they reviewed it in 1991, they agreed that those powers shouldn't be put into this act for the privacy commissioner, an officer of the House.

It doesn't stop there. In 1994, it was reviewed once again, under the opposition today, the NDP, and the member, who was a part-time member at the time as well, and he had the opportunity to review it at that time, and the request was again discussed. Once again those powers were not given to the privacy commissioner. The privacy commissioner could no more call a witness, cross-examine or subpoena anyone in the 13 or 14 years they've been in this place.

So the question, then, drives to contempt, because that's what we're debating today. I listened very clearly to the member for Renfrew and gave him every opportunity to speak, and his motion is calling for a committee to review this issue of contempt, this prima facie case of contempt. That has been decided. The Speaker decided that. It says in his motion, "Considering in light of your ruling that there is a prima facie case of contempt." Now that is over. The prima facie debate is over; it has been found. We now debate the motion before this House, and as part of that motion there needs to be an opportunity to discuss the contempt.

If there were truly contempt, there would be redress. The act would have redress for contempt. The act is silent on redress. The act does not compel witnesses. The government is in the situation of advising those people who have been asked to meet with the privacy commissioner that they can meet with them, but we must provide them with all the legal information and tell them that they are not compelled to meet with them. That's the situation the government finds itself in. So we inform those people who would like to be interviewed by the privacy commissioner: "The privacy commissioner would like to talk to you. There's no legal, compelling reason that you have to go, but we're going to go." That's the situation the government finds itself in, caught between the position of an act adopted by the party of the members opposite and the real issue of the prima facie case of contempt. What did the government do? The government said to all those important people who were set in line, Messrs Eves, Sampson, Salerno and others: "Let the privacy commissioner know you're willing, able and prepared to be interviewed. You would welcome this."

Mr Conway: Not true.

Hon Mr Stockwell: I say the member is out of order. I've got letters from some of those people saying that to the privacy commissioner, saying just that.

Mr Conway: Not true.

The Acting Speaker: The member from Renfrew-Nipissing-Pembroke is out of order. Please withdraw that comment.

Mr Conway: On your command, I do so, Mr Speaker, but we know what we know.

Hon Mr Stockwell: I think you know what you know, and others know what they know, and sometimes it's not the same.

Now I read the report. In the report itself we discuss remedies. In the report itself the privacy commissioner, good person that she is—I was Speaker of the House when she was an officer of this place. I hold no umbrage with her. I think she's a good and hard-working person. But in the report itself, in appendix E, six or seven pages long, she talks about recommendations to fix this. The recommendations include dealing with the act itself and

giving her these kinds of pronouncements and powers. We as the government, reading this report, say, "If these are the kinds of powers that you need to do your job better, not given to you, I might add, by the Liberals and not given to you by the NDP, then these are important powers that we would like to send out to committee."

The argument seems to be that we should not simply send this out to committee but that we should unilaterally act, invoke these powers, with no opportunity for the other side to have any questions and comments with respect to the need. We don't think that's very good. We think if we need to fix the act and address the problems as contained in the report by the privacy commissioner—and I'll point everyone to appendix E, where she spends six or seven pages talking about corrections to the act that she feels she needs—then we should send this to a committee of this House and they should review the act, review the recommendations and make certain changes and vote to determine whether or not this is something we want to go forward with in the future.

Mr Conway: And POSO be damned.

1620

Hon Mr Stockwell: I'm quite certain at that committee the recommendations regarding the report will be discussed and will be vetted.

Mr Conway: There's an apologist.

Hon Mr Stockwell: The member opposite for Renfrew suggests there's an apologist here. I can only suggest to the member for Renfrew that when this act was being drafted, with your foresight and intelligence, I don't know why you wouldn't have included these comments and these allowabilities within the act so that they could call witnesses, they could call people and they could have the power to cross-examine. But it wasn't there. So we're living under the same act that the previous administrations lived under.

Mr Conway: I didn't think Finance could break the law this way.

The Acting Speaker: That's out of order, and I would ask you to withdraw that comment.

Mr Conway: What's out of order? I respectfully submit that I have a report in my hand from an officer of this assembly, Ms Cavoukian, who said that the Ministry of Finance broke the law.

The Acting Speaker: I have ruled it out of order. I have asked you to withdraw it.

Mr Conway: Then I have to abide by your ruling.

The Acting Speaker: Withdraw.

Mr Conway: I withdraw, surreal as the—

The Acting Speaker: Just withdraw, please.

Mr Conway: I withdraw.

The Acting Speaker: Minister of Labour.

Hon Mr Stockwell: The fact remains that every person deserves their day in court. I understand that the privacy commissioner feels and is upset and is frustrated, but that doesn't constitute contempt or breaking of the law. If there was breaking of the law, as I said earlier, there would be redress. There is no redress. So if there's no redress, how is it they broke the law? The fact is simply this—

Ms Churley: You're smarter than that.

Hon Mr Stockwell: I say to the member for Riverdale, if in fact what I've said is incorrect, go to the act, as the member for Kingston has done, and point out to me the clause in the act that would suggest that. We co-operated. There was a frustration with the officer of this assembly with the amount of co-operation she felt she received. There's no debating that. We've all read the report. We understand that she felt there was some frustration. I accept that frustration, but in our opinion we lived up to the letter of the law.

I ask any of the members in this House if they did not feel they lived up to the letter of the law. That's why you have three or four legal opinions before you today telling you there's no contempt. There's no contempt because, according to the act that is in place today, the government of the day did what it was obligated legally to do. The question then becomes, how do we compel the bureaucrats who work within these ministries to go and be witnesses and testify when there's nothing that compels them by law?

Ms Churley: Chris, what has happened to you?

Hon Mr Stockwell: I say to the member for Riverdale, nothing. I say to the member for Riverdale, all I'm dealing with are the facts as presented. I understand the opposition's role in this and I understand hyperbole and I understand the charges, and I understand, somewhat, the frustration, but if you want to take this to the nth degree, then I ask you to go out and talk to your friends in the legal community and ask if there was contempt. The fact is, there wasn't. Was there frustration? Yes. Were there some difficulties? Could be. But that doesn't mean there's contempt. Contempt is a very important charge to level against people. When an officer of this House brings forward a report like this, I understand the prima facie case, but then we must move beyond that and ask ourselves, was there contempt?

I know that the member for Kingston and the Islands is a lawyer, and I know that when he goes to review this he's going to have to decide in his mind, according to the information provided and the act as it reads, was there contempt? In my humble opinion, and in the opinion of others I have spoken to in the legal communities, and also very, very learned people in the legal communities, at Fasken Martineau, and Hicks Morley—and the other one, I can't put my hands on now—they're suggesting to us that there was no contempt.

The question then is, how do we remedy this? Well, the remedy that the government's chosen, in my opinion, is a good one. We put a motion on the order paper a couple of days ago that would have referred out the act to a committee so it may be vetted and discussed, so that the act could be fixed and accepted and administered and changed to the satisfaction of the commissioner, the Liberals, the NDP and the government. That is what the recommendation, in my opinion, from the government is.

Further, with respect to reforming the act and what's contained in it, I know of no other act regarding an

officer of this House that hasn't been changed and reformed in the same fashion that we're offering today. If there's unanimous consent to change it that's one thing, but there's clearly no unanimous consent on the changes here. I know of no time in the past where an officer of this House had their act amended and changed where it wasn't sent to committee and discussed by a committee of this House represented by all parties. I know of no time when we've done that. This is completely consistent with the way we've worked in the past.

In closing, I just want to say once again, what we have here today is a prima facie case of contempt. In Mr Conway's motion he said, "I move that, in light of your ruling that there's a prima facie case of contempt, the special report to this Legislature ...." But the Speaker has said there's a prima facie case of contempt.

Now today the motion is arguing about how we send this out. The argument on this side of the House is, although there may be a prima facie case of contempt, it doesn't necessarily equate to contempt. It's a very, very select point but it's very important that we understand that. There was no contempt found in the ruling today. There was no contempt. There was a prima facie case of contempt. In the Speaker's opinion there's evidence.

We've consulted broadly, we've examined the act, we've sought legal opinions, and no one that we have spoken to in the legal community who reviewed this for us has found a case of contempt. I say to you, the members opposite, the reasoning is is how the act was drafted in 1986. It was drafted exactly the way it was meant to be.

In conclusion, when you draft an act that doesn't give the officer of this House power to subpoena and cross-examine witnesses called, doesn't compel those people who work within the bureaucracy—not just ministers of the crown but actual bureaucrats—to testify and they don't testify, how can there be contempt? How? If they're exercising the rights they are given under an act passed by this House that are legal and accepted, how can they be in contempt? They can't. That's how the law reads. If you don't like the law, change the law. But you can't demand something of someone that gives them protection in an act adopted by a duly elected Legislature in the province of Ontario.

Further, offers were made by the most senior people in this government to meet with the privacy commissioner, some in writing. Those were never accepted. We may compel ministers of the crown, of the executive, to meet, we may ask the senior bureaucracy to meet, but we cannot compel individuals employed within the ministry to subject themselves to a cross-examination through a witness subpoena program when the law states they don't have to. You're asking us to say that we're in contempt by forcing an employee to go to a meeting they legally don't have a responsibility to go to.

Ms Churley: That's the same argument.

1630

Hon Mr Stockwell: That is as sound an argument as you're going to find. That is as sound an argument as you can get. We cannot force people to be interviewed under this act, because the act doesn't provide the power. The point is simply this. It's simple. It's a very structural point. It's integral to the argument, very integral. It is the argument, the member for Renfrew. It's a simple true but accepted argument. I demand anyone to suggest how it is you can go about getting around that.

In conclusion, the government is offering to review the act to provide more power to the privacy commissioner to ensure that in future she be allowed to compel people to be interviewed. That's our step. It's an initiative that we are we requesting that was refused under the Liberals and refused under two NDP administrations.

My position is it's a sound approach, it's an accepted approach. It deals with the prima facie case of contempt, it deals with the application that there is contempt, it deals with the recommendations under the act and we agree that those recommendations will come forward within the report. I ask that this be adopted by the House. It's a fair and reasonable approach to what I consider a very difficult situation.

Mr Gerretsen: Let me first of all say, if you want to do anything to improve this act, we're 100% with you. But that's not the only issue here, sir. The issue here is that the financial information on 50,000 customers of this bank was given to two agencies that did the right thing and turned it back. That's the issue here.

What does Ann Cavoukian herself say about needed changes to the act? Let me just quote to you what she says:

"I would be concerned with any limitation contemplated to our access to information rights in the province of Ontario. I think we have a very healthy access to information legislation. We have enough powers. It's working. It's been working for some time. I think it works very well. It's very efficient. I see no need to review that side of the legislation at all."

Let's get things straight. We're dealing with two issues here: one, the fact that the law has been broken; and two, the fact that the Speaker found a prima facie case of contempt. Let's deal with the first issue first.

The law has been broken. Subsection 61(1) of the freedom of information act is quite clear. It says, "No person shall wilfully disclose personal information in contravention of this act." The law has been broken. Now it may very well be that the penalty clauses aren't sufficient or that the powers of the commissioner herself aren't broad enough to get a better grasp of the information that's out there and that could all be improved, But the law has been broken.

I will just refer to the report itself and use Ann Cavoukian's own words. What does she say about all of this? First of all, I think the member from Renfrew ought to be congratulated for raising this point a week ago last Thursday. I guess it slipped by most of us by that point in time. When our privileges are breached here, and the officers of this assembly are part of this assembly, and their privileges are breached, it affects each and every one of us. A breach of privilege of a member of Parlia-

ment is extremely important. Every text on this talks about this as being one of the fundamental foundations of the parliamentary democracy that we have.

The other individual who ought to be congratulated is John Ibbitson. If he hadn't written his article back in January, we might still not have heard anything about this.

I put it to the former minister of privatization, who happens to be in the House right now, what does he think of the very first recommendation that Ann Cavoukian makes in her report to the government in which she says, "Upon learning of a possible incidence of non-compliance with the Freedom of Information and Protection of Privacy Act"—and certainly that minister knew, when he, as minister, authorized that information to be released back in 1997—"a government organization should notify the commissioner as quickly as possible."

This is another issue, but I'm just wondering to myself—and I'd like the people of Ontario to think about the fact—what would have happened if Ibbitson had not written that article back in January of this year. We would still have heard absolutely nothing of it, and the private information of 50,000 Ontarians would've been out there, as it was two years ago. What does that private information contain? Let me just turn to that.

In her report, on pages 8 and 9, on a CD-ROM, Wood Gundy and Angus Reid were provided with the following information of these 50,000 depositors: their name, their address, their social insurance number—is there anything more sacred than our own social insurance number?—their telephone number, their account number, their account balance, their account status, the POSO branch that it was located in and their language of preference. That is the information that was openly given by the ministry of privatization to Angus Reid and to Wood Gundy. Let me tell you, those two private firms did the right thing. The moment they got that information, they said: "Oh, wait a minute. This isn't right." They immediately got in contact with the ministry, and presumably some kind of action was taken at that point in time.

Why was that information made available to them in the first place? We certainly have the right to know from the people involved as to why that was done, contravening this act. That's only one part of it. We've heard an awful lot about the fact that this information was out there and this is a disgrace in itself, but let's deal with some of the issues after this came to light in January of this year.

How did the ministry respond to Ms Cavoukian? I will just read to you right from her appendix to her own report in which she talks about the "Obstacles We Encountered During this Investigation." She states:

"(1) During the period from January 13 through January 31"—remember, Ibbitson had written his article on January 8 and on January 9 the commissioner said, "Look, as a result of this article that you heard about this afternoon we've got to have an investigation." So she now contacts the ministry.

What does she say? "During the period from January 13 through January 31, the Minister of Finance engaged our office in a series of protracted discussions designed, in our view"—in the view of the privacy commissioner—"to restrict the scope of our investigation and the investigative tools available to us....

"(2) We were asked to conduct primarily a paper-based review of the events that had transpired and only to conduct interviews, if necessary, to clarify any ambiguities or uncertainties. We were also asked to provide interviewees with the written questions we intended to use in advance of the interviews to be conducted. We," meaning the privacy office, "did not agree to these terms.

"(3) On January 25, 2000 we received a letter from the Deputy Minister of Finance which began by questioning our authority to conduct this investigation." The Deputy Minister of Finance, after all this has been received, is questioning the privacy commissioner as to whether or not she has the right to investigate this. Can you imagine?

The letter states:

"I assume that at this stage, you will not be contacting any individuals other than myself as part of your investigation. If you do intend to do so, I expect that you would notify me in advance so that I can address any resulting issues."

In other words: "Just talk to me. Don't conduct a full investigation." This is a senior official of the government saying this, according to Ms Cavoukian.

She goes on:

"(4) We were not given any reason for the government's reticence in this particular case, unlike other cases." She's had other experiences with other departments and she hasn't run into this kind of reticence. "This was the source of some concern, given our past experience in similar matters where full co-operation had been immediately forthcoming. We did not agree to restrict our ability to investigate."

That's her finding from her own personal observations.

"(5) In early February, after discussions regarding our authority to investigate and renewed assurances of full co-operation, we asked the ministry to contact certain employees, current and former, who had knowledge of relevant events, to ask them to give us their full and complete co-operation during the investigation. While the ministry's letter to employees referred to its own co-operation, it added"—listen to this—"'You are free to make your own decision as to how to respond to the commission's request to question you during this investigation.'"

1640

Why didn't they do the right thing and say: "We've got a problem here. Everyone that's been involved in this should fully co-operate with the investigation." That would have been the right and proper thing to do because, remember, the personal information of 50,000 Ontarians was handed around without any justification or authority.

She goes on to say:

"We had urged the ministry instead to use language that was designed to encourage employees to co-operate

with us. We were told by one individual's lawyer that his client had initially been willing to talk to us but was reluctant to do so after having received the ministry's letter."

What else does she say?

"(7) It is interesting to note that all the private sector organizations"—Wood Gundy and Angus Reid—"involved in this matter co-operated with us fully and immediately."

The private sector co-operates fully; government departments that had had this secret there for the last two years tried to stonewall it whichever way they could.

"(8) Some documents sent to us were partially blacked out or 'severed,' even though the ministry is well aware of the fact that we routinely review highly sensitive unsevered documents and are bound by a statutory duty of confidence. Not only was this highly out of the ordinary, but in our view, disrespectful of the mandate of this office."

That is what the original complaint by the member was about as far as the breach of privilege was concerned, and that's what the ruling is about. It is about the fact that even after the fact, after it had come to light, she is of the opinion that this ministry did not co-operate. They had already contravened the act. It's as clear as it can be. Nobody is going to suggest here that this information didn't go to Angus Reid or to Wood Gundy. We all know that 50,000 names and personal information went from the ministry of privatization, or initially from the POSO office to the ministry of privatization, and then on to the private firms.

If a new act can be brought in that strengthens and doesn't take anything away from the Information and Privacy Commissioner, we will fully support it. But we fear this government because we know that in each and every case over the last four years, they have done just about everything in their power to limit the operations of the four officers of this assembly. These are the independent watchdogs of government, whether we're talking about the Provincial Auditor, the Environmental Commissioner, the Ombudsman or the Information and Privacy Commissioner. These are the people who hold the government accountable for its actions. They are independent. I see the member mouthing that it's not true. They are independent.

As I said in my statement earlier today, this government has tried in a number of different ways to take away the power of these individuals. The Ombudsman's term has gone from 10 years to five years. Why? Only one reason, and that is that whoever happens to be the government of the day can control that position to a much greater extent, because you have less control over a person once they're appointed for 10 years.

Look at the budgets and see what has happened to these four officers and their departments over the last four to five years. They have been reduced, in some cases, by 30% to 40%. Look at what happened to the Environmental Commissioner. She gave the most damning and scathing report on the environmental record of this government just before the last election. It always surprised me that people weren't more interested in it at that time, because it was a really negative report about what this government had been doing with respect to the environment. What did they do? They didn't reappoint her.

What we're fearful of is that if we're just talking about the review of this act, this government, with its majority mandate on committee and in this House, will do whatever it can, not to add additional powers such as the Minister of Labour was talking about earlier, making it sound like we will give these people powers of subpoena and all the other things he talked about—and yes, Ms Cavoukian talks about that herself. She would like to have the act amended so that it will include those powers; there's no question about it. What we fear is that the powers, in effect, will be lessened.

This referral to this committee is just a diversionary tactic. Our primary concern should be—and we should investigate—how it is possible that the private and personal information of 50,000 Ontarians could be treated so lightly by this government, and how once they found out these mistakes had been made, they basically hid the information until Mr Ibbitson uncovered it. Wouldn't it have been the proper and right thing, the moment they found out they were in contravention of the act, that they contact the privacy and freedom of information officer and said: "We've contravened the act. Come in and do your own independent investigation"? Instead, what we have is stonewalling. I've already given you eight examples that are contained directly, word for word, in her report, as to how she feels that she, as an officer of this assembly, was treated improperly and in contempt by this government. That's what this motion is all about.

There are some other recommendations here as well. For example, she recommends that freedom of information and privacy training sessions be held with staff of the various ministries, particularly those ministries that are involved in the privatization effort. There are a number of other well-thought-out, reasonable amendments and reasonable suggestions.

But in all the discussion about this issue, let us never lose sight of the fact that the personal information of 50,000 account holders with the Province of Ontario Savings Office was violated. These offices are located across the province. They have branches from Aylmer to Brantford to Guelph to Toronto, St Catharines, St Mary's, Ottawa, Owen Sound, London, Pembroke—they're all over the province. Yes, we have a major concern, and there's a concern by the population out there in general, that people don't want their personal information to be dealt with lightly. Yet here it was dealt with extremely lightly.

The law had been breached. Section 61 was clearly breached in 1997. There was then a cover-up rather than doing the right thing and saying: "Yes, we breached the law. Call in the privacy and information officer and see what can be done." Even after that was found out earlier

this year, what happened? There was more stonewalling by the department. That's what this is all about. I heard some rumblings here today that the government intends to vote against this motion. I surely hope that is not the case.

The Speaker has made out a prima facie case, and the argument from the Minister of Labour basically is that since there aren't any penalties in the act directly to deal with a prima facie case of contempt, or where contempt is proven, therefore there hasn't been any contempt. That is absolute nonsense. That is clear-cut nonsense. Yes, the act may be deficient in that its penalty provisions should be a lot stronger than they are, but so what? Let's improve the act. But to take it to mean, because there aren't any penalty provisions with respect to contempt, that there has been no contempt is nonsense and an absurdity. I respect the Minister of Labour, but he knows it's nonsense and I think that anybody who even thinks about this knows it's nonsense.

1650

The question is: Why did the government, through its POSO office, give this information to the minister of privatization? Why did the ministry of privatization take the actions it did by giving it to these two organizations, Angus Reid and Wood Gundy, back in 1997? Why didn't it do the right thing and talk to the privacy commissioner then and say, "We made a mistake"? We all make mistakes. I've made mistakes; I'm sure you've made mistakes. If they had been open and forthright about it and admitted the mistake and seen what could have been done to correct the situation, we could have accepted that. But instead they hid it until an investigative reporter did an excellent article on it, and that started the ball rolling. Then, even after the ball got rolling, as I've already indicated, on at least eight different occasions and in eight different ways they still tried to frustrate the investigation the privacy commissioner was doing. That's what this case is all about.

I would say to the people of Ontario that this tells us an awful lot about the Mike Harris government. It tells me an awful lot about the government, and it tells the people an awful lot about the government. What the people out there expect from government is openness and fairness, and neither the privacy commissioner nor the 50,000 individuals involved in this case have been dealt with fairly.

Mr O'Toole: It's my pleasure to respond to this very important item for discussion today, the resolution of the member for Renfrew-Nipissing-Pembroke.

I was actually in the House on May 10, the day he read, with some eloquence, his concerns. In fact, on that day I went over and spoke with him afterwards and said that to a large extent I agreed with many of the points he was making, in a general sense. At that point in time I wouldn't say I really understood a lot of the underlying issues and statutes governing the behaviour of the groups and organizations and individuals. But I did take some time to look over the privacy commissioner's report, in anticipation of the Speaker's ruling today, and of course we all know the ruling. I could, for the sake of the members here—this has all been repeated, and I understand we're just going to run down the clock. But unfortunately, subtle points can be made during those debates if you pay attention.

This is the Speaker's ruling: "The member for Renfrew-Nipissing-Pembroke requested that I review the matters raised for a determination that they 'constitute a prima facie case of contempt.'" I guess that's really the function of the whole report: to determine if there was contempt, deliberate or otherwise.

I thought the ruling was quite fair. In fact, the last paragraph is very important for the record. These are the Speaker's words: "At the end of the day, it may very well be that in this instance, the commissioner's inability to 'conduct a full and complete investigation' emanates, as is argued by the government House leader, from a lack of statutory power." I really think that's the whole issue. It may seem to some to trivialize the importance of the individual's information floating around out there for some 50,000 POSO customers, but the statute, as it was interpreted, did not prevent that from happening.

Finance Minister Ernie Eves tabled a motion that hasn't yet been brought forward. I think just after your business on May 16, notice of motion 49 was tabled by the finance minister in response to that and out of respect for the situation, saying, "Gee, let's correct this situation." Of course when you look to history on this thing you might say that it's sort of like shutting the barn door after the horses are gone. That may be the issue. I don't know.

But I really feel that the trail of events, as I've been able to understand them, going back to the small bit of research which would include the article by John Ibbitson back in January—it would appear that somebody—

Mr Conway: You've been having a chat with Rob Sampson.

Mr O'Toole: No. In fact, I've been listening to the debate and also paying attention to how we got to this point. Was it any great, deliberate insight by the member from Renfrew, who actually brought this thing to a head? As it turns out, it was some citizen, a constituent who actually heard about this. John Ibbitson got a hold of it and ran the story, and that story ended up being a question ultimately raised by the member from Renfrew. It would appear, though, that from the newspaper story, there was a conversation by the Liberals to the privacy commissioner, because it was only then they started to constitute a report, which, by the way, is two and a half years later.

Interjection.

Mr O'Toole: It doesn't forgive anyone for due diligence. I question the distancing sometimes of elected people from the process itself. It's my understanding, though, that there were appropriate questions asked at appropriate times, and the statutes of the day allowed to happen what happened. Ultimately that's the question we should deal with. I mean things that happened, happened. I can tell you that I, for one, would not agree with the

plethora of information that's out there today. Of course the federal government's dealing to some extent with the same issue.

But we're in an era, an age, where the computer and Y2K and all these viruses and security issues are central, and it's almost the conspiracy theory, if you will, when it comes to computers, databases, flat files, long files, access files or some hacker getting a hold of what's available. There's a ton of information, and there has been for many years, and its ultimate use is the question and the responsibility of the government.

Interjection.

The Deputy Speaker (Mr Bert Johnson): I wanted to address the member for Toronto Centre-Rosedale. I have absolutely no thought of warning you again that there is no heckling. The Chair recognizes the member for Durham.

Mr O'Toole: Thank you, Mr Speaker, for allowing me to have complete silence while I speak, because there's really virtually no one here.

These are the words of the Speaker: "That may very well be the crux of the question as to whether or not a contempt occurred. But again, I am only charged with determining whether a prima facie case has been made out." He then motioned to the member for Renfrew-Nipissing-Pembroke to table the motion, which he did and which we are actually debating. I like to have a sequential little record of what was said for Hansard.

"Mr Speaker, I move that, in light of your ruling"—the ruling he just made here—"that a prima facie case of contempt has been made, the special report to this Legislative Assembly made on 26 April 2000, by the Information and Privacy Commissioner, Dr Ann Cavoukian, concerning disclosures of personal information made by the Province of Ontario Savings Office in the Ministry of Finance and the obstruction the commissioner encountered in the course of her investigation"—this is the point—"be referred to the standing committee on the Legislative Assembly for its immediate consideration."

We're discussing whether or not this should be referred to a standing committee. I think that's a nice departure point. I know the Minister of Labour spoke earlier on some points of law and order. I want to reinforce that Minister Eves moved notice of motion number 49 on the 16th, a few legislative days after Mr Conway's introduction of his concern, a resolution stating, "That the standing committee on the Legislative Assembly undertake to review the Freedom of Information and Protection of Privacy Act and report its recommendations back to the House." So it appears to me, looking at the motion by the member from Renfrew and the notice of motion that's already been filed, that we are well on our way to improving the legislative framework for protecting information on all constituents. I would endorse that and I agree with that. I think we have some difficulty about how we get to there from here, the politics that enters this House and who takes responsibility for the outcomes and who takes the pride of having made their point, I guess. I commend the member from Renfrew for making the point. We're hear and talking about it, and the right thing is the minister has responded to the seven recommendations in the report, four of which are complete. It appears from everything I've seen that he's well prepared to work with you and this Legislature to improve an act which, I might say, has been in need of reform for some years.

Minister Eves and the Ministry of Finance accept the Information and Privacy Commissioner's recommendations and will comply with them and do so in an expeditious timeframe. You have to recall that this event is from 1997, and it was reported in the Globe and Mail some two and half years later. This doesn't excuse it, but it tells me there's a gap in there, which means there aren't the checks and balances. Aside from this issue, we need to have an improvement in the statute, specifically when you talk about access to information and third-party data management. Look at Ottawa. They were very concerned, whether it was Jane Stewart or Manley, when that hacker was at large for the integrity of their files. So I think it's appropriate that we do secure the information and define what's allowable and what are the investigative powers. The government has also accepted the commissioner's call for a review of the legislation, including the scope of the powers of the commissioner. The act has not been reviewed for almost a decade. That point has been made a couple of time.

1700

Let's review the history for a couple of minutes. As has been said, it was brought in 1988 by the Liberal government, well intended, but it did not grant those powers that the commissioner is now looking for. The issue also came up with the NDP and they also ignored or refused to make improvements to the legislation.

It draws my attention to the old Latin phrase, "inspector inspectorum," which means, who's looking after the checker, who checks the checker? When you have the power to look at stuff and have access to stuff, you want to have people of the highest order in those positions, as a commissioner or whatever. My point is being that the inspector inspectorum argument is this: When you empower statutorily the commissioner to do certain things and have access to certain things, then it's the case that that person has supreme unchecked power, and we've got to deliberate on that to some extent, I believe. Let's have this House held accountable. Here we have a commissioner and this two-and-a-half-year thing going on, and yet our government's held responsible, as it should be. But we should, in the legislation, make sure any changes allow this legislation to have some oversight, and that is my concern here. The privacy commissioner in the majority of other provinces does not have this statutory power. So this is not something where Ontario is lagging behind. In fact, I commend our Minister of Finance for generally being ahead of most other jurisdictions.

Notwithstanding our acceptance of the commissioner's findings and our commitment to follow through

on her recommendation, it is important to note that the ministry officials at the time acted with the best intent to comply with safeguards and on the basis of verbal and written legal advice that the actions of the government were in compliance with the legislation at the time. The freedom of information coordinator, who is the individual considered the resident expert in the ministry, gave advice that the privacy secretariat's actions complied with the FIPPA—Freedom of Information and Protection of Privacy Act. That is clear in the privacy commissioner's report. For the people of Ontario, I think this is the most important protection.

The essential facts that are of utmost importance to account holders—these are the people whose accounts and social security information were at some risk of being exposed—are as follows—by the way, none of it was. The information on the account holders was never in the hands of anyone other than staff or those acting with integrity and confidentiality on behalf of the minister. The commissioner's report also indicated that steps have already been taken by the government to ensure greater levels of security when privacy information is handled by the government.

There has been a lesson learned, and we intend to go even further, as the minister has said, on the basis of helpful recommendations provided by the commissioner. So there has been a very positive response to the commissioner's report.

The government and Ministry of Finance officials fully co-operated with the commissioner during her review of this matter. There may be an unfortunate difference of opinion on this point—that's clear with the member on the other side barracking—but the Minister of Finance at the time acted with respect and due diligence to the role of the office of the privacy commissioner. I think you have to go back and review here, for instance, that the law does not grant the powers that she was seeking. This is central to the argument. Initially, the commissioner had chosen to speculate in the media—this was perhaps after the Ibbitson article—that the sharing of this information had breached privacy, without having complete or even any informed views. I guess this was a program on TVO; information that had come to my attention.

The commissioner then went so far as to commit, on television, to a two-week deadline without yet seeing the facts. That's quite troubling for me, to go on the issues of a newspaper report, it would appear, and some other concerns that would have been raised. Where were they? Where were they on the watch at the time? If that's the case, if this was going on, they should have been on watch at the time, as opposed to looking in the barn just after the horse had left.

We've talked about events that happened two and a half years ago, but we're surprised and somewhat disappointed by the statements that the Minister of Finance was less than fully co-operative. I know this not to be the case. The minister has complied with four of the seven, and by the time this chain of events got through the bureaucracy to the Minister of Finance, Ernie Eves—who by the way, I have the greatest respect for, and I think the people of Ontario do. If someone has to oppose that point of view, he has been here for years, almost as long as the member from Renfrew, so his integrity is not to be questioned as far as I'm concerned.

It has been a challenging task for ministry officials to help the privacy commissioner reconstruct the events of so long ago—two and a half years. Response in detail to every question asked by the office of the commissioner had been provided, and every document requested, including 39 documents, totalling 417 pages; responding to numerous telephone conversations from as far back as—I have a list here—January, ministry officials responded to requests from January 1 to January 7, where correspondence was completed, and then on the 10th, the 13th, the 19th. So there was very much a focus right around the time the article came out. There was a lot of action on this file, that's for sure.

Why the other individuals were not contacted by the commissioner is unknown to us, and it really does raise some concerns. The processes and procedures within the investigation itself lead one to suspect that—inspector inspectorum, the check-the-checker argument comes to mind. The minister did everything within his powers, and we should note for the record here that on February 1 the commissioner requested that the ministry contact those selected individuals whom they were interested in interviewing. They did so. From February 7 to 18, the ministry contacted individuals for interviews at the request of the commissioner. At that time, the ministry wrote to each individual selected by the commissioner informing them that, "The Ministry of Finance is co-operating with the Information and Privacy Commissioner on this investigation."

I think the Minister of Labour spoke earlier about, how do you force civil servants who are sworn by an oath of secrecy? It's almost like, if they are to disobey the statute, it would contradict the oath of their office. So I think it's important. Also, how do you order them when there is nothing in the law to force them to conform? I believe the minister and the elected members here would conform to the best of their knowledge and ability, but when someone asks you to divulge things that you've been told statutorily not to divulge, there might be some reasonable—and I think this should be investigated thoroughly, I suspect, but I think releasing people from their oath of secrecy is a significant question at the table here today.

It should be noted also that among those not contacted by the privacy commissioner were very high-level individuals, I might add. I have some assurance on that from both political and public servants who would willingly have spoken openly to the commissioner. I might say I was speaking with the Honourable Rob Sampson this afternoon. He's quite flabbergasted, quite disappointed that he wasn't contacted. I've heard that Mr Lindsay and Rita Burak, the secretary of cabinet, weren't contacted. Where was the commissioner? What was the

process here? We certainly have to look at the legislative framework, not only to resolve the issue here but the process itself. Who comes back to check the checker? I don't want some arbitrary—

Certainly these commissioners should be non-political—I completely espouse that position—and of the highest order and credentials, if we can find them, because that's the way the world is. I suspect at that point, we entrust these people with a great deal of oversight and power. All of us should be accountable, but even they should be accountable to the people. That's this unelected kind of oversight thing that I sometimes have trouble with. In fact, it's a bit of a judged issue right now.

Interjection.

Mr O'Toole: No, some part of it. I have no problem with it, but what if they go around making rules that have absolutely nothing to do with it? Are we supposed to sit back and just go, "It's OK"? I'm starting to sound like Rosario here. Maybe I've been speaking too much lately.

I think the current statutes really are clear that there's a compelling argument that we have to review the statutes.

I would say that, as yet, everyone in the ministry who has been asked to be interviewed has co-operated. Three individuals were interviewed, and the fourth, Mr Tony Salerno, CEO of the Ontario Finance Authority, wrote to the commissioner on March 1 stating, "In the spirit of full co-operation, I would be prepared to answer any ... questions or requests for clarification you may ... submit to me." That's his quote. Mr Salerno informs us that the privacy commissioner did not contact him further after his response. I'm left simply with, why not, in a thorough investigation of a matter of this importance? This is an important omission. It's a blank here. I have some difficulties.

1710

Again I must note that Minister Eves has accepted the privacy commissioner's seven recommendations in public, in the Legislature. He has pledged to follow through on her recommendations, and to do so expeditiously, I might add, by July 31, 2000. That's pronto. The minister and Minister Hodgson have also committed to have the privacy legislation reviewed by an all-party legislative committee, as suggested in the motion on the 16th.

I believe the debate here today is very important. I think it has contributed to the member from Renfrew's concern, as we all should be concerned, that the information is protected and that there are proper statutes to deal with these orders.

With that, I am sure there will be other points made and I will relinquish the floor at this point.

Mr Bruce Crozier (Essex): I want to rise today in support of the resolution that's been tabled by my colleague from Renfrew-Nipissing-Pembroke.

Earlier today when the Speaker gave his ruling on my colleague's question of privilege that he felt had been breached, when he gave that on May 10 and today when the ruling came down, it so happened, coincidentally, that there were about 120 young students from Mill Street public elementary school—and there are a couple of us in this Legislature who went to that school—in the gallery. They came to watch statements, and then they thought there would be question period after that, and of course the Speaker gave his ruling and the rest of the afternoon is somewhat history.

When those students left, I went back to the room that they were gathering in and I said to them that they may be too young to appreciate it today, but certainly their teachers and their chaperones would understand that today is a very special and significant day in this Legislature. It isn't often—and thank goodness it's not often—that we have to debate motions that involve a ruling of the Speaker in a case of prima facie contempt.

My colleague just before from Durham read the motion that was put forth from my colleague from Renfrew, but I would read as well just a couple of paragraphs from the Speaker's ruling.

He pointed out that the member from Pembroke had "argued that various officials inside the Ministry of Finance and elsewhere have perpetrated a contempt on this Legislature by frustrating an investigation undertaken by the Information and Privacy Commissioner. He refers to the commissioner's report, in which she outlines the difficulties experienced by her office in conducting her investigation."

She went on to say, and I quote: "In our view, the ministry," being the Ministry of Finance, "endeavoured to restrict the scope of the investigation and the investigative tools available to the Information and Privacy Commissioner. Attempts to interview current and former government officials ... were met with protracted negotiation and resulted in key individuals refusing to be interviewed."

The Speaker went on to say in his ruling that he finds "the very fact that an officer of this House, a person selected by this Parliament and sworn to faithfully discharge her duties to this House, has taken the extraordinary step of advising us that the authority of her office was disregarded and discounted to the extent that she was 'unable to conduct a full and complete investigation.'"

The Speaker, near his conclusion, said, "I am only charged with determining whether a prima facie case has been made out. Having found so...," that then led to the motion we're debating right now.

I'm trying to put myself in the position of those 50,000 investors in the Province of Ontario Savings Office and how they must feel when they know the confidential information held by the savings office was given, in essence, to the public, was put out in the public venue by being given to two private companies totally unrelated and unconnected to government—their names, their addresses, their telephone numbers, their social insurance numbers, the amount of money they have on deposit with the savings office.

The Province of Ontario Savings Office offers savings and chequing accounts, short-term deposits, GICs and Ontario and Canada savings bonds. All deposits are guaranteed without limit by the province of Ontario. Other services, such as automatic teller machines, credit cards, consumer and business loans, mortgages, RRSPs, mutual funds and brokerage services aren't currently available through the bank, so information that was given out wouldn't involve those kinds of services.

But is there anything in a democratic society that is more sacred than our privacy? The very basis on which democracy is established is the individual, the freedom and the privacy of that individual. Today what I'm trying to do is put myself in the place of those depositors who entrusted their privacy to the province of Ontario. It would appear, from the information we have, that that was disregarded.

It goes even further than that. To me, it goes to the very character of the depository in which that information is being put, the character, if you like, of the government. I think we're all included in that. We're all legislators. We're all politicians. One might ask, if one person in the Legislature would breach that confidentiality, how far could it go?

We know, for example, that the government recently has sold—not just given out to find out whether a particular agency should be privatized but has actually sold—what some might consider to be confidential information when it comes to driver's licences.

We know, for example, that the government, on behalf of a private corporation, uses what one might consider to be confidential information to collect monies owing to that private corporation.

I think back in my own experience. I mentioned last night in debate that we all make decisions and come to conclusions on the basis of our experience. I think back to when I was a student in the Certified General Accountants Association and later, after receiving my designation. One of the things that we were taught when we're dealing with the finances of any individual is confidentiality. We're entrusted to keep that kind of information confidential. So I can only imagine, since I'm not a depositor in the savings office, how some of these 50,000 people must feel, particularly those who complained, which then essentially led to the motion that we're debating today.

It goes to the integrity of the person in whose trust that confidentiality is given. It goes to the character of that person. So I don't think we're just talking about one individual today. We're talking about the integrity of a government.

Some of what I've heard this afternoon—not all, because I think the debate has been very good and it's been very open and it's covered a wide range of issues. It's covered the law. Various members of the Legislature have quoted from the act. But this confidentiality that we're trying to defend is something that all of us should hold sacred.

1720

It's a coincidence that only yesterday, in what I send out weekly as the Queen's Park report, I chose to bring up this very issue. Actually, it was in a way warning those in Essex county, because we do have a savings office in Windsor. It was in a way warning them that even though they may not have been called by this private company before the information was recalled, they may have in fact been on that list that was in the public domain. I merely wanted to warn them that this confidentiality that I could see had been broken might be of some interest to them.

Can you imagine the outrage if one of the chartered banks were to go to Angus Reid and say: "We want a poll taken. We want our customers contacted, and in so doing, we're not just going to ask them about service or those kinds of daily things that the banks carry on, the daily operation of the bank. It's not how satisfied you are with the bank or how you might feel about any particular one of the major banks." Can you imagine if your bank took your name, your address, your telephone number, your social insurance number and the amounts that you had on deposit with that bank and gave them to a polling company, in this case, Angus Reid?

I think any one of us in this Legislature would be incensed and we would go to the Bank Act and we would look there to see if there was anything that could be done to, first of all, stop it and then to penalize those who breached that confidence. The banks, for example, are to some extent regulated by legislation and, beyond that, are regulated by themselves with their own code of conduct. But can you imagine how upset we'd be if one of the chartered banks or the credit unions in the province of Ontario did that? But here we have a case where a provincial government savings office apparently totally disregarded this confidentiality and put that information out to the public.

I suspect that there were employees, in fact, with the Ontario savings office who had some real reservations about doing this. I don't know this to be a fact, but I doubt that it was at the initiative of any of the employees of the savings office that this information was put out to the private sector. I would have to conclude, and I would hope that in passing this resolution we will subsequently find out, that it wasn't the bureaucrats in the savings office who breached this confidentiality but it was at the direction of finance officials, the Minister of Finance, the minister of privatization. In fact, it may not even matter who specifically gave that information out, but what really matters is who gave the direction to do it.

That's one thing. It was done. It was a mistake and it's even alleged that it's against the law. What goes beyond that, though, is the fact that this happened several years ago and nobody knew about it until somebody leaked the information to the press, to the media. It was then, after a report in the media, that real attention was drawn to it. It's the fact that someone, even if they did this unwittingly, found out through the privacy commission investiga-

tion that the wrong thing had been done. Yet nothing was done about it.

It had been suggested earlier by one of my colleagues that if it hadn't been reported in the media, we might not yet today even know about it. So where are we today? From my side of the Legislature, I would use a phrase that I think most of the Ontario public would recognize: The government is into "serious damage control." Part of that damage control started just a few days after my colleague raised the breach of privilege question. That's when the Minister of Finance tabled a notice of motion in this House that the privacy of information act be reviewed. The problem with that is that it might be limited only to the act itself and what could maybe be done to improve that act. It won't, I'm afraid, go to the question of what happened in this instance, in particular with the Ontario savings office. I'm afraid that's where the damage control comes in. "We have to shove that aside and we have to have something in its place so we can focus our attention on that and divert people's attention away from what really happened," that is, that information was given out that should never have been, and once having been given out, there was an apparent attempt, albeit from my reading of the report, to stifle a full investigation into it by the privacy commissioner.

Where does that leave us today? I would hope that a majority of the government members, along with us, support this motion, because it begs one simple question: If you don't support the motion, what have you got to hide? If you have nothing to hide, then no one should fear a full investigation. It really boils down to that. If you really want a possible mistake looked into, and how we can rectify that mistake and prevent it from happening again, all you have to do is support this motion. If, as a part of that or at a later date, the government wants to look into the freedom of information act itself and make improvements in that act, then fine, let's do it. That's another natural step we should take.

In concluding my remarks in this debate, there are several questions that I think should be asked, and the only way we can ask those questions is to have this motion passed. These questions were in a letter over the signature of Dalton McGuinty, the leader of the official opposition, to the Honourable Mike Harris, on January 9. The questions are these:

"What role did the Premier's office play in this matter, if any? When was the Premier's office made aware of the polling contract? When was the Premier's office informed that there was a possible breach of privacy? Was the Premier's office consulted before a decision was made not to refer the matter to the privacy commissioner? Did anyone in the government suggest that the matter should be referred to the privacy commissioner? Who requested the information from the Province of Ontario Savings Office? Who at the Province of Ontario Savings Office approved the release of this information? Who at the privatization secretariat approved its release? What role did the cabinet committee on privatization play in this matter? Which cabinet ministers or their political staff were involved in any aspect of this request for a release of this information? Who approved the polling project questionnaire? Who decided not to refer the matter to the privacy commissioner?"—and I say to my colleague across the way, it has everything to do with the resolution—"Why were clients of the Province of Ontario Savings Office not asked for permission to release their private financial data? What assurances exist that all the private information released has since been retrieved and secured, and how has the information collected subsequently been used by the government for any other purpose?"

The only way I can see that we can answer those questions is to support the resolution from my colleague from Renfrew.

1730

Ms Churley: I remember January 8, 2000, well. I was out and on my way to Ikea, and on the way I picked up a Globe and Mail. I remember opening up that Globe and Mail and reading a story by John Ibbitson, and I was shocked. When I saw the allegations in that story, I was shocked, and immediately—this was on a Saturday—working with some of the staff here at Queen's Park, Fred Gloger, to be specific, we put out a press release. I have the press release here.

On the same day the article was written, I demanded, on behalf of the NDP, that the Attorney General launch a criminal investigation into how these confidential documents and information, people's financial records, got in the hands of a polling firm. We asked questions in that press release. We said we wanted answers to them, and we never received any answers. We wanted to know what Ernie Eves and Rob Sampson authorized, what they knew and when they knew it, and we also wanted to find out about the Ministry of Finance's internal review they talked about, released to the public.

Sadly, after several other attempts to make this issue more public, it died. I was so shocked to read about these allegations, and then it died. There was nothing more about it. Recently my colleague David Christopherson, the member for Hamilton West, asked some questions about it, and again, there was very little, if anything, in the press about it. Then this motion came forward today, and finally we have the opportunity to address a very serious issue.

This is a serious breach of trust, which we talked about at the time and continued to raise in this House from January 8 on, with no response; no response from the government and very little press, which really shocked and surprised me, because the allegations are so serious.

There is much discussion here today over what we're debating. The motion, as far as I'm concerned, is quite clear. We're debating whether or not the special report to this Legislature be referred to the standing committee on the Legislative Assembly for consideration. That is what we're debating. This chamber is not being asked today—and that's quite true; we're not in any position today—to make that decision. The debate is over whether we take

this ruling by the Speaker seriously enough—and I can guarantee you, I do and my party does—to refer the matter to the committee to determine whether there is actual contempt.

The Speaker ruled in the only way he can today, and that is, he found a prima facie case of contempt. What that means—and there has been much discussion and argument about that, but it's actually very simple—is that it is now up to the government and the ministers to produce evidence that they were in fact not in contempt. If there is no evidence produced to the contrary, then they're not in contempt.

I can give you a really specific example. If you were, for instance, charged with theft, you would go to court and the prosecution would lay out the facts by way of evidence, and then you would have the opportunity to give evidence that you didn't commit that theft. That's exactly what's going on here today. That's what the ruling means, that this should be brought before a committee so that the government can actually attempt to give evidence to show that in fact they're not in contempt.

Mr Kormos: If it can.

Ms Churley: If it can.

I would say, from the speeches I heard here today, they're on very thin ice, not on very firm ground at all. But again, we're not going to determine that in this place today; we need to have it go before the committee.

The members of the government keep on talking about whether or not the commissioner had the power under the law to compel ministers and the staff to talk to her. They contend that the commission did not, and they specifically did only what they had to do under the law. What they keep harping on is that the law isn't adequate enough and that it was the NDP, while in government, which had the opportunity to strengthen that law and didn't. They keep harping on that, but that's not what this is all about. I contend that they showed contempt for the spirit of the law. They showed contempt for the public interests that are reflected by that law. Failing to instruct the staff to be interviewed is contempt of the public interest.

During most investigations, as far as I understand it—I could be wrong, but under most, if not all, investigations no one is compelled under the law to come forward and give evidence, but we do. If any of us witness a crime in any way, even if we're not compelled, while the case is being investigated, before it goes before the courts, we do come forward, because we regard it as our civic duty to come forward, to co-operate with investigators. Who of all people in our society has the highest responsibility in our province to come forward and do their civic duty in the public interest, to come before a commissioner when this kind of investigation is going on, where there are serious allegations of lawbreaking? It begs the question, why? Why did they not come forward? That's why I'm having trouble with the argument that the government members came forward with time after time today: "Oh, well, the law is weak. We didn't have to do anything more, so why should we?" I would contend that it was their civic duty to do so, in the public interest to do so. It begs the question, what do they have to hide? It smells of a cover-up to me. It smells pretty bad to me that those ministers just decided they would, in their view, after looking at the law, only do what they felt they had to do under the law instead of thinking of the public interest.

I'm going to read to you from Black's Law Dictionary what "prima facie case" means. This is the definition: "the establishment of a legally required rebuttable presumption."

"Presumption: a party's production of enough evidence to allow the fact trier to infer the fact at issue and rule in the party's favour."

That is what we're discussing here today. There are serious allegations involved here. There are allegations of lawbreaking. The government has to take its responsibility seriously today and finally respond to these allegations and agree with the NDP—and I would say with the public, particularly people who had savings at the bank and whose private financial information was given out to a polling firm—that they have a responsibility today to vote for this motion so this can at least go before a legislative committee and that committee can set the terms of reference and start trying to determine what happened here.

I have to say to you, Speaker, that I am not satisfied with that. I hope indeed that they do vote with us today. That is a good start—finally something is happening here—but let's not forget that a standing committee of the Legislature is stacked with Tory backbencher members who usually, if not always, do what they're told.

Mr Kormos: Exactly what they're told.

1740

Ms Churley: No. I had some experiences as a minister, I want you to know, where they didn't sometimes. Good on them. But usually backbenchers on standing committees of the Legislature do what they're told by the ministers, and that's a fact.

If they vote for this—and they know this, so perhaps they will support us today—we will have a committee examining this which has a majority of Tory members. Those members have the majority and therefore can win all the votes. Even in terms of setting the terms of reference on how we're going to examine and investigate this situation, the Tories have all the power to determine what those terms of reference are, who comes before us, what witnesses are called, what questions are asked.

I experienced that very recently when sitting on the general government committee choosing an Environmental Commissioner. I had first-hand experience in a government-stacked committee, and it was not a happy experience, as everybody here in this House knows.

At times today when some of the government members were talking, they didn't seem to take this issue seriously enough. I don't think they quite understand the seriousness of the allegations before us today.

Mr Caplan: They understand, all right.

Ms Churley: Oh, I don't think they do particularly. They keep talking about the law and the inadequacies of the law. What they'd like to do is have this whole thing turn into, "Let's have a happy committee meeting to talk about how we can strengthen the laws for the privacy commissioner and let's just move away from the issue at hand here," and that is allegations of breaking the law.

Mr Caplan: Another cover-up.

Ms Churley: Yes, another cover-up.

Some of the viewers at this time, a quarter to 6, may not know what's going on here, because all this started early this afternoon. We've been debating all afternoon a motion put forward by Mr Conway, and I'm going to remind people of what we're talking about here. The motion reads:

"Mr Speaker, I move that, in light of your ruling that a prima facie case of contempt has been made, the special report to this Legislative Assembly made on 26 April 2000 ... concerning disclosures of personal information made by the Province of Ontario Savings Office in the Ministry of Finance and the obstruction the commissioner encountered"—he uses the word "obstruction"—"in the course of her investigation, be referred to the standing committee on the Legislative Assembly for its immediate consideration."

That's what we've been doing all afternoon. We haven't had question period, we haven't had anything else happen here today, and we will continue to debate this and get the facts on the record.

The Speaker ruled in favour of the point of privilege raised by Mr Conway. That's what we're debating today, and we'll continue to debate it until perhaps the government brings in closure and tries to shut down debate, because finally we're having an opportunity to talk about this.

These are some of the quotes from the special report put forward by the commissioner:

"The ministry submitted that it has been 'frank and open' and has ' ... made every effort to assist you with your review.' We respectfully disagree," she says.

"The ministry's efforts to limit our investigation and its failure, in our view, to use its best efforts to ensure that its current and former employees co-operated with us has hindered this investigation."

"Co-operation has been difficult to obtain on occasion, but we have never before faced the level of difficulty or the number of obstacles experienced in this investigation."

"In our view, the ministry endeavoured to restrict the scope of the investigation and the investigative tools available to the IPC."

"The ministry's response to our investigation stands in stark contrast to the co-operation provided to the government auditor who conducted the review (not privacy audit) of these events in August of 1997.... According to the auditor, ministry employees had been clearly instructed to co-operate with him. Our office, however, was told by ministry officials that they were not in a position to instruct their employees to co-operate with us, not even to the point of encouraging them to participate in the interview process."

That's not all. There's more. There's pages.

"Despite our inquiries, we have been offered no explanation for these dramatically different approaches. As a consequence, we do not feel that the public interest has been adequately served."

And again, "All of the questions surrounding the 1997 disclosure of POSO"—that's the Ontario savings—"account holder information have not been answered, nor have all of the relevant facts been determined."

This is unacceptable to us. It should be unacceptable to the government. The Environmental Commissioner came out with some pretty scathing reports about this government, but I have never seen anything like this in my 10 years here—a scathing report, a special report to the Legislature.

I have heard, and I don't know if it's true—I'm going to put that on the record right now—that the Minister of Labour already told the press—he could come running in here if I'm wrong—that government members aren't going to support this motion today. Tell me that I'm wrong. On the other hand, I don't see why you wouldn't support this motion today, given what I already said, that government members control the committee and the scope of what the committee can do, but at least it will give us an opportunity to get started on this.

But I want to warn the members that it's not going to stop there. We finally have this issue in the light of day. I come back again to what my leader earlier in the day called for, and we're calling for it again, as we did in January, and now it's more relevant than ever because everything we've seen between that January story and our January press release and our questions suggests to me that there is a massive cover-up going on here.

We have asked again today for a criminal investigation. We want to know what happened here. If the government had been more forthcoming in the early days and had co-operated in the public interest with the commissioner, perhaps we wouldn't be in this mess today. It's not good enough to hear government members stand up today and say: "Oh well, it's all your fault. You guys"—the NDP—"had an opportunity and didn't strengthen the powers for the privacy commissioner." I've already said perhaps it would be a good idea to have a discussion, especially after this, around how we can strengthen the powers so that she has the ability to compel witnesses during an investigation, although in most investigations that's often an unusual step. After something like this has happened, perhaps it's a good idea to increase those powers.

But that's not what this is all about. Let's not hide under that, which is what the government members are trying to do. The minister of privatization and the Minister of Finance are up to their necks in this. They have not come forward at any time since January, when this issue was first revealed to the public and to the opposition, in any way and, obviously, not to the commissioner. They have not come clean and told the

public what happened here. It's all very well. I support this going to the committee because, if nothing else, we want to make sure that it never happens again and put rules in place so that it cannot happen again.

We cannot let this go unattended. We have people out there, the public, whose rights and privacy were abused by this government. We have government members, ministers of the crown, who, under the guise of following to the letter, in their view, the law as it exists right now under the privacy commissioner, did not co-operate and therefore she was unable to come to any conclusions as to how this happened here and who knew what when and any of the facts. We have almost no information about what happened.

I'm calling on the government today to vote with us on this resolution before us, but to not stop there. The ministers still have an opportunity to come forward. Nothing is stopping them. In the spirit of the law, I urge them to do that. They could go to the commissioner tomorrow. They could send staff there tomorrow. This could all end if they came forward now and said, "OK, we'll sit down and co-operate and tell you what you need to know." I urge the members today to co-operate and support this resolution.

1750

Mr Steve Gilchrist (Scarborough East): I'm pleased to join the debate. I guess we only have a few minutes left before the business of the House adjourns today. I wanted to reiterate a few things and to indicate at the outset my extreme distress. Once again, we have a grassy knoll scenario here. We've got all sorts of myths and legends springing up here. We have all sorts of misstatements of the truth that would not bear scrutiny in the light of day outside this chamber.

The fact of the matter is, at the very outset, within the ministry itself, the FOI commissioner, the person appointed to make sure that the other ministry staff are given the appropriate guidance as to what is or is not appropriate to disclose under the FIPPA, said that the steps the ministry was planning to take were appropriate. There may be a difference of opinion. I respect that.

The first discussions that occurred by the commissioner relating to this matter were her speculations in the media. That's what started this whole ball rolling. After that, when the ministry responded and said, in no certain terms, that they were prepared, in fact, absolutely committed, to work co-operatively with the commissioner, she requested that a total of 40 different people be contacted. They were contacted by the ministry and in fact they were exempted from the oath of secrecy, a very sacred oath that normally protects the taxpayers and the employees themselves from transgressing the laws relating to the disclosure of information they may glean in the course of their duties. They were given relief from that oath.

The commissioner then proceeded to contact only 13 of those people. Among the 27 she did not contact were Minister Eves, Minister Sampson and Tony Salerno, who was the CEO of the Ontario Financing Authority, the body to which POSO reports. What kind of a review, what kind of a survey could she have possibly done that would pass any kind of scrutiny outside this chamber as being thorough and responsible and in keeping with the spirit and the law when she doesn't even talk to the people who were at the very root of any decision-making process? I submit to the member opposite that while his motives may be very pure, while his concern may be very genuine, I don't think it is fair to castigate people who had offered themselves up and were not contacted by the commissioner.

It gets better than that, though. After numerous telephone conversations, the ministry responded to her request for all the documentation, as well, that she wanted—39 documents totalling 417 pages. I could go through the various dates but I don't think that's necessary. They're already on the public record. In the interests of full disclosure, the ministry did everything within its power. On February 1, the commissioner requested the ministry to make the contacts and, as I mentioned, they were done. So we have all the documents that were requested being supplied. We have all the individuals who could possibly have been of interest to the commissioner contacted by the ministry and told in no uncertain terms that they must co-operate. It should be noted that the list of people who were contacted comprised not only a minority of the names but some of the least significant positions.

Furthermore, the privacy commissioner has made claims—and perhaps this is at the root of the concern of the member who has made this motion—that some individuals would not speak to her on the issues. There too, there were 27 people she didn't even contact. How presumptuous for her to suggest that if they never got the phone call it was up to them to respond to non-existent questions.

Tony Salerno went further, though. On March 1, in his capacity as the head of the Ontario Financing Authority, he wrote to the commissioner and said, "In the spirit of full co-operation, I would be prepared to answer any further questions or requests for clarification you may wish to submit to me." Mr Salerno informs us that the privacy commissioner didn't even have the courtesy to respond to that direct communication, that direct invitation to involve Mr Salerno as part of her review.

Finally, throughout this investigation officials at the ministry have approached every aspect of the privacy commissioner's review with diligence, respect for the commissioner and respect for the process.

It bears noting that Minister Eves has accepted the recommendations that were embodied in the IPC report. There were seven different recommendations. Four of them have already been put in place, and he has pledged to follow through not only in the time frame that Ms Cavoukian had requested—six months from the date of her report—but in fact by July 31. Minister Eves and Minister Hodgson have also committed to have the privacy legislation reviewed by an all-party legislative committee. Our motion on May 16 makes that clear.

We heard the member for Broadview-Greenwood read into the record a quote from Ms Cavoukian that would suggest a lack of co-operation. I would suggest she should refer to the letter of April 27, 2000, a letter from Ms Cavoukian to Minister Eves, wherein she says:

"I was heartened by your response in the Legislature yesterday to my special report to the Legislative Assembly of Ontario.... Specifically, I was pleased to hear that you would be considering the amendments I am seeking.... I thank you for being proactive in the approach you intend to take."

That's a stark contrast to the picture you were trying to paint of a minister and a ministry that was uncooperative and sticking their heads in the sand. The fact of the matter is, the minister and the ministry have taken the recommendations made by Ms Cavoukian very seriously, as all members of this House would expect.

The fact remains, though, that before writing her report she had an opportunity to cast a far wider net. She chose not to do that. I think it would be up to Ms Cavoukian to explain why. The fact of the matter is that before and now, everyone stands prepared to co-operate.

The Deputy Speaker: It being 6 of the clock, this House stands adjourned until 1:30 of the clock on Monday, May 29.

The House adjourned at 1758.

LEGISLATIVE ASSEMBLY OF ONTARIO
ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lieutenant Governor / Lieutenante-gouverneure: Hon / L'hon Hilary M. Weston
Speaker / Président: Hon / L'hon Gary Carr
Clerk / Greffier: Claude L. DesRosiers
Clerk Assistant / Greffière adjointe: Deborah Deller
Clerks at the Table / Greffiers parlementaires: Todd Decker, Lisa Freedman
Sergeant-at-Arms / Sergent d'armes: Dennis Clark

Constituency Circonscription	Member/Party Député(e) / Parti
Algoma-Manitoulin	Brown, Michael A. (L)
Barrie-Simcoe-Bradford	Tascona, Joseph N. (PC)
Beaches-East York	Lankin, Frances (ND)
Bramalea-Gore-Malton-Springdale	Gill, Raminder (PC)
Brampton Centre / -Centre	Spina, Joseph (PC)
Brampton West-Mississauga / Brampton-Ouest–Mississauga	**Clement, Hon / L'hon Tony** (PC) Minister of Municipal Affairs and Housing / ministre des Affaires municipales et du Logement
Brant	Levac, Dave (L)
Broadview-Greenwood	Churley, Marilyn (ND)
Bruce-Grey	Murdoch, Bill (PC)
Burlington	**Jackson, Hon / L'hon Cameron** (PC) Minister of Tourism / ministre du Tourisme
Cambridge	Martiniuk, Gerry (PC)
Carleton-Gloucester	Coburn, Brian (PC)
Chatham-Kent Essex	Hoy, Pat (L)
Davenport	Ruprecht, Tony (L)
Don Valley East / -Est	Caplan, David (L)
Don Valley West / -Ouest	**Turnbull, Hon / L'hon David** (PC) Minister of Transportation / ministre des Transports
Dufferin-Peel-Wellington-Grey	Tilson, David (PC)
Durham	O'Toole, John R. (PC)
Eglinton-Lawrence	Colle, Mike (L)
Elgin-Middlesex-London	Peters, Steve (L)
Erie-Lincoln	**Hudak, Hon / L'hon Tim** (PC) Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines
Essex	Crozier, Bruce (L)
Etobicoke Centre / -Centre	**Stockwell, Hon / L'hon Chris** (PC) Minister of Labour / ministre du Travail
Etobicoke North / -Nord	Hastings, John (PC)
Etobicoke-Lakeshore	Kells, Morley (PC)
Glengarry-Prescott-Russell	Lalonde, Jean-Marc (L)
Guelph-Wellington	Elliott, Brenda (PC)
Haldimand-Norfolk-Brant	Barrett, Toby (PC)
Haliburton-Victoria-Brock	**Hodgson, Hon / L'hon Chris** (PC) Chair of the Management Board of Cabinet / président du Conseil de gestion
Halton	Chudleigh, Ted (PC)
Hamilton East / -Est	Agostino, Dominic (L)
Hamilton Mountain	Bountrogianni, Marie (L)
Hamilton West / -Ouest	Christopherson, David (ND)
Hastings-Frontenac-Lennox and Addington	Dombrowsky, Leona (L)
Huron-Bruce	**Johns, Hon / L'hon Helen** (PC) Minister of Citizenship, Culture and Recreation, minister responsible for seniors and women / ministre des Affaires civiques, de la Culture et des Loisirs, ministre déléguée aux Affaires des personnes âgées et à la Condition féminine
Kenora-Rainy River	Hampton, Howard (ND) Leader of the New Democratic Party / chef du Nouveau Parti démocratique
Kingston and the Islands / Kingston et les îles	Gerretsen, John (L)
Kitchener Centre / -Centre	Wettlaufer, Wayne (PC)
Kitchener-Waterloo	**Witmer, Hon / L'hon Elizabeth** (PC) Minister of Health and Long-Term Care / ministre de la Santé et des Soins de longue durée
Lambton-Kent-Middlesex	Beaubien, Marcel (PC)
Lanark-Carleton	**Sterling, Hon / L'hon Norman W.** (PC) Minister of Intergovernmental Affairs, government House leader / ministre des Affaires intergouvernementales, leader parlementaire du gouvernement
Leeds-Grenville	**Runciman, Hon / L'hon Robert W.** (PC) Minister of Consumer and Commercial Relations / ministre de la Consommation et du Commerce
London North Centre / London-Centre-Nord	**Cunningham, Hon / L'hon Dianne** (PC) Minister of Training, Colleges and Universities / ministre de la Formation et des Collèges et Universités
London West / -Ouest	Wood, Bob (PC)
London-Fanshawe	Mazzilli, Frank (PC)
Markham	**Tsubouchi, Hon / L'hon David H.** (PC) Solicitor General / solliciteur général
Mississauga Centre / -Centre	**Sampson, Hon / L'hon Rob** (PC) Minister of Correctional Services / ministre des Services correctionnels
Mississauga East / -Est	DeFaria, Carl (PC)
Mississauga South / -Sud	**Marland, Hon / L'hon Margaret** (PC) Minister without Portfolio (Children) / ministre sans portefeuille (Enfance)
Mississauga West / -Ouest	**Snobelen, Hon / L'hon John** (PC) Minister of Natural Resources / ministre des Richesses naturelles

Constituency Circonscription	Member/Party Député(e) / Parti
Nepean-Carleton	**Baird, Hon / L'hon John R.** (PC) Minister of Community and Social Services, minister responsible for francophone affairs / ministre des Services sociaux et communautaires, ministre délégué aux Affaires francophones
Niagara Centre / -Centre	Kormos, Peter (ND)
Niagara Falls	Maves, Bart (PC)
Nickel Belt	Martel, Shelley (ND)
Nipissing	**Harris, Hon / L'hon Michael D.** (PC) Premier and President of the Executive Council / premier ministre et président du Conseil exécutif
Northumberland	Galt, Doug (PC)
Oak Ridges	**Klees, Hon / L'hon Frank** (PC) Minister without Portfolio / ministre sans portefeuille
Oakville	**Carr, Hon / L'hon Gary** (PC) Speaker / Président
Oshawa	Ouellette, Jerry J. (PC)
Ottawa Centre / -Centre	Patten, Richard (L)
Ottawa South / -Sud	McGuinty, Dalton (L) Leader of the Opposition / chef de l'opposition
Ottawa West-Nepean / Ottawa-Ouest–Nepean	Guzzo, Garry J. (PC)
Ottawa-Vanier	Boyer, Claudette (L)
Oxford	**Hardeman, Hon / L'hon Ernie** (PC) Minister of Agriculture, Food and Rural Affairs / ministre de l'Agriculture, de l'Alimentation et des Affaires rurales
Parkdale-High Park	Kennedy, Gerard (L)
Parry Sound-Muskoka	**Eves, Hon / L'hon Ernie L.** (PC) Deputy Premier, Minister of Finance / vice-premier ministre, ministre des Finances
Perth-Middlesex	Johnson, Bert (PC)
Peterborough	Stewart, R. Gary (PC)
Pickering-Ajax-Uxbridge	**Ecker, Hon / L'hon Janet** (PC) Minister of Education / ministre de l'Éducation
Prince Edward-Hastings	Parsons, Ernie (L)
Renfrew-Nipissing-Pembroke	Conway, Sean G. (L)
Sarnia-Lambton	Di Cocco, Caroline (L)
Sault Ste Marie	Martin, Tony (ND)
Scarborough Centre / -Centre	Mushinski, Marilyn (PC)
Scarborough East / -Est	Gilchrist, Steve (PC)
Scarborough Southwest / -Sud-Ouest	**Newman, Hon / L'hon Dan** (PC) Minister of the Environment / ministre de l'Environnement
Scarborough-Agincourt	Phillips, Gerry (L)
Scarborough-Rouge River	Curling, Alvin (L)
Simcoe North / -Nord	Dunlop, Garfield (PC)
Simcoe-Grey	**Wilson, Hon / L'hon Jim** (PC) Minister of Energy, Science and Technology / ministre de l'Énergie, des Sciences et de la Technologie
St Catharines	Bradley, James J. (L)
St Paul's	Bryant, Michael (L)
Stoney Creek	Clark, Brad (PC)
Stormont-Dundas-Charlottenburgh	Cleary, John C. (L)
Sudbury	Bartolucci, Rick (L)
Thornhill	Molinari, Tina R. (PC)
Thunder Bay-Atikokan	McLeod, Lyn (L)
Thunder Bay-Superior North / -Nord	Gravelle, Michael (L)
Timiskaming-Cochrane	Ramsay, David (L)
Timmins-James Bay / Timmins-Baie James	Bisson, Gilles (ND)
Toronto Centre-Rosedale / Toronto-Centre–Rosedale	Smitherman, George (L)
Trinity-Spadina	Marchese, Rosario (ND)
Vaughan-King-Aurora	**Palladini, Hon / L'hon Al** (PC) Minister of Economic Development and Trade / ministre du Développement économique et du Commerce
Waterloo-Wellington	Arnott, Ted (PC)
Wentworth-Burlington	Vacant
Whitby-Ajax	**Flaherty, Hon / L'hon Jim** (PC) Attorney General, minister responsible for native affairs / procureur général, ministre délégué aux Affaires autochtones
Willowdale	Young, David (PC)
Windsor West / -Ouest	Pupatello, Sandra (L)
Windsor-St Clair	Duncan, Dwight (L)
York Centre / -Centre	Kwinter, Monte (L)
York North / -Nord	Munro, Julia (PC)
York South-Weston / York-Sud–Weston	Cordiano, Joseph (L)
York West / -Ouest	Sergio, Mario (L)

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

STANDING AND SELECT COMMITTEES OF THE LEGISLATIVE ASSEMBLY
COMITÉS PERMANENTS ET SPÉCIAUX DE L'ASSEMBLÉE LÉGISLATIVE

Estimates / Budgets des dépenses

Chair / Président: Gerard Kennedy
Vice-Chair / Vice-Président: Alvin Curling
Gilles Bisson, Sean G. Conway, Alvin Curling,
Gerard Kennedy, Frank Mazzilli, John R. O'Toole,
R. Gary Stewart, Wayne Wettlaufer
Clerk / Greffière: Anne Stokes

Finance and economic affairs /
Finances et affaires économiques

Chair / Président: Marcel Beaubien
Vice-Chair / Vice-Président: Doug Galt
Ted Arnott, Marcel Beaubien, David Christopherson,
Doug Galt, Monte Kwinter, Tina R. Molinari,
Gerry Phillips, David Young
Clerk / Greffier: Tom Prins

General government / Affaires gouvernementales

Chair / Président: Steve Gilchrist
Vice-Chair / Vice-Présidente: Julia Munro
Toby Barrett, Marie Bountrogianni, Ted Chudleigh,
Garfield Dunlop, Steve Gilchrist, Dave Levac,
Rosario Marchese, Julia Munro
Clerk / Greffier: Viktor Kaczkowski

Government agencies / Organismes gouvernementaux

Chair / Président: James J. Bradley
Vice-Chair / Vice-Président: Bruce Crozier
James J. Bradley, Bruce Crozier, Leona Dombrowsky,
Bert Johnson, Morley Kells, Tony Martin,
Joseph Spina, Bob Wood
Clerk / Greffier: Douglas Arnott

Justice and Social Policy / Justice et affaires sociales

Chair / Présidente: Marilyn Mushinski
Vice-Chair / Vice-Président: Carl DeFaria
Marcel Beaubien, Michael Bryant, Carl DeFaria,
Brenda Elliott, Garry J. Guzzo, Peter Kormos,
Lyn McLeod, Marilyn Mushinski
Clerk / Greffière: Susan Sourial

Legislative Assembly / Assemblée législative

Chair / Président: R. Gary Stewart
Vice-Chair / Vice-Président: Brad Clark
Marilyn Churley, Brad Clark, Caroline Di Cocco,
Jean-Marc Lalonde, Jerry J. Ouellette, R. Gary Stewart, Joseph N.
Tascona,Wayne Wettlaufer
Clerk / Greffière: Donna Bryce

Public accounts / Comptes publics

Chair / Président: John Gerretsen
Vice-Chair / Vice-Président: John C. Cleary
John C. Cleary, John Gerretsen, John Hastings,
Shelley Martel, Bart Maves, Julia Munro,
Marilyn Mushinski, Richard Patten
Clerk / Greffière: Donna Bryce

Regulations and private bills /
Règlements et projets de loi privés

Chair / Présidente: Frances Lankin
Vice-Chair / Vice-Président: Garfield Dunlop
Gilles Bisson, Claudette Boyer, Brian Coburn,
Garfield Dunlop, Raminder Gill, Pat Hoy,
Frances Lankin, Bill Murdoch
Clerk / Greffière: Anne Stokes

CONTENTS

Thursday 18 May 2000

TABLE DES MATIÈRES

Jeudi 18 mai 2000