



No. 45A

N° 45A

ISSN 1180-2987

Legislative Assembly
of Ontario
Second Session, 37th Parliament

Assemblée législative
de l'Ontario
Deuxième session, 37^e législature

**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Wednesday 3 October 2001

Mercredi 3 octobre 2001

Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

Clerk
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Greffier
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LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 3 October 2001

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 3 octobre 2001

*The House met at 1330.
Prayers.*

WEARING OF PURPLE RIBBONS

Mr Dave Levac (Brant): On a point of order, Mr Speaker: October is Child Abuse and Neglect Prevention Month. During the month of October, the children's aid societies in Ontario will be distributing purple ribbons and lapel pins in an effort to raise awareness of child abuse and neglect and to encourage people to become involved in efforts to prevent child abuse and neglect. Therefore, I seek unanimous consent of this House to wear the lapel pins and/or the purple ribbons for the month of October.

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

WEARING OF BUTTONS

Mr Steve Peters (Elgin-Middlesex-London): On a point of order, Mr Speaker: I seek unanimous consent to wear this button in recognition of the efforts of a young lady by the name of Dani Harder, who is in a wheelchair but is running in the Toronto marathon to raise awareness about her struggle to live independently in her own apartment.

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

MEMBERS' STATEMENTS

SUDBURY ECONOMY

Mr Rick Bartolucci (Sudbury): Analysts' warnings that Ontario will have the slowest economic growth in Canada will have a profound effect on my resource-based community of Sudbury. Today I offer some real solutions that will go a long way to alleviate what experts are predicting to be a flat economy in Sudbury. I can't help but worry about the impact this slumping economy will have on the fate of our northern medical school.

Almost six months ago, the government and its cronies popped the champagne cork in Sudbury to celebrate the first of many reannouncements about the establishment of a medical school in the north. In May came another reannouncement of nothing more than the unveiling of a target date of 2004. Well, it's almost 2002,

and we've seen or heard nothing about a funding commitment.

So today I ask the government to show us the money. Show us your fiscal plan for this project, along with a firm commitment of capital and operating dollars. This would go a long way in accelerating the construction schedule of this project. All the government's announcements in the world won't put one construction crew on the site; only a funding commitment will do that.

My concern over funding for projects also extends to Sudbury Regional Hospital. I urge the Minister of Health to immediately call for the operational review of our Sudbury hospital so that he can see first-hand just how bad a mess he's given to our community.

JAMES BURGESS METAL TRADES TRAINING CENTRE

Mr Marcel Beaubien (Lambton-Kent-Middlesex): I rise today and invite the assembly to join me in extending congratulations to the James Burgess Metal Trades Training Centre in the community of Wallaceburg.

Recently it was my pleasure to join with my colleague the Honourable Bob Runicman, Minister of Economic Development and Trade, as he presented a cheque to the Burgess training centre in the amount of \$1.5 million under our government's strategic skills investment program.

This cutting-edge training centre was established in 1974 and has been at the forefront of training skilled trades for more than 58 tool and die shops in Wallaceburg and southwestern Ontario. These funds, in combination with contributions from private sector partners, will result in the construction of a \$4.1-million, 11,000-square-foot addition to the present facility. When the project is completed, the Burgess training centre will increase the number of tool and die machinists and mould makers they train each year from 200 to 240.

In addition, the minister also arranged for community leaders to meet with the consul and trade commissioner at the Canadian Consulate General's office in the United States this past summer. As a result of that meeting, Wallaceburg has set its sights on becoming the leading trainer of skilled tradespeople for southwestern Ontario and the Midwest United States. The reason is obvious. Government analysts say that over the next five years an additional 35,000 workers will be needed in the metal-cutting trades industry, while presently we only have the ability to train about 20,000 workers.

The James Burgess Metal Trades Training Centre will continue turning out the best-trained, hardest working and most dedicated tool and die mould makers and machinists anywhere in the world.

ARMENIAN CELEBRATIONS

Mr David Caplan (Don Valley East): I rise today to express my sincere congratulations to the Official Youth Committee of Toronto, the Armenian Evangelical Church of Toronto, the Armenian Catholic Church of Toronto and the Armenian Apostolic Church of Toronto in their joint celebration of the 1,700th anniversary of the establishment of Armenian Christianity and a communal reflection on the work of their patron saint, St Gregory the Illuminator.

King Trdat proclaimed Christianity as Armenia's state religion in 301 AD. To honour this commemoration, Armenians worldwide have been participating in celebrations since the beginning of the year. The Armenian church is among the world's most ancient continuously operating institutions, dating back to the apostolic missions of Saint Thaddeus and Saint Bartholomew in the middle of the first century. It has seen many centennial celebrations. However, this celebration is particularly significant. It coincides with the second millennium of Christianity. It also coincides with the emergence of a renewed Armenian church and, after 600 years of statelessness, a renewed Armenian state.

Occasions such as this give the public many new opportunities for learning. I would encourage all Ontarians to visit exhibitions, participate in conferences and read the materials that have emerged for this once-in-a-lifetime commemoration.

Once again, please let me offer my best wishes for the celebrations. The Armenian community in Don Valley East and throughout Ontario has made significant contributions to our communities, and celebrating its very core beliefs and foundations is certainly an honour for me.

COMMUNITY CARE ACCESS CENTRES

Mr Doug Galt (Northumberland): I'd like to inform members about a resolution I tabled in the House today. Here are some facts about community care access centres that the resolution addresses.

Home care funding has increased from \$681 million in 1994-95 to approximately \$1.17 billion, more than a 70% increase. This government views home care as a critical component in seamless health care delivery. Most CCACs are balancing demand for services within their funding allocation, but some are not. The federal government does not provide any funding for home care despite pleas from Ontarians for more financial assistance with our health care needs.

This government has reaffirmed its commitment to home care by appointing the associate Minister of Health to review those elements that have led some community

care access centres into fiscal and management difficulties.

This government will continue to work collaboratively with stakeholders in the health sector (1) to implement necessary cost containment measures to manage within their budgets; (2) to ensure they will meet the service needs of the clients; (3) to employ good case management practices; and (4) to ensure funding is allocated to client care services, as opposed to administration.

1340

POST-SECONDARY EDUCATION

Mrs Marie Bountrogianni (Hamilton Mountain): Today I rise in the House to address the neglect of post-secondary education by this government. I'm speaking on behalf of the students who have been directly impacted by the Harris government's disinterest in education.

We have a space crunch in Ontario universities. Recently 28 first-year students at the University of Western Ontario were sleeping in TV lounges and study rooms. This problem is not unique to Western university. This is happening at the University of Toronto and at the University of Guelph. We've been warning this government that a change in student demographics was imminent and that our post-secondary institutions do not have the necessary resources to address this change.

Even students who attend private vocational schools are not protected from this government's neglect. ITI Education, a corporation specializing in e-business education, last month went into receivership and was forced to close two of its three Ontario campuses. Caught between bankruptcy law and the Private Vocational Schools Act, Harold Fisher and 310 of his classmates were thrown into chaos as they frantically tried to make alternative arrangements to attend the one remaining school in Ontario.

Only weeks earlier this same training school had closed campuses in the United States, clearly an indication of financial difficulties, yet this government did nothing to protect the interests of these students. Furthermore, and I find this despicable, they did nothing to warn the new students who just registered in August. What did this government do? It introduced private university corporations so that all Ontario students can be guaranteed the same lack of security as students who attend private vocational schools.

IMMIGRATION AND REFUGEE POLICY

Mr Peter Kormos (Niagara Centre): Premier, some time ago you're quoted as having said that we're getting too many from other countries who are coming here for a free ride. Please let me introduce you to Zoltan and Gabriella Marton and their one-year-old son, Zoltan Jr. They fled Transylvania as Hungarian Romanians oppressed in that region of Romania, an oppression that is well known to every member of the fair-minded

community internationally. They came to Canada, sought refugee status and, yes, were denied that refugee status.

But it was only today, when they were able to attend here, that anybody told them about the other opportunities available to them to appeal deportation and forestall the deportation notice that's been served on them for October 10. They are not freeloaders. They have worked hard at hard jobs from the very day they arrived in this country. They're respected members of their community in Niagara, active in their Hungarian Presbyterian church.

Premier, we indicated last week on Monday that we would join you in any legitimate attack on terrorists. Will you please join us in a fight to keep hardworking, decent, good immigrants, yes, and refugees, here in this country? I tell you, Zoltan faces certain jail if he's returned to Romania. Ontarians should not let that happen.

ONTARIO PREMIER'S LEADERSHIP

Mrs Tina R. Molinari (Thornhill): Many families in my riding of Thornhill, and I know across the province of Ontario, have expressed concerns since the tragic events of September 11. One of my constituents wrote to me expressing that she had not slept since September 11 "not only due to the disaster, but from the lack of leadership from Ottawa." She further stated, "I know Mike Harris will pull through. He's a man who takes charge and does what he says he will," a promise that has been lost on the other side of this chamber and unfortunately on Parliament Hill in Ottawa as well.

On Monday of this past week, our Premier, Mike Harris, chose a most appropriate method to speak directly to all the people of Ontario, not only a select few, as he announced vital steps our government has taken to heighten the security of the province of Ontario. By appointing two distinguished security advisors for Ontario, our government has taken a vital leadership role to protect our province and secure the freedom in our lives that we've come to enjoy. Moreover, he accelerated the tax cuts planned for January to help working families in Ontario.

I think one of the headlines in the Toronto Sun today says it best, "Leadership Vacuum: Chrétien is Missing in Action; Harris Fills the Void."

The people of Ontario are pleased with the strong leadership of our Premier.

Interjections.

The Speaker (Hon Gary Carr): Order. I apologize to the member. I was going to try to settle them down to finish, but I see you did. I apologize. I shouldn't have stood up. Did you finish on time? You did get it out.

BORDER SECURITY

Mr Dwight Duncan (Windsor-St Clair): I wanted to first of all acknowledge to the Minister of Health and to the Premier the gratitude of my community for approving the new medical school on Monday in our community.

It's been well received and the government responded to the request of our community.

Premier, there's another issue in our community that's extremely important, and I know you're aware of it, and that is the border-crossing issue. Yesterday in your statement you spoke about the importance of our borders being free for commerce to happen.

As you know, your government downloaded the Huron Church Road corridor to the city of Windsor some four and a half years ago. It is the only part of a major highway anywhere between Mexico and Montreal where the local authority has to maintain the highway.

The Premier is aware that there are 12 traffic lights which slow vehicular traffic down on our side and that it's extremely important in terms of ensuring the ongoing flow particularly of automotive and other trade traffic that the province first of all upload that particular stretch of road, reassume what ought to be a king's highway, and number two, commit, in co-operation with the federal and municipal authorities, to the approximately three quarters of a billion dollars that will be needed to ensure that that roadway can accommodate not only current traffic volumes but anticipated growth in traffic volumes. Those areas are entirely within provincial jurisdiction.

The final advantage to this type of project now, sir, is that it would involve job creation at a time when there's considerable anxiety. We look forward to the government showing some leadership in this issue.

NUTRIENT MANAGEMENT LEGISLATION

Mr Bert Johnson (Perth-Middlesex): I rise today to tell my fellow members about my experience of sitting on the justice and social policy committee hearings into the proposed Nutrient Management Act, 2001.

When this bill was introduced, the main concern my constituents expressed was whether they would be consulted. They wanted hearings held in their community so they could take part without taking too much time away from their farms and businesses.

And that is just what this government did. The justice and social policy committee traveled across the province in September and heard from more than 150 individuals, groups and municipalities. I want to thank everyone who presented to the committee on this important legislation.

I particularly want to thank those presenters from my riding of Perth-Middlesex. I sat on the committee for four days of hearings in southwestern Ontario. During those four days, both the counties of Perth and Middlesex, both counties' Federations of Agriculture and the municipalities of North Middlesex, West Perth and North Perth made presentations.

I share this to remind my fellow members how willing the farming community is to help us develop sound policies and legislation. Ontario's farmers support this initiative and want to help create the best possible legislation to protect public safety and the viability of Ontario farms.

Ontario Agriculture Week is a great opportunity to thank farmers for their involvement in this process as well as for the work they do every day to bring the best products to our tables.

VISITORS

Mr Dwight Duncan (Windsor-St Clair): On a point of order, Speaker: I wish to acknowledge in the government members' gallery the presence of the president of the Ontario Association of Chiefs of Police and also the chief of police of the city of Windsor. He and his department have done an outstanding job under very difficult circumstances in our community. I know all members thank him for that and for his efforts on behalf of policing and all of us throughout Ontario.

The Speaker (Hon Gary Carr): We welcome our honoured guests.

1350

ORAL QUESTIONS

WALKERTON TRAGEDY

Mr Dalton McGuinty (Leader of the Opposition): My questions today are for the Premier. During your appearance before the Walkerton inquiry, and while under oath, you admitted that there was a confidential presentation prepared for the caucus about the impact of your cuts to the Ministry of the Environment. I now have a copy of that confidential presentation, and some of the information provided to your caucus in this document is nothing short of frightening.

The caucus was informed that as a result of the Ministry of the Environment budget being cut by 48%, there would be, under the section "key impacts"—these are some of the impacts that were brought to the attention of caucus. It says reduced ministry capability to monitor, give early warning, ensure compliance; "increased risk" to human health and the environment as a result of decreased compliance and "enforcement activities."

You admitted under oath that this presentation to caucus was so confidential that you insisted each and every one of your caucus members sign an oath of secrecy. Can you tell us, Premier, why did you force your entire caucus to swear an oath of secrecy and never to disclose the fact that they'd received information from the Ministry of the Environment that these cuts would constitute a risk to human health?

Hon Michael D. Harris (Premier): I think there is the matter that I did travel to Walkerton to the inquiry that, as you know, we called to deal with that and I did deal with that issue there.

We did take, and have taken, a number of unprecedented steps as a government, as you know. One was to include confidential cabinet information for caucus, and whenever we did that we asked caucus to abide by the

same confidentiality rules as senior civil servants or cabinet ministers would. I think you would expect us to do so, and I think reasonable people would understand that.

I think, by the same token, those responsible for the inquiry will come to the same conclusion, that it is the responsible thing to look at all potential impacts. Once those have been answered and addressed, then you move forward.

Mr McGuinty: Premier, you're missing the point. You and the entire caucus, or at least those who were present during this presentation, were put on notice very directly that there was going to be an increased risk to human health as a result of decreased compliance and enforcement activities.

I suggest to you that surely the fundamental responsibility of you and your caucus in government is to protect human health. I just think that's the starter, Premier, that you should be accepting and championing.

Now, we tried to obtain copies of these oaths under the Freedom of Information and Protection of Privacy Act, and we were told that they do not exist. This is very important, because it implicates each and every one of those members who signed that oath, received this information, were put on notice, received the warning and failed to notify their constituents of a risk to human health as a result of cuts to the ministry. It's very important that we have those oaths so that we know who got the information and who failed to live up to the responsibility. Premier, what happened to those oaths?

Hon Mr Harris: I think there were a couple of occasions where we asked members. I can't speak to the actual swearing in or how it took place. I'd be glad to look into that for you. But I can tell you this, that as has been confirmed by the two ministers of the environment and as I have confirmed, we do not believe, nor does our cabinet nor does our caucus nor does our government nor does the Ministry of the Environment, that any of the actions that we took had contributed to any increased health risk to Ontarians.

Mr McGuinty: Sadly, we've seen this movie too many times now. We recently learned of the difficulties the RCMP had in trying to get Walkerton documents out of the Premier's office. We learned about the key passages that tie the Premier to discussions in the Ipperwash affair that were missing from court evidence. And now we learn that important evidence that proves exactly which Tory MPPs were told of warnings and agreed to keep it a secret is missing. Premier, I suggest that you have a growing credibility gap when it comes to these kinds of issues.

This is what I ask you to do today: will you direct the secretary of cabinet to investigate the disappearance of these oaths, and pending that investigation, will you provide me and Justice O'Connor with the names of the Tory MPPs who received these specific and explicit warnings and swore an oath not to tell anybody about the dangers?

Hon Mr Harris: I'd be happy to check into that for you. But let me make it very clear that at no time was any member of our caucus informed that there would be any risk to the health of any Ontarian as a result of any of the actions we took at that meeting. That was confirmed by the Minister of the Environment. That was confirmed by the two former ministers of the environment. It was confirmed by me.

Let's be upfront here. We are the ones who called the Walkerton inquiry. I had two ministers who attended to the Walkerton inquiry. I, myself, attended to the Walkerton inquiry. I realize, with all the screaming and yelling and the rudeness, you don't want to hear the answer, but perhaps the people at home would like to hear the answer. We called the inquiry. We put Justice O'Connor in charge of it. I travelled and spent six hours testifying to these very matters, and we all look forward to the results of Justice O'Connor's findings.

TAXATION

Mr Dalton McGuinty (Leader of the Opposition): My question is to the Premier. We believe in a balanced approach to the economy and in achieving competitiveness. We understand it takes more than competitive taxes; it also takes continuing investments in and support for health care, education, infrastructure and protection of the environment.

Two days ago, Premier, you made the mistake of speeding up your \$2.2-billion corporate tax cut. Your promise to pay corporate taxes 25% lower than our competitors' is unbalanced. It will not succeed in achieving your desired outcome. What's worse, it is eating away at the money we are going to need to invest in those new security measures, it's eating away at the money we need to maintain investments in health care and education, and it's eating away at the money we could have used for infrastructure projects that would have had a real immediate and positive impact on the economy and on jobs.

Do you still believe it is the right thing to do now, at this moment, to cut corporate taxes 25%?

Hon Michael D. Harris (Premier): This is from a member who opposed every corporate, small business and personal income tax cut we have brought in to the province of Ontario, tax cuts that now have been supported by every other government across Canada—NDP, Liberal and Conservative—tax cuts that have now been supported by the federal government in Ottawa, who now say that the best way to fight the slowdown is with the tax cuts they propose to bring in over the next number of years.

I don't know how you can stand in your place, while we bring forward tax cuts to create more jobs, to create more job security, to allow people to have the dignity of a job here in the province of Ontario, supported by every manufacturers' association, every employer, and somehow or other say your policy of higher taxes is better for the economy. You are a two-person show. You and the

leader of the New Democratic Party are the only two in Canada who believe that.

Mr McGuinty: Premier, it's a fairly simple question. Why do you believe that reducing our corporate taxes to the extent that they are 25% lower than our American counterparts' is good for our economy? I think Ontarians are entitled to an answer on that score.

I think the sad truth is that you are stuck like a broken record on an old song. We have a new and unprecedented challenge before us, and it calls for creative, innovative thinking, but above all it has to be balanced. Rushing your corporate tax cut is not going to save jobs.

Yesterday, Boeing announced layoffs here in Ontario. Nortel, which used to be one of our largest employers, announced that 20,000 people are going to lose their jobs. It is a sad and stark reality that thousands of people in our province are now becoming unemployed and our families fear that someone is going to lose their job.

How can you still defend your across-the-board corporate tax cut?

Hon Mr Harris: I think every business, every economist, is saying, "How can you afford not to give our companies, to give our businesses, more opportunities to hire more people, to stay in business—"

Interjections.

The Speaker (Hon Gary Carr): The member for Hamilton East, come to order, please. The member for Kingston and the Islands, come to order, please. Sorry, Premier, for the interruption.

Hon Mr Harris: You may be able to find some left-wing, NDP, union-sponsored economist somewhere, but no mainstream economist agrees with your position. They didn't agree with your position six years ago, five years ago, four years ago, three years ago, two years ago, last year, and they do not agree now. More than ever, our companies need our help so we can keep people employed in this province, so we can hang on to the jobs we have and so we can attract new jobs. You do not do that with higher taxes, and I'm shocked that you don't know that.

1400

Mr McGuinty: Premier, you are completely wrong on this issue. This is what one of the key economic advisers helping craft US President George Bush's stimulus package just wrote, from this Sunday's New York Times. He said, "... a permanent corporate income tax rate cut would have exceedingly little short-term stimulus benefit relative to the cost." That's the advice that the American president is getting, Premier.

Let me tell you what else our economists are saying. They're telling us that when it comes to across-the-board corporate tax cuts, they help the companies which are not in trouble, the ones that aren't in danger of laying off their workers. These kinds of cuts reward profits from investments made in prior years, not investments made today, which are the kinds of investments that we need now. Thirdly, Premier, and even worse, corporate tax cuts rob us of our ability to make the key investments we need to be able to make now to save jobs.

So the question I have for you, Premier, is, how can you still defend what is patently a mistake?

Hon Mr Harris: As you know, we came forward with a very balanced plan. We did announce major new capital for infrastructure; we are maintaining record investments into education and into health care; and, yes, we're trying to be tax-competitive.

Let me tell you about New York's tax competitiveness. If you look at the record of George Pataki, he has consistently cut corporate tax in his state, so that now the corporate tax rate in New York is 7.5%. The reduction we announced takes our corporate tax rate to 12.5%; by 2005 to 8%, still higher than New York state.

I want to tell you this: you said here yesterday that Americans and New Yorkers were on their knees. What a shameful, disgraceful statement to make. I want to tell you, I have never seen Americans stand taller, stand prouder, stand stronger, and particularly—

Interjections.

The Speaker: Order. Stop the clock.

OK, back to question period. The leader of the third party.

Mr Howard Hampton (Kenora-Rainy River): Premier, Nortel was so impressed by your accelerated corporate tax cuts on Monday that they laid off 20,000 workers on Tuesday. They're trying to send you a message: more tax reductions for well-off banks and corporations is not going to sustain jobs. But we've got a proposal for you, one that will.

We're calling for an emergency reduction in the sales tax. You know and I know that people have to buy winter clothing, warm boots, snowsuits for their kids for this winter. If you really want to get the cash registers humming, if you want to get people in the stores buying, if you want people to accelerate the economy, then reduce the sales tax. Will you do that, Premier?

Hon Mr Harris: I do want the record to show that the leader of the New Democratic Party is calling for a tax cut.

Let me say this: with your statement today, with your change in direction, your change in philosophy, you have distinguished yourself from the Liberal Party to finally understand—finally understand—that tax cuts do work. I appreciate the suggestion. I don't know if you had breakfast with Mel Lastman today, who also was talking about a tax cut, and we welcome him talking about lower taxes as well.

As always, we look at all suggestions. We look at all ways that we can stimulate the economy, not only in the short term but in the medium term and in the long term. We make a judgment based upon the balance between health care, between education, between accelerating capital projects, and those kinds of tax cuts that will create the most jobs. So we will continue—

The Speaker: Order. The Premier's time is up.

The leader of the third party.

Mr Hampton: We've long held that if you want to reduce a tax it should be the sales tax, because that's the tax which impacts upon the average citizen across this

province the most. If you want to get sales moving, that's the tax you should reduce.

You announced your accelerated corporate tax cut and the next day Nortel laid off 20,000 workers, and we know that more layoffs are coming as well. So it pretty well shoots down your whole strategy that by feeding wealthy corporations you're somehow going to induce them to save jobs.

You could help a lot of Ontario families through tough times. A lot of people are worried about losing their jobs; a lot of people have already lost their jobs. They need to buy winter clothing for their kids. They need to ensure that their kids have warm boots and snowsuits when they go to school. These are real needs, and your corporate tax cut isn't going to do a thing for them. If it's so easy for you to say yes to a corporate tax cut that's going to benefit banks to the tune of their \$10-billion profits, why can't you reduce the sales tax so ordinary families can have a chance?

Hon Mr Harris: The shareholders and the pensioners who have Nortel in their portfolios will be pleased to know that Nortel, in your definition, is a wealthy company. I would say this: your understanding of wealthy companies is one of the things that brought this province to its knees over your term in office, for the five years that you were in office.

The tax cuts that we have implemented, led, as you know, in large part by personal income tax cuts, along with small business tax cuts and also corporate tax cuts, are designed so that we can be competitive today, in the medium term and in the long term. In addition to putting more money in people's pockets, which stimulates consumer spending, they also have a long-term benefit of boosting productivity, giving people a greater incentive to work. All of our policies have been designed about restoring the work ethic and the incentive to work that you and the Liberals destroyed over 10 years in office.

Mr Hampton: The idea of reducing sales taxes to get the economy moving again is one that's being implemented by other provinces. Saskatchewan reduced their sales tax from 9% to 6% and, in preparation for the winter months, took the sales tax completely off home heating oil. In fact, it was in 1980 that someone named Frank Miller, Treasurer of a Conservative government, introduced supplementary measures to stimulate the Ontario economy, and he said, "Reductions in income taxes are not a viable mechanism for achieving immediate relief. However, in the past, reductions in retail sales tax have proven to be the most effective."

If you want to get people in the stores purchasing, if you want to get the economy moving again, reduce the sales tax. Why don't you give up on your continued gifts to your corporate friends, hundreds of millions of dollars to banks that already have \$10 billion in profits? How is that going to help people purchase the goods they need?

Hon Mr Harris: If it saves a job, it will certainly help them. Let me say I'm pleased; you usually are about 21 years behind the times when you come out with your economic theories and your economic policies. What we

have to look at is, on balance, what is appropriate today. While we welcome all suggestions, certainly understanding that taxes will continue to be reduced, will be competitive in the future is something the federal Liberal government in Ottawa—not the McGuinty Liberals; they're opposed to tax cuts—and our government have come to the conclusion is what's appropriate at this moment in time. We constantly will review, of course, the policies.

I simply want to repeat that it is very, very refreshing to those of us on this side of the House to find you split from the Liberals now, who wanted higher taxes. At least now you are talking the language of lower taxes. This is a great revelation on the road to Damascus so to speak. I—

The Speaker: The Premier's time is up.

1410

IMMIGRANTS

Mr Howard Hampton (Kenora-Rainy River): Also to the Premier: I think people will take note of the fact that you make fun of the possibility of reducing a tax that really impacts on ordinary people. But my next question is about your comments that there are thousands of dangerous illegal immigrants on the loose.

We were in this Legislature a week ago Monday in a non-partisan debate where you suggested that it would be wrong to scapegoat immigrants to Ontario, it would be wrong to scapegoat those people who might be of a different ethnic origin or might be of a different national origin or might be of a different religion. Suddenly, however, you are scapegoating those people.

Premier, could you tell us where you got the information that there are thousands of illegal immigrants on the loose in Ontario?

Hon Michael D. Harris (Premier): I agree it would be very, very wrong to talk about immigrants in this country or in this province of Ontario in any way connected to any of the acts of September 11 or terrorism. It would be very wrong for anybody to impugn that motive as well, and I'm sure you understand that.

We talked about illegal immigrants. We don't consider them immigrants; they're here illegally. There are many at large. This has been identified by the federal government. Estimates are in the range of some 20,000 that are there. I think it is wrong for me to refuse to acknowledge that. We acknowledged it before September 11 and we're acknowledging it after September 11, as is the federal government.

I can tell you that the Ontarians I've been speaking to since September 11 are concerned about security and they want us to take every initiative and every measure we can to help guarantee the security of Ontarians, and indeed of Canadian—

Mr Hampton: Premier, the motion that you put forward in the Legislature last Monday says, "...to ensure that all Ontario residents continue to treat one another—regardless of race, religion, background or ethnic origin—with generosity, with compassion, with dignity

and with respect." Yet here you are today out there trying to play on the fears of Ontario citizens that there are somehow thousands of illegal immigrants on the loose, and then you try to equate that with terrorism.

Premier, people have died, so people are scared. But could you tell me how fanning the flames of fear, how equating immigration with terrorism, does anything positive, does anything to help the situation in Ontario today? People want to know what you can effectively do rather than simply fanning fears.

Hon Mr Harris: The only two people I've heard fan those fears and make that allegation are you and the leader of the Liberal Party, Dalton McGuinty—absolute, utter nonsense.

The Deputy Solicitor General has been in contact with her federal counterpart. The federal deputy has indicated the federal government's support for these ideas. Meetings are being set up shortly between federal and provincial officials to discuss the next steps. Foreign Affairs Minister John Manley calls the moves a good idea. Manley, who heads the federal cabinet committee against terrorism, says all provinces should spend more time focusing on security.

I have to tell you that anybody who considers the rights of illegal immigrants, who are here jumping the queue ahead of all the legitimate immigrants and refugees, more important than the rights of legitimate immigrants, more important than the rights of legitimate refugees, I think is making a huge mistake. I just want to say that I hope that's not what you and the leader of the Liberal Party are alleging with your silly arguments.

OTTAWA HOSPITAL

Mr Dalton McGuinty (Leader of the Opposition): I assume we're still innocent until proven guilty in this House as well.

Speaker, my question is for the Minister of Health. The Ottawa Hospital is in a real mess, a mess that you created as a result of your continuing underinvestment and your poorly planned amalgamation. Six months ago, you received an operational review prepared by KPMG Consulting. They informed you that the Ottawa Hospital is being shortchanged to the tune of \$100 million. Three months ago, you fired the 28-member hospital board and replaced that board with your own supervisor. I can tell you during the course of the past six months we are still short of nurses. We are still experiencing cancelled and delayed surgeries. We are still short of hospital beds and so on.

The question I have for you on behalf of the people of Ottawa is: when are we going to see some substantial progress in improving hospital-based care for our families?

Hon Tony Clement (Minister of Health and Long-Term Care): I want to assure the honourable member and this House that we evidently share the same goal of improving the standard of care.

I know the honourable member is relying on the Brendan McGuinty report for a lot of his information. I want to share with this House the actual information in terms of the province's support for the Ottawa Hospital. Base funding has increased this year alone by 5.3%. Indeed, over the last three years, base funding for this hospital has increased 21%. No one in their right mind could challenge the commitment of this government to the actual operational needs of this hospital. The record speaks for itself.

Are there certain issues that have to be resolved? Of course there are. That's why we appointed a supervisor in the first place. We look forward to his recommendations and will act upon them.

Mr McGuinty: Minister, you continue to fiddle while Ottawa families experience tremendous difficulties in accessing quality hospital-based care. If you won't listen to the KPMG report, why don't you listen to your own report prepared by the Hay Group, the operational review and clinical audit of the Ottawa Hospital? I'll just quote it for you. It says, "Our analysis supports the notion that the Ottawa Hospital is not funded equitably in relation to its peers to support its overhead activities."

Every objective, impartial observer who's had the opportunity to take a look at what's happening in the Ottawa Hospital is telling you the same thing. We are being shortchanged and our patients are paying the price. We have too few nurses. We have too few beds. We have delayed and cancelled surgeries. We have ambulances that are on a permanent merry-go-round. We have patients spending the night in hospital corridors.

The question I have for you again is—you've been on the job, you've taken responsibility for this hospital now for some three months—when are we going to see some substantial progress for our families?

Hon Mr Clement: The honourable member keeps relying on the report that was engineered by Brendan McGuinty. He can do so if he wishes to.

I merely wish to put back on the record the Dalton McGuinty I knew, for it wasn't too long ago that Dalton McGuinty had this to say about hospital accountability. He said, "One of the things that we've got to do is this: to instill our hospital administrators with a sense of accountability to the system and not just to their own institution. In my own riding," he said, "there are five hospitals, and if somebody's got this machine, then the other guy wants the machine. If they've got this expert, they too want this expert. There's no accountability to the overall system, so one of the things that we have to do somehow is nurture that." I agree with that Dalton McGuinty, not the Dalton McGuinty of today.

1420

AGRICULTURE IN NORTHERN ONTARIO

Mr Bert Johnson (Perth-Middlesex): My question is for the Minister of Northern Development and Mines. Many of the constituents in my riding of Perth-Middlesex

own land and are now harvesting their crops. Many of them play an important part in the production of agricultural goods. As you know, agriculture is an important sector for Ontario. This week, in recognition of the efforts, farmers across Ontario are celebrating Agriculture Week. The agriculture sector in the province is often referred to as the farming community because they work together and face many of the same challenges.

Five per cent of Ontario's farms are in the north. I'd like to know what programs the Ministry of Northern Development and Mines had available to northern farmers.

Hon Dan Newman (Minister of Northern Development and Mines): I'd like to thank the member for Perth-Middlesex for this question. I know he does an absolutely outstanding job working hard to represent his constituents in Perth-Middlesex.

While I know that many members of the House have certainly heard of the northern Ontario heritage fund, I'd like to point out that one of the areas of focus of the heritage fund is indeed agriculture. We know that there are at least 4,600 people who are employed in the agricultural industry in northern Ontario, and we want farmers to have access to the latest farm practices and techniques. We recognize that a strong northern agricultural sector means strong northern communities as well as a strong northern economy. That's why since 1996, through the heritage fund, the Mike Harris government has invested over \$17 million in agriculture in northern Ontario.

Mr Johnson: My supplementary is also for the Minister of Northern Development and Mines. I know my constituents will be pleased to hear that the Mike Harris government has made such significant investments in the agricultural community in the north. Farmers in the north face unique challenges, and I'm pleased that our government has recognized the important part farmers play in the community and the economy.

For the benefit of all the members of this House, could you please give us some examples of recent initiatives your ministry has taken to support agriculture in the north?

Hon Mr Newman: I'd like to thank the member for Perth-Middlesex for the opportunity to speak of some of the recent initiatives for agriculture undertaken by my ministry. In fact, when I was in Vernor on September 18, I was pleased to announce that the heritage fund has provided over \$3.2 million for 11 agricultural initiatives in northern Ontario. I know those projects have the full support of my colleague Brian Coburn, the Minister of Agriculture, Food and Rural Affairs.

Today I had the opportunity to meet with representatives from the Chicken Farmers of Ontario. If I can for a moment just acknowledge their presence here in the gallery today, we have Maher Kalaaji, William Bearss, and Jack Van Netten, who have joined us today for question period.

I think it's important to note that our stakeholders speak best when they speak about our recent initiatives. Daniel Olivier of the West Nipissing Soil and Crop Im-

provement Association was delighted with the announcement. He said the province is helping to make improvements that will boost profitability and encourage the next generation to farm in northern Ontario.

HOSPITAL FUNDING

Mr Steve Peters (Elgin-Middlesex-London): My question is to the Minister of Health. It has come to my attention that at 3 pm today, the London Health Sciences Centre is going to announce the unthinkable: the closure of the pediatric cardiology unit, a direct result of hospitals' forced restructuring.

You approved this plan. You knew this was going to happen and you did nothing to stop it, other than to script your London Tories. London West speaks of only offering the service you rationally can in London. London-Fanshawe: "Of course I want pediatric services in London, but I've got older parents who have had heart surgery, so which do I pick?" London North Centre: silence.

Minister, I lay the blame for this directly at your feet and at the feet of the local Tories. You speak of rationalization. Is shipping critically ill children across this province rational? Is your idea of how to care for children in southwestern Ontario by the closure of this unit and many others? Welcome to Mike Harris's Ontario. These families demand and deserve an answer as to what's going on at the London Health Sciences Centre.

Interjections.

The Speaker (Hon Gary Carr): Stop the clock. Minister, take a seat.

Come to order, please. You've asked the question. It is now the minister's turn to reply.

Member for London-Fanshawe, come to order.

Sorry for the interruption. The Minister of Health.

Hon Tony Clement (Minister of Health and Long-Term Care): I would like to put on the record that the base funding for the very hospital that the honourable member speaks about has increased 26% from the beginning of last year, so our commitment to health services for Londoners cannot be questioned by someone who knows the facts about the situation.

The honourable member asked me a direct question about what is going to take place at 3 pm this afternoon. Let the record show that the clock stands at 2:25. I cannot predict the future, but whatever is announced by an independent board of directors of the London Health Sciences Centre we will have to take a look at, and always act in the best interests of Ontarians.

The Speaker: Supplementary?

Mrs Lyn McLeod (Thunder Bay-Atikokan): It's not just pediatric heart surgery that will be shut down at the London hospital. We understand that as many as 14 programs are going to be shut down. Minister, I say to you that this is the disastrous result of your underfunding of hospitals, and it is just the beginning. You were told that giving hospitals any less than \$650 million would mean service cuts and massive layoffs across this prov-

ince, yet you are actually giving hospitals \$120 million less this year than you gave them last year. That is right, and it's in your estimates book.

You gave London \$15 million to meet a \$58-million deficit, and you told them to cut \$17 million in services. That's the result we're seeing today. That means, with all your talk about efficiencies in restructuring, hundreds of very sick people in southwestern Ontario, hundreds of sick children, hundreds of sick seniors, are going to be told to get their care somewhere else. How many of these restructuring plans are you approving in London and across the province? How many more hospital services are you going to shut down?

Hon Mr Clement: I feel compelled to use my time to correct the record. There is an increase of \$450 million of taxpayers' money for hospitals this year, making a budget for hospitals in the province of Ontario of an unprecedented \$8.6 billion for this year. Over five years, that's an increase of 28%. In London over the last two years for the particular hospital that was mentioned in the first question, that's an increase of 26%. That record speaks for itself. It's a record of which we're particularly proud. It's a record that shows we are facing some of the tough decisions and we know where our priority programs in hospitals have to be. We are funding those priority programs, we are funding the hospitals and we are also demanding the accountability necessary to make sure that the money goes to the patient. Patient-centred care, that's what this government is all about.

DOMESTIC VIOLENCE

Mrs Julia Munro (York North): My question is for the Minister of Community and Social Services.

Interjections.

The Speaker (Hon Gary Carr): Order. Stop the clock, please. The member needs to hear to ask the question. Sorry for the interruption, member for York North.

Mrs Munro: One of the most important services for victims of domestic abuse is the compassionate and supportive voice they can find through a women's crisis hotline. These services are not only an essential source of information, but also a warm and sympathetic voice in their time of need. However, shelters which currently run emergency crisis lines often lack the resources and staffing to provide around-the-clock service. In fact, many women have turned to the Assaulted Women's Helpline in Toronto, since they are the only ones offering service 24 hours a day. Clearly, there is a need to provide greater access to these services for people outside of Toronto.

This government has put a lot of time and resources into getting tough on crime, but we can't forget that community supports are crucial to helping the victims of domestic abuse. Minister, how does your announcement—

The Speaker: Order. I'm afraid the member's time is up.

Hon John R. Baird (Minister of Community and Social Services, minister responsible for children, minister responsible for francophone affairs): Providing supports to victims of domestic violence is something that's incredibly important, as it is to provide support to all victims of crime. It requires a real balance between judicial supports and law enforcement supports, and we've done an incredible amount in this area. I certainly believe we could do more on the community side.

That's why in addition to the 300 new beds for victims of domestic violence, we announced this morning an initiative to try to expand the supports that women in the greater Toronto area have been able to enjoy for a good number of years. We'll be able to expand this hotline for victims right across Ontario. This is important, not just for people in the GTA and for every region of the province, but particularly for rural Ontario so they can benefit from these services and supports being provided by the government at the same level that they've been enjoying in the city of Toronto for many years.

Mrs Munro: Crisis helplines are only one part of the answer to stopping violence against women. It's crucial not only to expand the number of beds in the system, but also to make sure that the services are there and to make sure they're ready to help women break the cycle of abuse and violence. I know you made a major announcement regarding violence-against-women funding in the last few weeks, but what does it mean for the system as a whole, in particular for high-growth areas in the 905 area like York region, where existing services have not kept up with the huge growth in population?

1430

Hon Mr Baird: In talking about smart growth and the challenges of a growing population, that is particularly a problem in areas like my home, the Carleton ring around the new city of Ottawa. It's also important in the 905 area, the GTA. That's why we're making an investment of \$26 million to build more capacity in shelters for victims of domestic violence.

In the member's own constituency, we'll be converting 20 beds in Georgina. In Durham region, we'll be refurbishing 30 beds in Oshawa and Bowmanville and increasing beds by 25 in the western portion of Durham. In Brampton as well, we can add an additional 27 beds. This goes to try to meet the increased demands resulting from a growing population to ensure there's a social infrastructure there to be able to support victims of domestic violence.

All people in the province of Ontario deserve the right to live a life free of violence. We all take for granted the tranquility of our own homes. For too many, when they put the key in the door, that's only the beginning of the fear, rather than the end.

ETHNIC PROFILING

Mr Peter Kormos (Niagara Centre): My question is for the Premier. Sir, does the fight against terrorism require that we scapegoat a particular community?

Because, you see, Major General Lewis MacKenzie, in a recent radio interview, said that ethnic profiling of certain communities would have to be part of a crackdown on terrorism. In his words, "I'm sorry more current attention is going to have to be paid to people who are obviously potentially part of that group." He went on to say, "Look, I'm terribly sorry. The odds are you're not involved but you're going to receive more thorough interrogation."

Premier, you've appointed Major General MacKenzie as your security adviser. Will his ethnic profiling be part of your Conservative government policy?

Hon Michael D. Harris (Premier): No.

Mr Kormos: This House, all of us, have made it quite clear that we agree with confronting terrorism, but the fact is that human rights and basic freedoms don't have to be sacrificed in the process. You've got to understand what ethnic profiling means to people who don't have the right skin colour or the right surname or the right accent. It means you're stopped more often by the police without reason. It means your home is searched more often. You're under surveillance, you're subject to strip searches, among other things. That amounts to the criminalization and harassment of significant and entire Ontario communities.

You appointed Major General Lewis MacKenzie as your security adviser. Will you please condemn today the statements of Lewis MacKenzie with respect to ethnic profiling and assure us that the people of Ontario will never be targeted by MacKenzie or any other of your policy advisers or appointees because of the colour of their skin, the language they speak or the place they were born?

Hon Mr Harris: I don't know where you make up this silly stuff. I can also assure the people of Ontario and all of those of different ethnic minorities, different religious minorities, different skin colour, those who are here in the province of Ontario, I'll do everything in my power never to unleash you or your party on them again too.

HOME CARE

Mrs Sandra Pupatello (Windsor West): My question is for the Premier of Ontario, and I'd like to ask about home care. When we started restructuring right across Ontario, we were guaranteed by Duncan Sinclair that restructuring would not go forward until community investment was in place. Let me read to you what Duncan Sinclair now says about the home care program. He says, "There's no question that those people right now who need home care and aren't getting it—they face individual crises," said Sinclair." That was yesterday.

Let me tell you what an individual from your caucus has written to those responsible in your cabinet for home care: "I've heard from my constituents about their concerns for sufficient funding to provide the level of care to those persons in need outside the hospital setting. We have to ensure the necessary level is provided." That is from Joe Tascona, MPP for Barrie-Simcoe-Bradford.

I'd like to know. You promised community investment. You've let us down. What do you have to say?

Hon Michael D. Harris (Premier): Mr Speaker, I think you know there have been massive reinvestments into home care. I understand the member has a resolution she wants debated tomorrow that asks to go back to old levels of funding. I assume she means when her party was in power. That would mean a slashing of about two thirds of the amount of funding that is in home care.

I don't understand why you want to go back to the Liberal ways and cut \$800 million out of home care funding. We are funding home care at record levels. We continue to make record investments into home care. Is there ever enough money for everything that everybody wants and needs in health care? No. We understand that. But when we've been slashed by Liberals in Ottawa, we've done pretty good with \$6 billion more in funding.

Mrs Pupatello: That's just such a dumb answer for such a serious issue facing people right across the province. Here's what your member Ted Arnott said yesterday in this House, your member, not a member of the Liberal Party: "Some patients are receiving less care and some aren't receiving the care they need because they're on a waiting list." They're asking you to improve the funding to CCACs.

Here's the member from Lambton-Kent-Middlesex, also from your caucus. Here's what he wrote, "In any event, I don't care how we do it. We must make sure our sick and elderly get the type of care they need when they need it." He says, "How dare we put these people—what am I supposed to answer to Mrs Irwin, who writes to me and knows that we have a problem?" Members of your own caucus are acknowledging that you're not taking care of our sick and elderly people like you're supposed to.

Premier, on an issue this serious, we don't want a glib answer from you. We want appropriate levels of funding. You said it was going to happen this way and it is not. You're responsible. What do you answer to Mrs Irwin and all the people in Ontario—

The Speaker (Hon Gary Carr): The member's time is up.

Hon Mr Harris: I say that in Essex county we've increased funding about 34%. I say that—

Interjections.

The Speaker: Stop the clock, please. The member for Windsor West, come to order, please. Sorry, Premier, for the interruption.

Hon Mr Harris: I'm sorry too, Mr Speaker. The opposition doesn't seem to want to hear the answers. I understand why this member doesn't want to hear the answer, because she has a proposal before the House—

Interjection.

The Speaker: Stop the clock, please. I heard something that's unparliamentary. I need to have a withdrawal, please.

Mrs Pupatello: I withdraw, Speaker.

The Speaker: I would ask all members to carefully watch their language. The temperature is rising a wee bit. Again I apologize to the Premier for the interruptions.

Hon Mr Harris: Thank you very much. Let me be the first to acknowledge that the challenges we face in providing health care are tremendous. They're tremendous all across the country. It has been a struggle to come up with \$6 billion more when we've been cut back by the Liberals in Ottawa. We found those dollars. It has been a struggle in the rapid increase in demand in home care. However, I think the people of Ontario need to know that we have massively increased home care funding. I understand why the opposition members scream and yell and don't—

The Speaker: The Premier's time is up, I'm afraid.

MUNICIPAL GOVERNMENT

Mr Joseph Spina (Brampton Centre): My question is for the Minister of Municipal Affairs and Housing. In speaking to many mayors and reeves across the province over this past while—

Interjections.

The Speaker (Hon Gary Carr): Stop the clock. This is the last warning for the member for Windsor West. I can't continue with her doing that. If she does it again, we will have to remove her. Sorry, member for Brampton Centre.

Mr Spina: Minister, in speaking with many mayors and reeves across this province over the past few months, I noticed there has been some positive comment about the provincial government from the municipal sector. Can you give me some idea of what's going on and what's happened to demonstrate these comments?

Hon Chris Hodgson (Minister of Municipal Affairs and Housing): Thank you very much. I appreciate the question, finally a good question from somebody who's in touch with his constituents and municipalities across the province. As you know, municipalities do tremendous work on behalf of the residents in their communities. They make important decisions that affect the quality of life for their communities. We appreciate that and they appreciate the fact that they have a government that recognizes the challenges of being democratically elected, of being in positions of responsibility.

We've been working well together. We've been consulting on a new Municipal Act, something they've asked for for over 140 years. The act was brought in in 1849. For the last 140 years or more they've been asking to update it. Going into the 21st century, they need the tools to do the job on behalf of their residents and their communities. It is something on which we want to work with them to make sure our communities are better places to live.

Mr Spina: You mentioned the consultations you've been involved in regarding the proposed new Municipal Act. This has been talked about for a long time by various governments of all stripes. It has been long awaited and anticipated by many municipalities in this

province. When are we really going to start seeing something come out of this? Will we be seeing something in the near future? Will the municipalities have the opportunity to really have input on this?

1440

Hon Mr Hodgson: Mr Speaker, through you to the member, he's right. Ministers of Municipal Affairs have promised a new Municipal Act for at least all of my lifetime, and probably the lifetime of most of the members in here. It's become a bit of an annual ritual at the AMO to promise a new Municipal Act.

We think we've got it right. We've got a balance, a consensus with a number of stakeholders that a new act would touch upon. We've been consulting. Al Leach, Steve Gilchrist and Tony Clement set up processes where they consulted. We released a 1998 draft release.

In the words of Hazel McCallion, there's been enough talk on this. Now it's time for action. We intend to, with the co-operation of this House, bring in a new Municipal Act to give our communities the tools they need to provide better service for the next century.

MFP FINANCIAL SERVICES

Mr Bruce Crozier (Essex): My question is for the Chair of Management Board. Contracts with MFP Financial Services have recently been the object of some scrutiny by municipalities in my riding. MFP Financial is the subject of a lawsuit by the city of Waterloo. The city of Windsor, the county of Essex and the Union Water System are all reviewing, and in some cases withdrawing from, financial contracts with MFP Financial.

In the fiscal year 2000-01, ministries in your government paid fees to MFP Financial totalling \$88 million. Recently I wrote to you asking that you "have the Provincial Auditor conduct a special audit of any contract the province and its agencies, boards and commissions might have with MFP Financial Services."

My question is this, Minister: are you concerned with the government contracts with MFP Financial, and, to protect the interests of the taxpayers of Ontario, what direction have you given to the Provincial Auditor?

Hon David H. Tsubouchi (Chair of the Management Board of Cabinet): I appreciate the question from the member for Essex. To answer your question, yes, I am concerned whenever any type of doubt is raised about any situation that might impact upon any type of government contract. As a result of seeing your letter, I've asked our ministry, Management Board, to investigate all the contracts dealing with this particular company. They have advised me already that in fact we have no legal disputes between them and any of our government ministries at this point in time.

Thank you for the suggestion. We have investigated them. As far as we can see right now, certainly all the contracts we have are on contract and certainly appear to be aboveboard.

Mr Crozier: It's like asking the fox to check the chicken house. They signed the contracts with this com-

pany. In fact, one of your senior bureaucrats was on the MFP Web site as having endorsed MFP Financial. Now, mysteriously, that endorsement has disappeared from the Web site. That then would indicate to me, if they don't endorse them any more, that maybe there are some concerns about them.

So, Minister, I'm asking you today, because I think this could come to some unfortunate conclusions in our area, that you have an independent review, not somebody who signed the contracts with them but somebody like the Provincial Auditor, to review those contracts and assure you and this House that those contracts are in fact in order, unlike some of the others that have been signed with municipalities in this province.

Hon Mr Tsubouchi: Let me clarify the statement, first of all. As I understand it, the statement was made by a former employee of the government, and it was also appearing not on a government Web site, but also on the Web site of the particular company.

The fact of the matter is that Management Board's job is to be the auditor of this government. We keep track of the expenses of this government, and I must say the civil servants in Management Board are doing a good job. Giving credit for that is part of that which is due for the situation we have right now. We have taken very conservative measures. We have watched our own budgets. It's very important in this day and age; we've done that. Much of the credit goes to the civil service for doing that. I believe we have good employees of Management Board, I believe they are capable of doing their job, and that's a job we'll continue to do.

MUNICIPAL GOVERNMENT

Mr John O'Toole (Durham): I have a question for the Minister of Municipal Affairs and Housing. My colleague here has just recently asked you a question with respect to the review of the Municipal Act. As you know, this has been under discussion for some time now.

Minister, in what specific terms are you going to be dealing with the issues raised in all three rounds of consultations to satisfy finding the right balance with our stakeholders, the municipal leaders?

Hon Chris Hodgson (Minister of Municipal Affairs and Housing): As the member knows, this government has done more consultation on a whole variety of issues than any government prior to our election, right from 1995 on.

In 1998 we released the draft Municipal Act. Al Leach took the lead on that, and we had a lot of input from municipalities right across Ontario, plus input from chambers of commerce across Ontario, from small towns to large cities and boards of trade like the Toronto Board of Trade, right through to a variety of stakeholders that are affected by this act, because this act affects municipal decision-making in terms of how they can provide service to their residents in a large province with a lot of diverse needs. So there has been extensive consultation.

I've had the honour of leading this consultation in the final phases. As I mentioned, in the words of Hazel McCallion, "We've talked enough about this. Now it's time for action." Our government is also known to provide action, unlike previous governments, so we will introduce an act that hopefully will benefit the people of Ontario.

Mr O'Toole: Thank you very much for that, Minister. I'll tell you, I am hearing very positive and supportive comments on your approach with municipalities, and this all fits together with, I believe, a larger plan that you have with respect to the Smart Growth initiatives that your ministry is taking the lead on.

There is clear evidence to me in my riding. I know you have served at the municipal level of government, as I have. There's clear evidence that the municipalities do want additional responsibility, but I'm hearing they are ready now for accepting accountability as well. Could you comment on that for me, Minister, please?

Hon Mr Hodgson: As you know, municipalities and their councils and the mayors and reeves and regional chairs are accountable. They are accountable to the electorate every three years, just like we are. They cannot budget deficits. They do a tremendous job on our behalf.

Now, there are 447 municipal councils across Ontario and there are a lot of councillors, but most of them by and large get into politics for the right reasons. It's non-partisan; it's to make their communities better places to live.

We consulted on Smart Growth. We consulted directly with municipal councils. Surprisingly, their input back to us was similar to what we heard in the 17 regional consultations, what we heard through our Web site, what we heard through the mail and what we heard on the street from our neighbours and our friends, and at the hockey arenas as well. That is, they want more and better transit, more highways, more transportation. They want a cleaner environment. They want safe neighbourhoods and safe communities.

The Premier has listened. Last week's announcement on transit is truly historic—\$9 billion over 10 years to rebuild this province, to get people and goods moving.

ETHNIC PROFILING

Mr Peter Kormos (Niagara Centre): To the Premier: General Lewis MacKenzie, September 12, CBC Radio—here's the transcript, clearly using the words "ethnic profiling" and recommending advocating it as a tool against terrorism.

Premier, were you aware of the general's viewpoints about ethnic profiling, and if you were, why did you appoint him?

Hon Michael D. Harris (Premier): I think that you would agree and certainly most Canadians agree that General Lewis MacKenzie has experience from the military side that could be very beneficial to us. Certainly Norman Inkster was very supportive of his appointment in being compatible with Mr Inkster's appointment.

I think the record will show right here in the Legislature—Mike Harris, Premier of Ontario, October 3: no, we do not agree with ethnic profiling.

Mr Kormos: The Premier's record is far from blemish-free. He states, as I said earlier, that too many immigrants from other countries are coming here for a free ride. The Premier has not been exactly generous to immigrant people to this province.

Premier, the reality is that your appointee as security adviser is a clear and unrepentant advocate of ethnic profiling. That means he is prepared on your behalf to single out people of certain skin colour, people of certain ethnicity, people with certain surnames for special treatment, special surveillance, special interrogation, special supervision, special police harassment. The best Lewis MacKenzie will do is say, "I'm sorry, but that's the way it's got to be."

What are you going to do to ensure that doesn't happen? Will you tell us that you revoke your appointment of Lewis MacKenzie today to distance yourself from that policy and that attitude, that advocacy of ethnic profiling?

Hon Mr Harris: I think we've made it very clear, and let me repeat, that we do not support any immigrant who is here illegally, jumping the queue, taking places away from legitimate immigrants. I think it is incumbent on us to do something about that. This is supported by the chief of police, it's supported by federal officials, it's supported by others.

As to the previous quote, any immigrant from any country, of any colour, of any religion—including Anglicans from Britain, who were my ancestors—who are coming here for a free ride are not welcome.

NOTICE OF DISSATISFACTION

Mr Steve Peters (Elgin-Middlesex-London): In accordance with section 37(a) of the standing orders, I have filed the appropriate paperwork expressing my dissatisfaction with the answer from the Minister of Health today.

The Speaker (Hon Gary Carr): I thank the member for that.

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PETITIONS

COMMUNITY CARE ACCESS CENTRES

Mrs Sandra Pupatello (Windsor West): "To the Legislative Assembly of Ontario:

"Whereas the Mike Harris government promised to institute patient-based budgeting for health care services in the 1995 Common Sense Revolution; and

"Whereas community care access centres now face a collective shortfall of up to \$175 million due to a funding rollback by the provincial government; and

"Whereas due to this funding rollback, community care access centres have cut back on home care services affecting many sick and elderly Ontarians; and

"Whereas these cuts in services are forcing Ontarians into more expensive long-term-care facilities or back into hospital;

"We, the undersigned, petition the Legislative Assembly of Ontario to immediately lift the funding freeze for home care services, so as to ensure that community care access centres can provide the services that Ontario's working families need."

I'm happy to submit this on behalf of many, many people in the Ottawa Valley.

SAFE DRINKING WATER LEGISLATION

Ms Marilyn Churley (Toronto-Danforth): I have a petition which reads:

"To the Legislative Assembly of Ontario:

"Whereas the people of Ontario have the right to receive clean and safe drinking water; and

"Whereas clean, safe drinking water is a basic human entitlement and essential for the protection of public health; and

"Whereas the people of Ontario have the right to receive accurate and immediate information about the quality of water; and

"Whereas Mike Harris and the government of Ontario have failed to protect the quality of drinking water in Ontario; and

"Whereas Mike Harris and the government of Ontario have failed to provide the necessary financial resources to the Ministry of the Environment; and

"Whereas the policies of Mike Harris and the government of Ontario have endangered the environment and the health of the citizens of Ontario;

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

"(1) Immediately restore adequate funding and staffing to the Ministry of the Environment;

"(2) Immediately pass into law Bill 3, the Safe Drinking Water Act, 2001."

I will affix my signature to this petition.

NATIONAL CHILD BENEFIT SUPPLEMENT

Mr Ted Arnott (Waterloo-Wellington): This petition is for the Legislative Assembly of Ontario, and it reads as follows:

"Whereas part of the national child tax benefit program the federal government gives as a supplement to low-income families across the country to begin to address child poverty;

"Whereas that money, up to \$100 per month per child, is meant to give our poorest and most vulnerable children a better chance in life;

"Whereas in Ontario the Conservative government deducts the child benefit supplement dollar for dollar from those living on social assistance;

"Whereas this is leaving our province's neediest children without extra money they desperately need to begin their climb out of poverty;

"Whereas all children are entitled to a fair chance at life;

"Therefore be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario to demand that the government of Ontario stop the clawback of the national child tax benefit supplement and ensure this federal money reaches all low-income families in Ontario."

HOME CARE

Mr Rick Bartolucci (Sudbury): "To the Legislative Assembly of Ontario:

"Whereas the need for home care services is rapidly growing in Ontario due to the aging of the population and hospital restructuring; and

"Whereas the prices paid by community care access centres (CCACs) to purchase home care services for their clients are rising due to factors beyond the control of CCACs; and

"Whereas the funding provided by the Ontario government through the Ministry of Health and Long-Term Care (MOHLTC) is inadequate to meet the growing need for home care services; and

"Whereas the funding shortfall, coupled with the implications of Bill 46, the Public Sector Accountability Act, currently before the Legislature, are forcing community care access centres to make deep cuts in home care services without any policy direction from the provincial government;

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

"(1) That the Legislative Assembly direct the provincial government to take control of policy-setting for home care services through rational, population-based health care planning rather than simply by underfunding the system; and

"(2) That the Legislative Assembly direct the provincial government to provide sufficient funding to CCACs to support the home care services that are the mandate of CCACs in the volumes needed to meet their communities' rapidly growing needs; and

"(3) That the Legislative Assembly make it necessary for the provincial government to notify the agencies it funds of the amount of funding they will be given by the government in a fiscal year at least three months before the commencement of the fiscal year."

Of course, I affix my signature to it.

CRUELTY TO ANIMALS

Ms Marilyn Mushinski (Scarborough Centre): I have a petition addressed to the Legislative Assembly of Ontario that reads as follows:

“Whereas the Criminal Code of Canada considers animal cruelty to be a property offence; and

“Whereas those who commit crimes against animals currently face light sentences upon conviction; and

“Whereas those who operate puppy mills should, upon conviction, face sentences that are appropriate for the torture and inhumane treatment they have inflicted on puppies under their so-called care;

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

“That the Ontario provincial government petition the federal government to move forward with amendments to the cruelty of animal provisions in the Criminal Code as soon as possible.”

Interjections.

Ms Mushinski: I'm pleased to affix my signature to this petition, which my constituents take very seriously, even if the Liberal opposition doesn't.

FOREST INDUSTRY

Mr Michael A. Brown (Algoma-Manitoulin): I have a number of petitions to the Legislative Assembly of Ontario:

“Whereas the Ministry of Natural Resources called for proposals with respect to surplus northeastern Ontario hardwood;

“Whereas Wawa Forest Products submitted a proposal for this surplus northeastern Ontario hardwood which included the building of a manufacturing facility in Wawa within the township of Michipicoten;

“Whereas on April 6, 2001, the Ministry of Natural Resources announced allocations of a portion of the surplus northeastern Ontario hardwood to Grant Forest Products in Timmins and Englehart, and Algoma Mill Works in Blind River;

“Whereas the residents of the township of Michipicoten believe that the proposal submitted by Wawa Forest Products is viable and will result in a desperately needed economic boost to the community and provide the industrial assessment needed for the continued viability of the community;

“Therefore be it resolved that we, the undersigned, petition the Legislative Assembly of Ontario as follows:

“That the Minister of Natural Resources arrange a meeting between officials of the Ministry of Natural Resources, Wawa Forest Products and the township of Michipicoten. The reason for such a meeting is to coordinate a consensus on minor differences that may exist in the plan submitted by Wawa Forest Products. It is the hope of the township of Michipicoten and its residents that such a meeting would result in the construction of the Wawa Forest Products mill in Wawa.”

I support this petition and am most alarmed that the ministry has delayed the next call for proposals.

DIALYSIS

Mr John C. Cleary (Stormont-Dundas-Charlottenburgh): A petition to the Legislative Assembly of Ontario:

“Whereas there is limited dialysis treatment available in the Cornwall area and the Cornwall dialysis clinic's waiting list continues to grow; and

“Whereas the lack of medical treatment forces dialysis patients throughout Stormont, Dundas, Glengarry and beyond to drive to Ottawa, Kingston or Brockville several times each week, even during dangerous winter driving conditions, to receive the basic medical attention and, at the same time, incurring unnecessary stress, cost and inconvenience; and

“Whereas the Minister of Health and Long-Term Care has been presented with a proposal that could drastically reduce the number of kidney patients that are forced to travel to receive the life-saving medical treatment; and

“Whereas the Ministry of Health and Long-Term Care could temporarily increase the number of patients receiving treatment at the Cornwall dialysis clinic until the dialysis unit is up and running at the Cornwall General Hospital;

“Therefore, we, the undersigned, petition the Legislative Assembly to ensure that increased patient treatment places are opened at the Cornwall dialysis clinic.”

I have signed my name to this petition to add it to the hundreds and hundreds of others that I've presented.

1500

ONTARIO PUBLIC SERVICE

Mr Pat Hoy (Chatham-Kent Essex): To the Legislative Assembly of Ontario:

“Whereas the November 2000 announcement of massive privatization of Ministry of Transportation services will have a significant detrimental effect on citizen road safety, confidentiality of citizens' information and on the economy of Ontario; and

“Whereas the employees of the Ministry of Transportation are recognized in writing by the provincial government to have provided excellent service on the government's behalf; and

“Whereas the government of Ontario is taking away the livelihood and decreasing the standard of living of thousands of employees and families by its actions, both directly and indirectly through spinoff effects; and

“Whereas citizens of Ontario are entitled to safe roads, consistency in driver testing, and competent inspection of trucks, school buses and vehicles carrying dangerous goods; and

“Whereas communities continue to need to retain decent-paying jobs if they are to maintain viability and vibrancy; and

"Whereas we taxpayers have entrusted the provincial government with the maintenance of public safety, with an apolitical and efficient public service, a service free of profiteering and protected from conflicts of interests; and

"Whereas privatization is an abdication of such public trust;

"We, the undersigned, petition the Legislative Assembly of Ontario to place a moratorium on all further privatization and to restore and promote public service as being of significant value in our society."

I have signed this petition.

AUDIOLOGY SERVICES

Mr David Caplan (Don Valley East): I have a petition entitled Listen: Our Hearing is Important, and it is to the Legislative Assembly of Ontario:

"Whereas services delisted by the Harris government now exceed \$100 million in total;

"Whereas Ontarians depend on audiologists for the provision of qualified hearing assessments and hearing aid prescriptions;

"Whereas the new Harris government policy will virtually eliminate access to publicly funded audiology assessment centres across vast regions of Ontario;

"Whereas this new Harris government policy is virtually impossible to implement in underserved areas across Ontario;

"Whereas this policy will lengthen waiting lists for patients and therefore have a detrimental effect on the health of all Ontarians;

"Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature to demand the Mike Harris government move immediately to permanently fund audiologists directly for the provision of audiology services."

I agree with this petition; I have signed it.

ONTARIO DISABILITY SUPPORT PROGRAM

Mr Michael Gravelle (Thunder Bay-Superior North): "To the Legislative Assembly of Ontario:

"Whereas the recipients of benefits under the Ontario Disability Act have not received a cost-of-living increase since a \$2.50 increase in 1987; and

"Whereas the cost of living in Ontario has increased in every one of the years since, especially for basic needs such as housing, food, utilities, transportation, clothing and household goods; and

"Whereas disabled Ontarians are recognized under the Ontario Disability Support Program Act, 1997, and as such have the right to have their basic needs met, including adequate housing, a proper and healthy diet, a bed that does not make them sicker and clothing that fits and is free of stains and holes; and

"Whereas their basic needs are no longer being met because the Ministry of Social Services has not increased the shelter and basic needs allowance of disabled Ontar-

ians eligible to receive benefits under the Ontario disability support program to reflect the increased costs of shelter and basic needs; and

"Whereas a new Ontarians with Disabilities Act has yet to be introduced to help protect the thousands of vulnerable people in Ontario who are dependent on others for their basic needs and care and who are eligible for benefits under the Ontario Disability Support Program Act 1997;

"Therefore we, the undersigned citizens of Ontario, request the Ontario Legislature to urge the government to respect their own definition of basic needs and provide a cost-of-living increase to recipients of benefits through the Ontario Disability Support Program Act that is sufficient to cover the increased costs of their basic needs as of 2001 prices, and that this benefit not be reduced as a result of increases in the Canada pension plan benefit."

I am very proud to sign this petition as well.

AUDIOLOGY SERVICES

Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot): I have received just today over 1,000 names on a petition entitled Listen: Our Hearing is Important, which reads:

"Whereas services delisted by the Harris government now exceed \$100 million in total; and

"Whereas Ontarians depend on audiologists for the provision of qualified hearing assessments and hearing aid prescriptions; and

"Whereas the new Harris government policy will virtually eliminate access to publicly funded audiology assessments across vast regions of Ontario; and

"Whereas this new Harris government policy is virtually impossible to implement in underserved areas across Ontario; and

"Whereas this policy will lengthen waiting lists for patients and therefore have a detrimental effect on the health of these Ontarians;

"Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature to demand the Mike Harris government move immediately to permanently fund audiologists directly for the provision of audiology services."

There are another 6,000 names which will eventually be submitted from citizens in over 110 Ontario communities.

HOME CARE

Mr James J. Bradley (St Catharines): I have a petition that reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas the need for home care services is rapidly growing in Ontario due to the aging of the population and hospital restructuring; and

"Whereas the prices paid by community care access centres to purchase home care services for their clients

are rising due to factors beyond the control of community care access centres; and

“Whereas the funding provided by the Ontario government through the Ministry of Health and Long-Term Care is inadequate to meet the growing need for home care services; and

“Whereas the funding shortfall, coupled with the implications of Bill 46, the Public Sector Accountability Act, currently before the Legislature are forcing CCACs to make deep cuts in home care services without any policy direction from the provincial government;

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

“(1) That the Legislative Assembly direct the provincial government to take control of policy-setting for home care services through rational, population-based health care planning rather than simply by underfunding the system; and

“(2) That the Legislative Assembly direct the provincial government to provide sufficient funding to CCACs to support the home care services that are the mandate of CCACs in the volumes needed to meet their communities’ rapidly growing needs; and

“(3) That the Legislative Assembly make it necessary for the provincial government to notify the agencies it funds of the amount of funding they will be given by the government in a fiscal year at least three months before the commencement of this fiscal year.”

I affix my signature. I am in complete agreement with this petition.

ORDERS OF THE DAY

STUDENT PROTECTION ACT, 2001

LOI DE 2001

SUR LA PROTECTION DES ÉLÈVES

Mrs Ecker moved second reading of the following bill:

Bill 101, An Act to protect students from sexual abuse and to otherwise provide for the protection of students / *Projet de loi 101, Loi visant à protéger les élèves contre les mauvais traitements d'ordre sexuel et à prévoir autrement leur protection.*

Hon Janet Ecker (Minister of Education, Government House Leader): Mr Speaker, I will be sharing my time with the member from Simcoe North and the member from Thornhill.

Each day in Ontario, two million students attend 5,000 schools to be taught by about 120,000 teachers throughout our province. Nothing is more important than the safety and security of those students. Every one of those two million children, as well as their parents, must be able to depend on school environments to be free from sexual abuse or misconduct.

I think it's important to note that we all recognize in this House that the vast majority of our teachers deserve and have the trust of both their students and parents.

However, we also know that there have been circumstances where this has not been the case. Identifying and preventing this abuse—sexual abuse, sexual harassment of students—is not a simple problem with a simple solution, but it is a problem that must be dealt with. Its solution requires action on many fronts. Effective and comprehensive responses require extensive consultation, careful planning, and joint action among our education partners, including school boards, teachers, regulatory bodies and this Legislature.

1510

The bill we are addressing today, the Student Protection Act, is another step in that process. It sends a clear message to those who would prey on our children to stay out of our schools.

If passed, this bill would require school boards to remove from the classroom a teacher who may pose a threat to students. If passed, this bill would provide a comprehensive definition of sexual abuse that would recognize sexual harassment and inappropriate behaviour. If passed, this bill would clarify and require new reporting and information-sharing requirements from employers with respect to sexual abuse by teachers. If passed, this bill would create a more comprehensive information-sharing protocol between employers and the Ontario College of Teachers, the teachers’ regulatory body, so we can ensure that a teacher who has sexually abused a student cannot move to another school undetected. If passed, the bill would clarify the reporting obligations for teachers if they have information about suspected abuse of a student by a colleague. If passed, this bill would ensure that the Ontario College of Teachers has the authority it needs to take action in cases where students have been or could be sexually abused or harassed.

This bill has been introduced as part of our government’s response to the recommendations made by Mr Justice Sydney Robins in his report entitled *Protecting our Students: A Review to Identify and Prevent Sexual Misconduct in Ontario Schools*. Members here in the chamber may recall that Justice Robins’s appointment to study this issue followed the 1996 conviction of a former Sault Ste Marie teacher who had sexually assaulted several students over a period of 20 years. We asked Justice Robins to review the specifics of that case and to make recommendations regarding protocols, policies and procedures for identifying and preventing sexual assault, harassment or violence throughout the education system. His report contains 101 recommendations directed to the education system very generally, very broadly, and also specifically to the College of Teachers and school boards.

The recommendations focus on a number of key themes, including improvements to the College of Teachers’ processes, policies and regulations relating to members’ discipline and fitness to practise; improvements to communications and reporting protocols; improvements to the procedures at the school board and the individual school level and also between schools, social agencies, police and parents; and improvements in the

professional development and training of key individuals at all steps of this process.

The proposed Student Protection Act is the latest initiative in the step-by-step process of responding to Justice Robins's recommendations. Before I address the specifics of the legislation that we'll be talking about this afternoon, I would like to take a few minutes to outline some of the steps our government has already taken to prevent and more effectively deal with the sexual abuse of children, and also to respond to the recommendations in Justice Robins's report.

First of all, in 1999 we strengthened the Child and Family Services Act so we could provide front-line child protection workers with the better tools they needed to do their job to better protect kids. The legislation also broadened the definition of sexual abuse to put forward clear reporting obligations not only on all professionals, including teachers, but on members of the public as well. It made sure that all abuse, including neglect and patterns of neglect, could be reported as well. So it very much expanded the reporting obligations and empowered our children's aid officials to better protect our kids.

Last December we announced a provincial model for a local police/school board protocol. That addresses a number of Robins's recommendations around the relationship between school boards, police and children's aid societies, when to call people in, when to report, and how to deal with that. So we've put those protocols out for school boards, and school boards are indeed following those practices.

Through our school-based service program, the Ministry of Education provides annual funding of approximately \$1.3 million to support district school boards to contract with local women's shelters and similar agencies to provide prevention education to teachers and students on violence against women.

Through the ministry's violence-free schools policy, school boards provide opportunities for staff to acquire the skills and the training, the knowledge that they need to recognize the signs of physical, sexual or mental abuse and to know what action they should take if they indeed encounter such circumstances.

In our new elementary curriculum, the personal safety and injury component of that curriculum introduces such topics as sexual harassment, child abuse and violence in relationships in an age-appropriate manner so that students can learn what is acceptable behaviour and what physical boundaries they should be able to expect.

This fall, the ministry also released a revised policy program memorandum for our schools to increase the awareness of the professionals and staff in our schools about their obligation to report child abuse under the Child and Family Services Act.

Work has also been continuing with the ministry and our education partners to meet another key recommendation from Justice Robins regarding criminal background checks, so we are developing a regulation to require criminal background checks for teachers and other school employees in contact with children. Imple-

mentation of the background checks, I should note, is going to be phased in over the next two years, and we'll be announcing further steps on that later this fall.

There have been a number of other steps taken as well in the legal system, through our court system, to ensure that abuse cases can proceed expeditiously and effectively through the system and that children who might be caught up in those cases are also dealt with in a very sensitive and effective way. All of these initiatives speak directly to one or more of the specific recommendations that we've received from Justice Robins.

The planning and consultative processes that have led to this legislation began shortly after we received the Robins report last year. I met with the Council of Ontario Directors of Education, trustees' associations, principals' and vice-principals' associations and teacher groups to talk about strategies and work plans for addressing those recommendations to make sure that all of the education partners are moving forward in an expeditious manner to try to put in place his very good recommendations.

We've been working with school boards to ensure that they are making important changes in programs, policies and procedures that address those recommendations. I also met with the College of Teachers to request that they review their policies and procedures as well, in light of the many Robins recommendations concerning those matters.

I think it's important at this point to thank all those education partners who have taken steps to improve protection of students, who have provided us with helpful advice on this important, complex subject, and that advice has been very instrumental in shaping and allowing us to bring forward this legislation today.

I think it's also particularly appropriate to thank the Ontario College of Teachers for its hard work on this issue and for the actions that it has taken to respond to Justice Robins's recommendations and the recommendations that they have made to the government, based on Robins's work.

The legislation we are addressing today has one overriding objective: the Student Protection Act's purpose is to ensure that students in Ontario schools can be more effectively protected from sexual abuse and sexual misconduct.

I'd like to emphasize again that I understand that legislation such as this can cause anxiety among those individuals who would come under it. So I think it's important, and I know honourable members here would share with me, to express the sentiment that the majority of our teachers are indeed law-abiding individuals who are dedicated to enriching their students' lives and to protecting them from harm. They have and deserve the trust and the respect of students and parents alike. However, as Justice Robins confirmed, it is a disturbing reality that there are cases of sexual abuse, that they do occur and that there are those individuals, some teachers, who have taken advantage of their positions of trust in the classroom.

In our view, and I believe in the view of everyone in this Legislature, the existence of even one sexual offender in the classroom is simply one too many. We must ensure, all of us, that we've taken every possible step to provide safeguards for our students and reassurance for parents.

1520

Bill 101 proposes a series of amendments to the Education Act, the Ontario College of Teachers Act and the Teaching Profession Act. I would like to address each of the bill's key provisions and present some of the rationale for these important changes.

Part I of the bill proposes an amendment to the Education Act that is very critical to protecting students from sexual abuse and harassment, and it would place an important new duty on our school boards, which of course are the employers of teachers. When boards become aware that a teacher has been charged with or convicted of an offence involving sexual misconduct or any other offence that might put students at risk, they are required under this legislation to ensure that the teacher does not perform any duties that involve access to students. They, as employers, are obligated to take action, to make decisions about protecting our students, making sure they are not at risk. This requirement would apply to all certified teachers and temporary teachers working for school boards, school authorities and provincial school authorities. In practical terms, it could require immediate removal of the teacher from the classroom and from any other duties that might involve contact with students.

Justice Robins proposed a definition of sexual abuse. However, when we sought the advice of our partners and had taken a look at what had worked in other professions, specifically the Regulated Health Professions Act, it was our view that that definition, helpful as it was, did not go far enough. One of the challenges with it was that it talked about inappropriate behaviour, but it talked about behaviour as defined by its impact on students. So the question became, if there was a negative impact on a student, it was therefore perhaps wrong behaviour, as opposed to clearly recognizing that there is inappropriate behaviour that should be prohibited regardless of whether there's an impact on students. So whether or not it offended or negatively impacted a student is not the important point here; it's, if this is sexual misconduct, unacceptable behaviour, it should be prohibited.

So the amendments contained in Bill 101 would meet the need for a broad, comprehensive definition of sexual abuse that's focused on inappropriate behaviour, as well as addressing the fact that there is no actual definition in the Ontario College of Teachers Act or the Teaching Profession Act. The definition of sexual abuse that we are proposing in section 2 builds on the definition used in the Regulated Health Professions Act, which is the law that regulates all our health professionals, 24 health professions. The definition that we have chosen to use, based on what that act says, would define sexual abuse by a teacher as sexual intercourse or other forms of physical sexual relations between a teacher and a student,

touching of a sexual nature of a student by a teacher or behaviour or remarks of a sexual nature by a teacher toward a student.

We believe this definition will provide significantly increased protection of students from both abuse and harassment. The definition would define abuse so that it includes not only sexual assault and touching, but also inappropriate sexual remarks. I think one of the other benefits of this particular definition from the Regulated Health Professions Act is that, in effect, it has been road-tested, because it is very difficult to try to legally put down in words an appropriate definition that meets the legal test but at the same time is a definition that can be readily understood and learned by all members that it governs.

I'd like to take a moment to remind the House of the role played by the College of Teachers in regulating the teaching profession here in Ontario. I'm sure members in this House will remember that the college was first established by our government in 1996, based on work that had been done by many groups and organizations to put the recommendations forward. This initiative putting the college in place recognizes the contribution of the profession to this province as well as the importance of teachers regulating their own profession, as many other professions do. It also, I think it's important to note, recognizes the importance of the public, the public interest, because the governing council of the College of Teachers, while it has elected members of the teaching profession, also has on it members of the public who can assist and guide in the important decisions that the governing council must make.

The college has a number of important responsibilities. They set and regulate teaching qualifications, standards of conduct, registration of members, and investigation and discipline of members charged with professional misconduct. Based on the recommendations we have received from the college, which did considerable work around Robins's recommendations, Bill 101, this legislation, proposes a number of important improvements to strengthen the ability of the college to respond to cases of sexual abuse by certified teachers.

The legislation that we are proposing puts forward a number of essential changes to the reporting relationship between employers and the college. This is a very important step because, as Robins has indicated, one of the gaps that occurred in the case that he was dealing with was having employers and the college know information they both needed to know about a teacher who may well have been engaging in inappropriate behaviour so they could take the appropriate action. This legislation, should it pass, will require that all employers of certified teachers would be reporting to the college within 30 days where a teacher's employment may well have been terminated or his or her duties restricted for reasons of professional misconduct. So if an employer, whether it's a school board or another organization, has felt it had to take action to remove a teacher, restrict a teacher in their access to students, if there's that question

of risk, the college, the regulatory body, needs to have that information.

Second, the legislation would require employers to report to the college if the employer had intended to terminate the teacher's employment or restrict their duties due to professional misconduct but did not do so because the teacher resigned. Again, this provision is very helpful in preventing teachers who may have engaged in inappropriate behaviour from moving undetected from one school or one board to another. What has happened before is that in some of these circumstances a teacher might well, knowing what was about to happen to them from the employer or as part of some arrangement that has happened in the past between employers and employees—arrangements are made that, "If you resign we won't take action." It's an important loophole and Robins has recognized that. We could see the impact of not having this kind of clear reporting obligation in place in what happened up in Sault Ste Marie. So this is, I believe, a very important closing of a loophole with the proposals in this legislation.

Third, the registrar of the college would also be required to report back to employers on action that the college has taken. I think this is an important step too, because if the college has taken action to discipline, has determined inappropriate behaviour, that things have happened that shouldn't have happened and students may well be at risk, the college has an obligation to ensure that employers are also aware of the disposition of the case involving their employees. Equally important, if there has been an investigation and there is no evidence that inappropriate behaviour has occurred, if a teacher has been exonerated, the employer needs to know this. That's another important gap, another important balance that this legislation seeks to address.

Fourth, employers would be required to notify the college when they become aware of a number of very important circumstances; for example, if a charge has been withdrawn, if a teacher has been discharged following a preliminary inquiry, if a charge has been stayed, if a teacher has been acquitted. Again, the college and the employer need to have the information if actions that shouldn't have happened have happened, but, equally, if investigations have said there was not an offence, nothing did happen, they need to know that as well.

The fifth new reporting initiative proposed in this legislation would require the college to provide employers with its decisions regarding teacher employees relating to professional misconduct and professional status.

Sixth, to enforce compliance, Bill 101 would make it a provincial offence punishable by a fine of up to \$25,000 for an employer who may well contravene the reporting requirements included in this bill.

1530

To summarize, the reporting requirements we are proposing would, we believe, help prevent and help catch the following activities: acts that result in a charge or conviction involving a teacher's sexual conduct; any other charge or conviction of an offence that in the opin-

ion of the employer may put students at risk or harm of injury; and any conduct or action that in the opinion of the employer should be reviewed by one of the college's committees—discipline, fitness to practise or the like.

These reciprocal reporting relationships are designed to make sure that all parties who have a legitimate legal interest or responsibility for the protection of students are aware of any activities that might put students at risk.

The final area that is addressed by Bill 101 focuses on the obligations and responsibilities for teachers if they are aware of suspected abuse, misconduct, that students may well be at risk. The bill focuses on their responsibility first of all to be vigilant, but to take personal action if indeed they are aware of these circumstances.

Under current legislation, certified teachers, members of the Ontario Teachers' Federation, are required under a regulation that is under the Teaching Profession Act to notify their colleagues if they file an adverse report against them. In cases of sexual abuse, this is an extremely significant barrier to teachers reporting suspected abuse and it was something that had been identified as a problem, something that we needed to clarify in the legislation.

The other confusion is that the comprehensive reporting requirement under the Child and Family Services Act clearly talks about all professionals, including teachers, having a very high obligation to report incidents or alleged incidents of sexual abuse, so they are required to report to children's aid societies when they become aware of any child who is or may be in need of protection, and in that one there are actually restrictions. They cannot notify their colleagues, no requirement for notification of colleagues, and very strict privacy concerns, as there should be.

This, of course, quite understandably, has provoked confusion among teachers as to how they should meet these dual obligations. We have certainly recognized that these differences might lead to some confusion with respect to notification of colleagues and that for some teachers the obligation that they should tell the other teacher about the report itself may be a deterrent to reporting potential sexual abuse.

To ensure the protection of students, to make sure that the college has the knowledge that it needs so they can conduct the investigation, so they can determine what action needs to be done, that the employer has the information they need to take steps to protect our students, to ensure that there are not barriers to this reporting, this legislation proposes to amend the Teaching Profession Act so that it would preclude notification of adverse reports. If a teacher does feel compelled to make a report to the college about sexual abuse, they do not have to tell the other teacher about the report. That is based on the recommendations we received and is an important step to take here.

I think it is also important to note, because it is fair to repeat here that the College of Teachers—there are many legal protections, balances, checks in the system, privacy protections around information to ensure that information

they receive is treated appropriately, is investigated thoroughly and that the rights of any teacher who is so accused has had reports made on them are protected as well. But at the end of the day the bottom-line priority here is to make sure that when there are reports about suspected abuse, reports that indicate there may be a problem, that information goes to where it should so that action can be taken. That has to be, at the end of the day, the most important priority. That's a very important principle that this legislation is focused on.

We would propose to amend the Teaching Profession Act to preclude that kind of reporting on sexual abuse and we're also going to be working with our education partners to extend that provision to say that not only if a teacher is reporting on sexual abuse, but if a teacher is aware of and is reporting on incidents where students may be at risk, where conduct of another teacher may well be putting students at risk, they not have to make that adverse report or that report to their colleague about the report they've filed, again making sure that the priority is protection of students, and that where such cases are occurring or are suspected to be occurring, that information gets passed to the College of Teachers. We will be working with our education partners to extend that provision under the Teaching Profession Act to all situations where students may be at risk of potential harm.

In closing, this legislation we have drafted is aimed at ensuring that our students are safe, that we are taking the right steps, the appropriate steps, to protect our students in the classroom. This bill proposes to take strong action to improve our laws, to enable school boards or other employers of certified teachers, the college with its regulatory obligations, to ensure they can better protect our children from sexual abuse and sexual harassment and to ensure the rules are very clear so that members of the profession also understand what is and is not acceptable.

This legislation represents the advice we have heard from Justice Robins and from our education partners, including parents and students—I should point that out as well because their advice has been very helpful in this. So it represents that advice. It represents the experience the government has learned from the Regulated Health Professions Act, which has strict laws around preventing sexual abuse of patients or clients of health professionals. I hope all members of this Legislature would agree that this legislation is good legislation, that it's necessary legislation and that it will indeed help ensure that our children are better protected, that there are not incidents such as we've seen in the past.

Protecting our children is essential. As individuals, as legislators, as teachers, as parents, we all have a responsibility to do what we can to prevent sexual abuse and to keep our children safe.

I look forward to hearing the comments of my colleagues opposite and I certainly hope they will see fit to support this legislation at the end of the day.

Mr Garfield Dunlop (Simcoe North): It's a real pleasure for me to be able to stand here this afternoon

and speak on Bill 101, the second reading of the Student Protection Act, 2001. I'd like to congratulate Minister Ecker and all of the staff in her office and in the Ministry of Education for their work in drafting this bill.

I'd also like to congratulate Minister Ecker on her hard work as minister. I've been involved in politics for about 20 years, municipal and provincial, and I've seen very few people so committed to their work as Janet Ecker.

The purpose of this legislation could not be clearer. It is to ensure we are doing what we can to prevent children from becoming victims of sexual abuse. Bill 101 does something else that's important: it builds on our government's growing record of assistance for children who need support and protection. It's the goal of our government to help every child in Ontario get a good start in life, to help every child reach his or her full potential.

Before I speak directly to the specifics of the bill, I'd like to take a moment to outline just a few of the key accomplishments our government has made in providing more comprehensive support for vulnerable children and families.

In 1999 this government brought major revisions to the Child and Family Services Act. We improved the tools needed by front-line workers to do their job of protecting vulnerable children. We expanded the identification of vulnerable children to reach a way to help a child who is or may be in need of protection. We strengthened the requirements for professionals to report to the children's aid society if a child is or may be in need of protection, and we provided the societies with greater access to the information they need to protect our children as well.

Over 135,000 children receive a nutritious meal on school days through our government's \$4.5-million partnership with the Ontario Breakfast for Learning program. All 139,000 babies born annually in Ontario can be screened through our \$70.5-million Healthy Babies, Healthy Children early intervention and protection program. Since 1995, our government has increased funding for child welfare by 115% to over \$775 million, allowing children's aid societies to hire more than 1,000 new child protection workers.

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Overall, our government spends more than \$775 million a year on child protection. Earlier this year, through Ontario's Early Years plan, the Ministry of Community and Social Services, through Minister Baird—and I'm pleased to see he's here in the room today—announced new funding of \$114 million for targeted and universal programs to help vulnerable children and to support the creation of Early Years centres across our province.

This is an enviable record, a record that confirms our government's commitment to ensuring that our children and young people get off to the best possible start in their lives.

Since we are talking about protection for vulnerable children, I think it is only fair that we look at what other governments are doing in this area. While the legislation

we are addressing today is focused particularly on our schools, it is important to remember that other initiatives in other jurisdictions can play an important role in protecting children from sexual abuse.

For some time, our government has been taking the lead in lobbying the federal government to establish a national sex offender registry. The point we have been attempting to make to the federal government is simple and straightforward. As Ontario's Solicitor General said last month, "A national sex offender registry is absolutely critical to community safety. Sex offenders cross provincial boundaries—information on sex offenders must do the same. If the federal government is serious about protecting the public, it will put a real national registry in place, one that stretches from coast to coast and includes offenders in every province." I know that Minister Turnbull was in my riding when he made some of those announcements with the Solicitor General from the province of Alberta.

The need for action on a national sex offender registry is urgent, and we hope the federal government will act on Ontario's appeal for action. We believe a registry is just one more essential step toward affording our children the safety and protection we all agree they deserve. If there is a logical reason for the federal government not to take up the suggestion, I cannot think of it.

At the federal-provincial conference of justice ministers last month, Ontario's Attorney General and Solicitor General took two important additional steps on behalf of the safety of children. First, they asked the federal government to speed up passage of proposed legislation to make luring of children on the Internet an offence. Second, they asked the federal government to amend the Criminal Code to make it illegal for an adult to communicate with another adult over the Internet for the purpose of sexually exploiting our children. Once again, what could be more obvious than the need to protect children from being drawn into illicit and dangerous activity through the Internet?

The point of these initiatives we have taken with the federal government as well as the legislation that we are discussing today is that protecting children from sexual abuse is a complex challenge. There are no silver bullets; there is no single action any of us can take that will solve the problem. It takes coordinated action involving all levels of government to reduce the likelihood of violence in our communities, and it takes the kind of coordinated action we are proposing between this government and education partners that is specifically addressed in Bill 101.

In many ways, it is a sad reality that this kind of legislation should even be necessary. If there is one thing that our children should be able to count on, surely it would be freedom from sexual abuse in their schools. Of course, we know that all professions face the challenges of policing individuals who abuse their positions of trust and engage in unacceptable behaviour. Experience equally shows that the vast majority of teachers have earned the trust of students and parents. Each of us knows

teachers who regularly go the extra mile to make a positive difference in their students and their communities every day.

I was so pleased to see today Mrs Cathy Pinnell from Couchiching Heights Public School in Orillia with her class here in the gallery. We had an opportunity for a photo opportunity outside. I just wanted to point out that Mrs Pinnell is married to a gentleman by the name of Mark Pinnell, who taught my children in public school, in the Coldwater public school system. It is good to see Cathy here today with her class.

However, the legislation is not about them. In developing this legislation, the challenge the government faced was how to respond effectively to some exceptional circumstances that have some very serious consequences for students, for parents and for the credibility of our education system.

In order to fully appreciate what the government is proposing in Bill 101, it is important to understand the role played by the Ontario College of Teachers in regulating the teaching profession in our province. Members will recall that the college was established by this government in 1996. Our government took that step because we recognized the contribution of the teaching profession to our province as well as the importance of teachers regulating their own profession in the same way that many other professionals do.

The college has a number of very important responsibilities, including the setting and regulating of teaching qualifications and standards of conduct, registration of members, and investigation and discipline of members charged with professional misconduct.

The college has played an important role in the development of the Student Protection Act. This was essential because, of the 101 recommendations made by Justice Robins, 36 related directly to the college's responsibility to regulate the teaching profession and deal with discipline issues.

In the spring of 2000, after the Robins report was tabled, the Minister of Education met with senior officials of the college to discuss its findings. She invited them to conduct a review of their policies and procedures in light of Justice Robins's recommendations. After consulting broadly among its stakeholders, the college's governing council earlier this year voted to accept the following: to request that the government amend the Ontario College of Teachers Act to spell out clear obligations to report suspected or alleged sexual misconduct; to revise the college's professional misconduct regulation to include reference to sexual misconduct; and to distribute a professional advisory on sexual misconduct to all members of the teaching profession, including classroom teachers, vice-principals, principals, superintendents and directors.

In addition to addressing the many issues raised by Justice Robins, this legislation also responds to the recommendations made by the College of Teachers and other education partners. In particular, the act supports the appropriate role that is played by the college in

regulating the teaching profession and addressing discipline issues. It would provide the Ontario College of Teachers, the professional body that regulates the teaching profession and governs its members, with the added authority it needs to take strong action against those who would harm our students.

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One of the key recommendations made by Justice Robins in his report was the need to create a clear definition of sexual abuse in the educational context. He reached that conclusion for two important reasons. First, there are three principal statutes that deal with the regulation of education and teaching in the province of Ontario: the Education Act, the Ontario College of Teachers Act, and the Teaching Profession Act. In none of those acts, nor in their regulations, is there currently a definition of sexual abuse. As Justice Robins noted, "The regulation of the Ontario College of Teachers Act represents the only specific reference in the three education-related statutes to sexual impropriety. It identifies 'sexual abuse' as professional misconduct. Sexual abuse is not defined. The term 'sexual abuse' is ill suited to embrace the full range of sexual activity that should constitute professional misconduct."

Justice Robins raised a second important issue in relation to the definition of sexual abuse: the need for a definition that is both clear and broader, to capture sexual harassment as well as sexual abuse.

The definition proposed by the Student Protection Act addresses both of these issues. The definition is based on a similar definition that is already in use in the Regulated Health Professions Act. It would define sexual abuse by a teacher as the following: sexual intercourse or other forms of physical sexual relations between a teacher and a student; touching of a sexual nature of a student by a teacher; or behaviour or remarks of a sexual nature by a teacher toward a student.

This proposed definition is an important departure for several reasons. Bill 101 proposes a more comprehensive definition of sexual abuse. By including inappropriate sexual remarks, it is intended to protect students from harassment. It is also a clear and more explicit definition that will promote that wider understanding and remove the current uncertainty over what constitutes sexual misconduct in an educational environment. Finally, the government is proposing that expanded definition would also form part of both the Ontario College of Teachers Act, 1996, and the Teaching Profession Act.

This is very important legislation. Its passage by this House will make a major contribution to the safety and security of our children here in this province. If there is any doubt as to the need for the Student Protection Act, let me leave the last word to Justice Robins. Justice Robins said, as follows: "These questions raise issues of great importance and require serious attention. After all, children are our most precious asset. Schools are intended to be healthy and nurturing environments within which children can safely learn and grow. When a school

environment is poisoned by sexual crimes or harassment, it is of fundamental concern to all of us."

For the sake of our children here in our province, our own children, our grandchildren, our brothers and our sisters, I'd ask that all members of this House support this badly needed legislation. I think it's something we owe the children of our province. I thank you for the opportunity to say a few words to you here today.

Mrs Tina R. Molinari (Thornhill): I am pleased to have this opportunity to speak in support of the second of reading of Bill 101, the Student Protection Act, An Act to protect students from sexual abuse and to otherwise provide for the protection of students.

The purpose of this legislation is clear and direct, as has already been stated by my colleagues. This government is sending a strong message that sexual abuse and sexual harassment of students by teachers will not be tolerated in our province. Bill 101 proposes concerted and coordinated action to ensure that our children are safe in our schools.

This legislation is the latest of a series of responses by this government to the recommendations made last year by Mr Justice Sydney Robins that have already been referred to by the previous speaker. This report is Protecting our Students: A Review to Identify and Prevent Sexual Misconduct in Ontario Schools. Members will recall that Justice Robins's appointment to study this issue followed from the 1996 conviction of a former Sault Ste Marie teacher who had sexually assaulted several students over a period of more than 20 years. The government asked Justice Robins to review the specifics of that case. We also requested that he take a broader view. We requested that he consult with education partners and also give us his advice on how the system deals with sexual assault, harassment or violence throughout the entire education system.

Justice Robins's report contains 101 recommendations. They speak particularly to all parts of the education system and to all education partners, and particularly to the Ontario College of Teachers, school boards and the Ministry of Education. The recommendations focus on a number of key themes, including a clearer definition of "sexual misconduct" that includes sexual harassment; refinements to the policies, protocols and procedures for school boards, teachers, the Ontario College of Teachers, children's aid societies and police services to follow when sexual abuse is suspected or occurring; refinements to the Ontario College of Teachers' processes, policies and regulations relating to members' discipline and fitness to practise; and the need for more effective professional development and training to tear down misconceptions about sexual abuse of students and to build more effective responses for victims of sexual abuse.

In addition to responding to the recommendations made by Justice Robins, this proposed legislation is also the latest step taken by this government to ensure that schools are safe and secure.

Having been a school trustee for 11 years with the York Catholic board and the chair with that board for four years, I have spoken to several parents, students, teachers and other school boards across the province. One desire is common among all of us, that schools should be a respectful place for teaching and learning.

In the spring of 2000, our government recognized that desire by taking two important steps: first, we created Ontario's provincial code of conduct to set clear, consistent, province-wide standards of behaviour for everyone involved in our schools and to promote respect, responsibility and civility in Ontario's schools. Second, our government passed the Safe Schools Act, which provides the legal authority to make the code of conduct a policy of this government. It also sets mandatory consequences for students who do not observe the rules. Since the passage of this legislation, the minister and the ministry have taken a number of important steps to implement the safe schools initiative and to provide greater protection to children generally.

In 1999, parts of the Child and Family Services Act were rewritten to strengthen the role of front-line workers in protecting children. The amendments expand the reasons for finding that a child is in need of protection. They placed clearer responsibilities on professionals and the public to report if a child is or may be in need of protection.

Last fall, we moved to improve student safety by implementing a new access-to-school-premises regulation. This regulation gives principals and boards the right to limit school access to students, parents or guardians, teachers and staff or other authorized persons. Also last fall, the Minister of Education and the Solicitor General issued a provincial model for local police/school board protocols. School boards are required to develop their own protocols with their local police forces. These protocols must follow the model set out by the government and include the elements in the model. The model protocol sets out clearly when schools require police involvement and how boards must work with police to prevent school-based crime and violence.

In cases of suspected sexual abuse or harassment, the protocol requires the involvement of children's aid societies. It also sets standards for when and how parents will be informed of an incident involving their child and how and when students will be interviewed in such cases.

This fall, we are phasing in additional elements of the safe schools initiative. Effective this September, principals now have the authority to expel students from their schools for up to one year for serious infractions set out in the Safe Schools Act, 2000. In addition, teachers are now able to issue one-day suspensions for a number of provincially set infractions for which suspension is mandatory. Since April, school and board staff have been receiving training to support their new roles and responsibilities.

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The government is also acting to help students who are fully expelled by their boards access the assistance

they need to turn their lives around. Under the new "expulsion of a pupil" regulation, these students must earn their way back into the regular classroom by successfully completing a strict discipline or equivalent program. Fifteen strict discipline projects for fully expelled students began with the start of the new school year.

Work is in progress to require criminal background checks for everyone teaching or working in Ontario schools who has regular contact with children. The ministry is planning to phase in their implementation over the next two school years from this fall to August 2003. We have consulted broadly on this issue with education partners, including directors of education, principals, the College of Teachers, trustees' associations and the Ontario Teachers' Federation. Criminal background checks will provide school boards with an additional tool to assist them in creating more secure learning environments.

Finally, the Ministry of the Attorney General has expanded specially designed child-friendly courts to help make the courtroom less intimidating for young victims and witnesses.

This is a highly impressive record of new legislation and program initiatives to support and protect children and to improve the quality of education in Ontario. Most of these initiatives have been moving us toward more positive school environments where both students and teachers can count on a safe and respectful environment.

Some members may wonder what some of these initiatives have to do with identifying and preventing sexual abuse or sexual harassment in schools. I want to assure them that there is an important connection. In his review of policies and procedures in this area, Justice Robins had some important comments on the linkage between safety and security generally and the prevention of sexual abuse in particular. I want to share those observations with members because I believe they are important to understanding the comprehensive approach this government is taking toward safety in our schools. The report says:

"It is important to remember that policies and protocols designed to identify and prevent sexual misconduct by educators may, and indeed, should be established within larger initiatives designed to create a school environment free from violence, abuse, harassment and discrimination.

"These initiatives could address student-to-student or student-to-teacher activities as well as a wide range of conduct, including physical abuse or harassment unrelated to sexual misconduct.

"It is hoped that these policies and protocols recommended in this report can be integrated with analogous policies."

That is exactly the kind of approach our government has been taking through our various safe schools initiatives. In our view, safer and more respectful schools are the essential starting point in meeting the challenge of combating sexual misconduct.

Let me outline briefly the key features of this legislation. Bill 101 is aimed at reducing the risk of sexual abuse of students at the earliest possible time and as quickly as possible. It would impose a duty on school boards to remove from the classroom a certified teacher who may pose a threat to students.

Part II, amendments to the Ontario College of Teachers Act, 1996, includes a comprehensive definition of sexual abuse that, in addition to sexual abuse, would recognize sexual harassment and inappropriate behaviour. The legislation would clarify and impose new reporting and information-sharing requirements on employers with respect to sexual abuse by teachers.

The bill proposes more comprehensive information-sharing protocols that would help ensure that a teacher who is abusing a student would not be able to continue to prey on students because of either a lack of information or an unwillingness of employers to share information. The proposed legislation would also recognize the importance of teachers regulating their own profession and it would support teachers in their responsibility to report suspected sexual abuse by their colleagues.

Several of these provisions of the bill deal with what are described as policies and protocols for dealing with cases of sexual misconduct by teachers. There are a number of these policies and protocols identified in the Justice Robins report. In the interest of time, I would ask that all of the members of the House refer to the document. I can't at this point go through and quote a number of them, but I would recommend that everyone here read that report.

In conclusion, as the minister said last week when she introduced this bill, we are sending a clear message to those who would prey on children: stay out of our schools.

I referred earlier to Justice Robins's comments about the need for clear policies and protocols, and that is what I want to turn to now. What's being proposed in Bill 101 is a series of reciprocal reporting relationships between the employers of certified teachers and the Ontario College of Teachers. At key decision points in a case of sexual misconduct involving a teacher and a student, information will be shared between the employer and the college and between the college and the employer. As a result of these proposed requirements, the lines of communication should always be open. Critical information of sexual abuse cases should get to the right place at the right time. Neither employers nor the college should be in the dark about the expectations. If passed, this legislation would make the requirements clear.

The final point I want to make relates to the responsibility of teachers to report suspected cases of sexual abuse. At present, certified teachers who are members of the Ontario Teachers' Federation are required under a regulation of the Teaching Profession Act to notify their colleagues if they file an adverse report against them. In the minds of some, and Justice Robins referred specifically to this, there is a possibility that this requirement for notifying colleagues might be acting as a deterrent to the

reporting of sexual abuse. Before I close, I would like to take a few minutes to ensure we all know what these terms mean in the context of identifying and preventing sexual abuse and sexual harassment in our education system.

I urge everyone in the House to support this legislation. If you care about protecting kids, you will support this.

The Acting Speaker (Mr Bert Johnson): The member's time has expired. Comments and questions?

Mr David Caplan (Don Valley East): The Ontario Liberal Party and Dalton McGuinty will support any measure that's going to protect children in Ontario, and I will be supporting this bill.

There is a major flaw in the bill, and I would refer to the comment of all three speakers: the Minister of Education, the member for Simcoe North and the member for Thornhill. The Minister of Education said that this covers approximately 2.2 million children in the public educational systems that are funded. The member for Simcoe North said that this should cover all children. The member for Thornhill said that this legislation only covers those children who are taught by a certified teachers.

In the province of Ontario, there are over 50,000 children who are taught in schools by people who are not certified teachers. This legislation does not cover them. I would ask very directly to any one of those members who spoke, will the government amend Bill 101 to include all children? They should, because it is the responsibility of every legislator and every member of this provincial assembly to do what they can to protect all children, unconditionally and with our full support. So would any one of those members who spoke and who will be commenting after the four questions are posed answer the question very directly, yes or no? Will you amend Bill 101 to include all children in Ontario, yes or no?

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Mr Rosario Marchese (Trinity-Spadina): Mr Speaker, just to inform you and the public that's watching, I have a predilection for attacking the Minister of Education on a regular basis, but I have to tell you on that this particular bill she's got 90% of my support, that it's a good bill, and that they have clearly followed the advice of Justice Robins and used his report as the basis of this bill. That's to be complimented. We compliment Judge Robins and his report. We acknowledge his work and we want to congratulate and thank all the people who participated, which includes teachers, parents and so many others who wanted to have a say in this regard with respect to protecting young people from sexual abusers or potential abusers or predators.

In this regard, the Minister of Education has done a very important thing, because as she said, and the members from Thornhill and Simcoe North as well, we're all concerned about the safety of children, each and every one of us. Teachers are concerned and parents are concerned. Everyone is concerned about protecting young people. I want to say that it's a serious issue. I treat it as

such. Our party treats it as such and we will support it with, of course, some obvious criticisms that I will be touching on at approximately 5:30 or so when I will stand up to do my lead for an hour. At 5:30 I will begin my hour's speech. I have a lot to say. I hope people watching will tune in. I'll talk about the Student Protection Act at that time.

Ms Marilyn Mushinski (Scarborough Centre): I am pleased to join in supporting the positions taken by the great Minister of Education and the member for Simcoe North and the member for Thornhill. I would say to the member from Don Valley that it's, I suppose, a little interesting that he would have such an overwhelming regard for all the children in Ontario. It's too bad there wasn't that kind of support for Bill 118, which was Tony Martin's bill and dealt with the Child and Family Services Amendment Act, 2000. There wasn't even a Liberal member who attended that hearing in Sault Ste Marie. So I find it passing strange that the Liberals would now take such an interest in all the children in Ontario when they didn't even have the courtesy to attend that hearing.

Having said that, I think it's important to specify that situations where a certified teacher in a school has been charged with a sexual offence against a student would have to be reported to the Ontario College of Teachers by the employer. Public schools, independent schools, tutoring companies and other organizations would be required to do this if they employ teachers certified by the Ontario College of Teachers to instruct students. Clearly that was contained within the intent of this bill. I would just ask that everyone support this bill.

Mr Gerard Kennedy (Parkdale-High Park): I will shortly, perhaps not in quite the same advance advertising fashion as the member from Trinity-Spadina, have an opportunity in a few minutes to speak more directly, but I want, in the spirit of comments and questions, to note that this is a very serious bill. It deserves the wholehearted support of the members of this House and the parties represented in this House. It does not behoove this bill, I don't believe, to hear the bragging on the opposite side about other issues relating to children. This is the government that has reduced the conditions affecting poor children such that more children at food banks go hungry now than when they came into power. This is the government that reduced the amount of money for children's aid five out of the six years it was in office, until last year, when it finally responded to the paucity of resources that were available to children. This is the government that has removed pre-natal nutrition allowances for the most desperate of young mothers trying to provide a healthy birth for their expected baby. This government did away with that.

This government wants to bring in extraneous issues, or issues that are not related to the direct subject at hand, but it does so it at its peril. I don't think there's anybody in Ontario today even paying passing attention who believes that children have been central to this government's agenda. For example, the \$114 million the par-

liamentary assistant mentioned for Early Years—this government has the audacity to allocate it on a riding basis, on a political basis, and to hire people who are political to run these early childhood centres. Every single penny of that is from the federal government. Concern for children for this government has meant, in many other areas, simply cutting cheques with money provided and funded by the senior level of government, abdicating a reasonable responsibility.

I look forward and enjoy the opportunity, in the sense of the very serious matter at hand, but this government cannot stand as anything but exposed for its lack of real interest in the well-being of children on a generalized basis.

The Acting Speaker: The Minister of Education has two minutes to respond.

Hon Mrs Ecker: I'd like to thank the honourable members for their comments and my colleague from the third party for his support for this legislation. I understand there may well be recommendations as to how to improve it coming from both parties.

I would like to just say in response to our critic from the official opposition that the kinds of funding improvements that were talked about here in this House had something to do with the children's aid societies. My colleague the Honourable John Baird, Minister of Community and Social Services, has significantly increased money for children's aid societies—increases they have never, ever seen before.

Mr Kennedy: After you cut them, Minister.

Hon Mrs Ecker: No. They have got more money, more staff and more training than they ever had under any government. In 1995—

Mr Kennedy: Years of cuts.

Hon Mrs Ecker: The honourable member is talking about years of cuts; he can talk about his government's record of cutting them. But what our government has done is not only change the legislation to make it better protect our kids, but has increased funding, increased training and increased staff—very, very important initiatives, I think.

Secondly, this legislation proposes to cover certified teachers, teachers who have the qualifications to be certified according to the College of Teachers. It also covers employers' obligations for temporary teachers who may or may not have that certification. The Child and Family Services Act also puts significant obligations on everyone in every setting to have tough rules to protect, to report children who may or may not be abused.

I appreciate the honourable member's point about independent schools. As he well knows, the government has just finished a consultation process to look at an appropriate accountability structure and an appropriate accountability framework for independent schools. I think that's a very, very important question. But this legislation is very specifically targeted to those individuals who come under the College of Teachers' obligations and responsibilities.

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The Acting Speaker: Further debate?

Mr Kennedy: I'm happy to rise and add my comment to this important debate. I will also be sharing my time with our members from Windsor, Scarborough and Prince Edward-Hastings.

Ontario Liberals agree with any measures that will ensure real protection for students from sexual abuse, and we will support this bill. This bill is essential. It is, in most aspects, directly from the Robins report that was put forward in approximately April 2000. It was considered by and the subject of a report from the College of Teachers on March 28 of this year. The government has had since that time to contemplate this. What they have brought forward to us is, again, a necessary bill but also a slight bill. There is very little put forward. We have heard already from the government, in anticipation perhaps of that outlook, that this is a complex matter. We agree it is. There are a number of measures required to constitute a framework of protection, and that is true as well.

But I think the essential thing for the people watching this debate to appreciate is that this is this Legislature's opportunity to respond to the Robins report, to look at an avenue of provincial oversight in a way that has been studied by a person of probity, to look at a report that has been widely accepted, to deal with an issue we need to put in context here in this House, to be responsible. We need to understand that this deals with a very small number of cases. As Mr Justice Robins reaffirmed, he heard nothing in his investigation of the very real threat to children that he was looking into to say that there was an enhanced or enlarged risk. But there was a requirement to bring forward a legislative remedy to some of the problems he did find.

In fact, to put it in context, in the four years the College of Teachers has existed, they have had 42 complaints of sexual abuse or sexual harassment that they're now considering. That's 42 out of 170,000 teachers, and that's 42 based on a backlog of cases that have already been dealt with as well in the criminal courts. So we're dealing with a very rare occurrence, at least as far as the systems we now have in place. We're also dealing with a situation which, sadly, because of real-life experiences, tragedies and traumas on the part of children in this province, has been brought to public light, has been dealt with by at least a large number of the agencies that are engaged in the protection of children, including the school boards, the College of Teachers and the Ontario Teachers' Federation. There are measures there that add up to, we would like to believe, the beginnings, if not a substantive part, of the protections we need to have.

The legislation we have in front of us today does contain some additions to that, but it also contains omissions. It is missing a number of the things that Justice Robins said were the responsibility of this government. So we would hope to hear from this government, if not here today—it wasn't in the opening address—from other members of this government, exactly how it is that they would respond to Justice Robins on some other sub-

stantial and weighty recommendations that are supposed to be part of this House's response to our requirements.

We don't believe this bill goes far enough to provide real protection for students. Similarly, perhaps, and unfortunately—it could be separate and distinct from the general swim of some of the legislation that has been put in front of this House on education matters, but because it involves the protection of children, we would like to believe it could avoid a similar fate. Education measures in this House have been almost uniformly incomplete and hollow, a number of them have had to be retracted, some of them have had to be repealed—the government's moves on extracurricular activities and so forth. We would like to believe this would be different.

But when we look at the legislation itself, we find there are some very troubling missing aspects. There are elements in this legislation that respond directly to Justice Robins and there are elements that are missing completely. I would say very specifically that the government has had an opportunity here to do what Justice Robins said is the most important aspect. In fact, if you look at his interpretation of his charge, Justice Robins says in his report of 101 recommendations, of which this legislation deals with perhaps two or three, that his mandate requires him “to make recommendations regarding policies, protocols and procedures to effectively identify and prevent”—identify and prevent, his emphasis—“sexual misconduct. Preventing sexual misconduct—stopping it before it occurs—is the best way to protect our students and the school environment.”

I say that at the beginning of my remarks to emphasize that we agree with what the government has troubled itself to put together here. We agree that these particular measures of closing loopholes, of being more directive around the ability of school boards and the College of Teachers to report between one another, to ensure, in fact, that no predatory person goes unnoticed or finds the technical means not to be detected—there is some of that directly from Justice Robins's report.

But what isn't here are any measures to do with prevention. The problem part of that for the members of this House is that Justice Robins identified several initiatives to deal with the prevention of sexual abuse in schools which are the responsibility of the government of Ontario. Therefore, we have to ask the question, as part of this discussion and this debate, why is it that the government of Ontario has not seen fit to make those measures part and parcel of their response today? Why has the government taken such a minimalist approach to this particular issue? We hope it would not be because the government isn't prepared to play its full part in ensuring that there is an adequate response to the threat that may exist in our schools for our children.

We say again that there is a need. One of our members, the member from Don Valley East, has already expressed that there are approximately 50,000 children in this province—half of the children in independent schools—who are not in classrooms taught by certified teachers. We have yet to hear the Minister of Education

bring forward any reason that this bill does not see fit to extend protection to them. Those children are not warranted the same protection.

What we seem to be facing here is an ideologically driven double standard. This government cannot get its act together when it comes to public education, simply because it has within its caucus—perhaps the minister herself, perhaps other entities, the Minister of Finance is often suggested—people who cannot see fit to put ideology aside and in this case put the interests of children first.

The premise of this bill is that schoolteachers have a special trust relationship and this government has a role to observe that with extra protections, beyond the protections that are available. Doesn't it follow then that if these measures are required, and the bill in front of us is proof itself, that they should not extend to every classroom in this province? We have already seen the troubles, the significant problems, the fraud allegations and the other implications that have come from unregulated education in this province in some of the independent schools.

Hon Mrs Ecker: The Sault Ste Marie case was a regulated teacher, Gerard.

Mr Kennedy: The minister across shouts that it was in Sault Ste Marie. I would say, to give respect to the students in Sault Ste Marie who suffered sexual abuse, in whatever system, that we would in fact ensure that we responded in full to the Robins report, and further, that we did not exclude any students based on some technical or ideological exclusion.

We have an opportunity here in this House to remedy this matter, and I ask the Minister of Education to be open to the idea of amendments that would in fact include all students in this province. We have in the legislative course of events only so many opportunities to address a subject, and I would say to the members opposite, this is an opportunity that we need to take advantage of.

We may be in a reasonable position to provide the direction and guidance that can come from this House, because I don't think there is any illusion on the part of the people in this House that we can push a button and suddenly, dramatically or in any automatic fashion, things will get better for people in the real world. The people who were traumatized, who lived altered lives, damaged lives in most respects, because of the singular case investigated by Justice Robins, are reminding us that we need, once alerted, to take advantage of this. This is a shadowy part of human existence, the idea of people who would abuse and otherwise take advantage of extremely vulnerable people.

The language used by the College of Teachers, the language used by virtually all persons associated with this is that there is no doubt in this case that teachers in this province bear a special obligation. I repeat again that the teachers in this province, not just a majority, in the language used by some in this House, but virtually all teachers in this province are up to that special respon-

sibility. But for those who aren't, for any who aren't, for any we would sanction putting in front of the classroom, we need to act and be sure that they have the full sanction that we can provide. I believe that it is inevitable, for us to have any integrity in moving forward here, that there cannot be exceptions to that from an ideological basis or from a basis of hesitancy because the government doesn't have its political perspective together. We certainly would put forward that that kind of confusion cannot be used as an excuse not to provide for the children who are currently in independent schools.

I would specifically remind the people of Ontario that we are already in a school term. Before it is over, the government will be providing money, public funds, for private schooling. They will in fact pay people to put their kids into private schools, the very same private schools for whom this bill has no requirement for protection if there's not a certified teacher in front of the classroom specifically because there are no requirements for private schools in this province. We heard from the minister opposite we should wait. I say we should not. These are matters of ethics; these are matters of some urgency. I think I reflect accurately that what Justice Robins put forward as a task for this House was a level of urgency, that we need to address that when we have this opportunity. We have in front of us the government's best effort, and I say to the government, we accept this effort as useful, yet we implore this government to improve upon it.

1630

We would say further that the government had identified for it in several very specific instances ways and means by which it can be part of a substantial solution. What we have in front of us in fact are what some might regard as housekeeping legislative amendments that would give greater certainty, as the legal terminology goes, to the processes that are out there. It says that you've got an obligation, if you're a school board and a teacher has been convicted or charged with sexual offences, to report that to the College of Teachers. It removes any ambiguity. There have been other requirements for that. Last spring, the Minister of Education sent out an advisory or a directive to that same effect. We're giving legal effect to something that by and large already exists. It would be helpful if the minister would tell us if that was otherwise.

In addition, in the Robins report there is that emphasis on prevention. That emphasis on prevention is not willy-nilly; it is very specific. It enjoins the people of this House in several places, where it says the government of Ontario shall bear the responsibility. For example, in recommendation 47.3 it says, "The government of Ontario should bear the responsibility to provide the resources for an education program between children's aid and teachers across the province to make sure that they can work together in the interests of children." It says that in recommendation 47.3.

It also says in recommendations 52 to 55—the education and training of current and prospective teachers,

and on page 302, teachers, volunteers and other board staff, education and training of students and parents—that each and every one of those recommendations should be borne by resources and programs provided by the Ministry of Education.

We further see here a requirement for resources at the board level, the employer level, where this first comes to light, to adequately investigate allegations, to provide support and counselling and therapists and so forth who will be there. We hear from the minister opposite that they believe that has been done. It is not a statutory part of this bill. I would say, if that is done in anything but a direct fashion, given the state of education finances in this province, we are not in this House doing what we need to do to ensure that this in fact takes place at the only level that matters, not in our debate here today but in the actual lives of children who could be affected.

We find in the Robins report 101 recommendations, only a handful of which we have addressed in the legislation here. To be fair, a large number of those recommendations are directed at school boards and at other actors that are recognizably part of any solution. But there are specific resource allocations that are supposed to come from the government of Ontario and from the Ministry of Education. It would be irresponsible for us if we did not provide the basis for them.

The other thing that Justice Robins asked of the government of Ontario was to ensure some level of screening for other people who are in trust positions and that those standards and the ability to have those standards be provided, that it be a resource that comes from the strength that we have in public education, at least what ought to be our strength, and that is that we have a centre to the system, we have a standard-making authority, and it happens to be far more true today than ever in the past. This particular room, this chamber in this Legislature sets standards for across the system. But I think we would automatically call to mind any number of instances where it's true that we can set standards, and if we're not prepared to provide the resources for those standards to be lived out, they're simply not going to be. That is the issue that Justice Robins has identified and which isn't part of this legislation: the programs about prevention and the resources to make sure that those programs can be carried out, because then I would turn to an element of this that is not ipso facto a resource requirement; it's not about the dollars. It's about the willingness and the commitment and the approach of a government that is very serious and intent about getting the results that this bill in front of us implies.

We don't have this bill here for housekeeping. We don't have it, as some of the members opposite have already tried to use it, as some kind of public relations thing, some kind of bragging rights. There are no bragging rights when it comes to child abuse. There was an implication in fact, from the member opposite, of surprise, which I think quite frankly was a little beneath the member for Scarborough Centre, who I don't think, if she reflected on it, would want to associate herself with

saying that there's any party in this House that isn't serious about sexual abuse. This isn't about bragging rights; instead, it's about considering something that has been hidden in the shadows and which we still seem unable to bring into the light of day in this House. Because what would be required in a fully sincere effort on the part of this government would be to form a partnership, a reasonable partnership, with all of the actors in the system to ensure that every recommendation in the Robins report was carried out.

There is no enemy here except that part that exists in the shadows and that twisted part of human nature that we are encountering from time to time. Therefore, there should be no implication arising from this House either that we are dragging anyone into these particular modes of behaviour. Instead, what is extremely possible, highly desirable—and if we don't take the opportunity, we are again missing a substantive chance—is to bring the teachers and the student associations and the school boards and the other education workers on board to make sure that we implement the education programs, that we implement the understanding that there needs to be about what constitutes, as this bill talks to, sexual misconduct, not just sexual abuse but also sexual harassment and the kinds of things that can create substantive problems that may not be well recognized by the people who are in these trusted positions; or if they are, they may not be fully cognizant of the new ways in which they are expected to act.

Again, I think the sincerity of the bill—and I want to separate that question of sincerity from the intent of the government—I accept the bill on its face as something that could be helpful, but I think for us to really do honour to the people who have already been victimized by sexual abuse at any level in this province—this is just a specific, as I said at the beginning, small area, a small number of professionals who have been in that position of trust and abused it. But we have an opportunity to make that an even smaller number. We have an opportunity, standing in this House today and in the hours that come in this debate, to actually ensure that some children in future days do not go through what the children who were abused in Sault Ste Marie, who occasioned the report, who have brought us to this legislation, went through.

There is only one means by which to do that, and that is a full-fledged outlook on this, not just a piece of legislation. Legislation without resources, legislation without a means of mobilizing people in the system will not succeed, and we will have missed this significant opportunity. The idea of not succeeding is not simply another ineffective possibility; there is a higher moral responsibility for us in this particular regard.

There is not a higher standard, I don't think, we should aspire to than in this particular instance. If there's anything about Justice Robins's report that is particularly compelling, it is just how pernicious this can be unless we make it something that comes out of the corners where sometimes very uncomfortable things are put.

This bill, with all respect, by demanding that people report, by having the sanction of \$25,000 fines to school boards that don't report, probably facilitates an administrative response that we, again, believe is there, and it will maybe guarantee at some level that there won't be any slip-ups and so forth, but it doesn't reach the root of this problem, which is making sure that there is an enlarged responsibility undertaken by everybody who's in a position.

I will mention, at the end of my time, that there is an environment out there that we have to take account of; it's an environment where, according to People for Education, there are fewer school principals in our elementary schools, fewer secretaries in the offices, more schools with no one in the front office, more schools with archaic designs that aren't able to properly monitor all of their kids all of the time.

We have to say at the very least—if we can bring it to its least partisan interpretation, with \$1,200 on average in a board like Ottawa-Carleton, \$900 less per student on average across the province—there is less of a likelihood that the school boards out there can, by themselves, respond to these recommendations in the fulsome way that Justice Robins and the people who were affected by this in the past—and sadly, even those currently—absolutely require from us.

We accept Bill 101 as a start. We, though, would challenge this government to do the full, complete job. We would ask this government not to see this as any kind of a propaganda vehicle, but rather, instead, as a roll-up-your-sleeves kind of opportunity for us to make sure that all of the Robins report is implemented, that we reach out to the people in this province who have the trust of the children to ask them to be part of this solution, and that this does not come across as yet one more sanction or law coming from on high from this room, because we have had too much of that. The safety and well-being of children deserves better.

1640

Mr Dwight Duncan (Windsor-St Clair): I'm pleased to join the debate on Bill 101, a very serious bill that I would expect all members of the House to support. I support the bill myself. I want to take an opportunity to address some of the issues I believe should be addressed. Speaking as the House leader of the official opposition, it's my hope this bill will find its way to committee to allow a committee of this Legislature to review the provisions of the bill and to make recommendations to the government that will hopefully improve the bill. I think every member of this House is genuine in their interest in this legislation and in their desire to protect children from sexual abuse, particularly in their schools.

I want to begin my commentary by saying, first of all, that this bill is important, that we do need it, but we all know, and I know all members of the House and the Minister of Education would readily acknowledge, that the vast, vast majority of our teachers are upstanding citizens who contribute enormously, not only to our children in the classroom but to our communities and to

our society. It's important, however, that all of us support this bill, recognizing what Justice Robins said in his recommendations on protecting our students that were published in the year 2000.

There are three areas I would like to talk about. I want to talk about the consensus that has emerged to this point on this bill. I'd like to talk about some areas I believe are incomplete in the bill, about the issue of prevention, which our education critic spoke about at some length, and then finally talk about the next steps that must come in the government's budget priorities to ensure this happens.

I think it's important for my constituents and the people watching to know that both the Elementary Teachers' Federation and the Ontario Secondary School Teachers' Federation are officially supporting this bill in principle. The Ontario Public School Boards' Association has also acknowledged this bill. I think that's an important piece of information for members in this House as we debate and consider the bill, but moreover for the public to understand as well. All of us—teachers, teachers' professions, the Ontario College of Teachers, the public school boards, the trustees—are interested in working together to deal with this scourge and ensure that the situation that happened in Sault Ste Marie never happens again.

There are some concerns among those people about confidentiality and the issue of false allegations against teachers. I think the government understands those concerns and has recognized that largely in this bill. I don't believe it's the government's intention to set up a system that could allow an unfair witch hunt or false allegations to persist. I believe the government and future governments and school boards, in implementing this, will be cognizant of those realities. Second, we have the entire criminal justice system as a protection as well.

There are some things, in our view, that we need to discuss as a Legislature, and that's why my hope is the government will welcome the opportunity to take this bill to hearings and clause-by-clause consideration.

First, there is the question of private schools. I recognize, and the minister has said, that the teachers there are not members of the college. Second, the regulation with respect to those publicly funded schools still has not been published or promulgated. It is an important issue. Any bill that applies to our public schools ought to apply to private schools, particularly in the climate where the government has extended the tax credit to or indirectly funded those private schools, something we fundamentally disagreed with, but we must apply these premises and these ideas to those schools and to those teachers and students.

The provision should also be extended to uncertified teachers and to education workers and others in the school system. I think the comment has been properly made—I know in the Windsor public and the Windsor Catholic school boards we see we have fewer teachers, fewer principals, fewer nurses, fewer librarians and so on in the schools. In our discussions at committee and in

clause-by-clause it's our hope that the government can address those issues and that amendments can be brought to this bill that will provide the protections of this bill across all those people who are in positions of trust with our children, whether our children are in public or private schools, and whether the position of trust is that of a teacher or an educational assistant or a professional of some other sort not directly involved in the teaching of students.

We have recent examples, unfortunately, of these sorts of allegations arising in private schools. I had a chance to review the Education Act and the regulations under the Education Act during our debates on extending the tax credit to private schools. The regulations are largely silent with respect to private schools. It's our view that when the government finally promulgates regulations with respect to the funding of private schools, these sorts of issues need to be dealt with as well. I spoke about the need to cover those in schools who are in positions of trust with our children who are not necessarily front-line teachers.

I want to take a moment to discuss prevention. When I read Justice Robins's report it was very clear that report focused a good deal on prevention, on the issues of dealing with the prevention of sexual misconduct in our schools. We believe amendments should be brought forward. More discussion should involve how we prevent individuals from getting into positions of trust in our schools, whether or not they are teachers or are, broadly speaking, part of the education system or in positions of trust in another way—volunteers, for instance, and support staff. We need to define those; we need to cover them. We need to take the sorts of steps Mr Justice Robins recommended in his report of a year ago on the prevention side as well. Failure to do so, in my view and I think in the view of the Ontario Liberal caucus, would weaken the bill substantially, although, as I say, we would support the bill with or without those amendments. But that is our hope, and we will be asking for an opportunity to amend the bill with respect to those issues.

In the remaining time I have I want to talk about the financial resources to implement this bill. For the government to fulfill what it sets out to do in this bill, there will have to be an investment of public funds in our public schools in order to do it.

Bill 101 involves education training on what constitutes sexual misconduct and how it can be identified and prevented, ensuring, so far as possible, that sexual perpetrators do not enter the profession and that, when discovered, they are not permitted to continue to teach or move from school to school. That's in the bill itself.

We need a policy commitment from the government beyond this legislation toward some of the strategies that are recommended in Mr Justice Robins's report, specifically with respect to prospective teachers, current teachers, volunteers, other school board staff, other students and parents, and adequate resources must be available to conduct investigations into allegations, counselling support and other things.

In conclusion, we support this bill. I will vote in favour of this bill on second reading. It is my hope the government will allow the bill to go to committee for a day of hearings, or days of hearings, depending on how many delegations we get. It's my hope that we will have the opportunity to do clause-by-clause consideration of the bill and that the government will entertain what I would term friendly amendments, amendments that are designed to do what we believe would improve the bill. I suspect there may be consensus among government members and opposition members in some of those areas, and I look forward to us having that opportunity.

1650

Mr Ernie Parsons (Prince Edward-Hastings): I too am very pleased to rise and speak to this bill. I don't say it often, but I commend the government for bringing this bill forward. It has the potential to make a better life for our young people.

The problem that has been mentioned by speakers prior to us is that it simply doesn't go far enough. Probably the most glaring, so glaring I cannot understand it being omitted, is independent schools. I cannot understand the government having greater concern for students who attend the public or separate school system than they do for independent schools. Students are students, children are children, and there is simply no rationale that can be presented to me that would cause the government to even think about not putting it in. But it's not in. Hopefully pressure from parents of students in private schools, hopefully pressure from teachers and administration in private schools will cause it to go in, because every child in Ontario deserves exactly the same protection.

The bill focuses very clearly on teachers. There is a wide range of individuals who students are in contact with during their school experience. There could be people in the classroom all day who are not teachers, such as interpreters for the deaf. Educational assistants certainly are present, and custodians and secretaries. Students, particularly in rural areas with the decline in funding for buses, are spending longer times on buses every day, so there is the issue of bus drivers. Volunteers are in our schools, many of them on a regular basis, and thank goodness for them. Students have contact every day with a wide range of people in the school system besides the teachers, but we're seeing the focus put on teachers by this.

As a bit of an aside, we are blessed in Ontario to have so many volunteers. The board I was a member of, in conjunction I think with other boards, started to require volunteers to get a police check, a reasonable request that volunteers were quite happy with. Here we have volunteers prepared to give of their time each and every day and they are required to pay \$10 to \$25 for a police check so that they can come and do something good for the province. Surely the minister, when she is dealing with items that would improve schools, would consider absorbing the cost or finding a way to waive the cost for volunteers who want to assist in our system.

Of equal interest to this government should be daycare centres, to ensure that there's a mechanism in place there to require reporting of any possible abuse of the children.

In a way, though, this bill continues this government's direction of presenting teachers as problems, and the inference when this bill was brought forward was that teachers are predators. In my experience with school boards and with children's aid, for far too many children school is the safest place they will be all day. They are not at risk. It is a place of refuge. If we look at the number of children in care in this province—I think it's fair to say that the children's aid societies simply can't be made aware of each and every abuse—for those children, when they were suffering the abuse, the school was the one safe place they could be during the day.

Much as we may see the media focus attention—I should perhaps say that movies and television focus attention on predators who prey on our children—the sad reality is that in far too many cases the parents or the extended family are the abusers, and the school provides the relief and in many cases provides the detection. Many of the allegations that come to the CAS regarding abuse come from teachers in the school system. They have saved children from a life of abuse, rather than being focused on.

However, the bill is still worthwhile. We simply need to recognize that we need to do much more for our children.

We also need to protect our teachers from false allegations. In my experience as board chair, we certainly didn't have it on a weekly or monthly basis, but from time to time we would have allegations and accusations made against our teachers. Sometimes they were substantiated; sometimes there was absolutely no truth to them. I can think of an instance where a judge indicated that this teacher was not guilty, not because the evidence wasn't overwhelming but because every piece of evidence indicated it did not happen. For that teacher, for any teacher who is unjustly accused, all too often their photograph appears on the front page of the paper and is the lead item on the TV news. Unfortunately, when the judge finds that there is no evidence of guilt, it is a very minor item, if an item at all.

I think there should be an obligation on the part of this government, as it wants to prosecute teachers who are guilty, to put in place a mechanism to protect teachers who are not guilty and reimburse them for legal bills and look at other measures that would help to restore their good name in the community.

I should also mention that in all of my 17 years on the school board working with federations, when they became aware of a teacher they believed was guilty of improper actions, the federations were extremely cooperative and displayed a wonderful sense of professionalism in that they did not want this individual to continue to be exposed to children either. I appreciated the professionalism they brought to each of these cases.

I wish, though, that we had the same concern for children in other respects. When a child is being sexually

abused, that is just an indescribably evil act. At the same time, a child who does not have food is also being abused, perhaps by the parents, perhaps by society.

I can recall a time when within the Hastings and Prince Edward District School Board we had no breakfast clubs because children weren't coming to school demonstrating hunger. That system now has 37 schools giving children food in the morning. No doubt some kids are coming who really don't need the food, but there are significant numbers who come because they have not had breakfast at home and perhaps no dinner the night before. That should be of grave concern to us as a province and to this government.

Children coming from a home where there's unemployment are experiencing stresses that make learning extremely difficult. Substandard housing: when this government made the decision to reduce the amount of payments under welfare at that time, we watched an exodus of children from social housing in one area to substandard housing out in the rural area where the rent was lower. Granted, they had no transportation, granted, the houses may not have been insulated properly, but they were forced into it. I know the numbers. The statistics say that while they have moved welfare payments down to the national average, the reality is that in Ontario the cost of living is substantially more than in most other provinces. While it is easy to bash people on welfare, we need to remember that half the citizens of Ontario who receive this welfare money are children. They are children, and for them that money represented food, clothing and shelter. We've seen an attack on the lower-income children of this province rather than support for them.

I had a mother call and describe to me over the phone the timetable for her son's textbook. There were so few textbooks that each parent, after the child brought the textbook home on a Friday night to work from it, the parent would have to drive it to another home for use on Saturday, and that parent would drive it to another home so that the student there could use it on Sunday. If we want our children to be in a safe environment that is a learning environment, then we need to give them all the instruments, tools and assistance they need for learning. Surely textbooks have to be right at the top of the list, but we're not seeing that commitment.

There also needs to be money spent for an education component. We've had no sense of the resources that will be made available for this, but a child who is being molested in school is in all likelihood not going to jump up the next day or the next hour and indicate that there is a problem.

Children we fostered who have been victims of sexual abuse didn't want to talk about it. They will not easily share it. They won't talk to people in authority. In all likelihood they won't even talk to other students. However, they will consistently display behaviours that very clearly should be a clue to trained individuals—and the key is to trained individuals—that there is a problem in that child's life. It certainly doesn't identify whether the

problem is at home, out on the street or at school. I believe that teachers need improved assistance toward being able to recognize the signs that indicate that this child is possibly being sexually molested, and we need to then step in and intervene in that.

The same thing goes for staff. No matter whether they're educational assistants, custodians or whatever, they need to be given some assistance in identifying problems. Students need to know what is appropriate. It's very obvious for a student who's in grade 9, 10 or 11 what is appropriate touching and what isn't, but students who are in kindergarten or grade 1 may not recognize what's appropriate. They may be used to a certain behaviour at home that is quite acceptable there but is clearly unacceptable from a stranger or from a person in authority. Our curriculum needs to include some training for students as to what is, for lack of a better word, good touching and what is bad touching. That requires some money; that requires training; that requires modifications to curriculum.

1700

The other obstacle that I briefly referred to earlier, and I think there are people wiser than me who know how, is that we need to be able to help our young people to be able to talk about it. My wife and I took a foster parent training course one day on working with children who had been sexually abused. One of the first things they did was that they paired my wife and me up with a total stranger each and then asked us to describe a sexual-type act to that stranger. My reaction was, and I said it to the instructor, "I can't do that. I simply can't do that. I can't use those words. I'm not comfortable with it. It's not appropriate. I can't talk about that with this person I've never met before. I think I'm going to go home. I think I don't want to take this course, because I can't talk about what you want me to talk about." She said, "I knew that. I knew you wouldn't be able to talk about it."

Yet we expect children, if we ask them what happened, to use words that they know are considered inappropriate or bad words and describe an act that they find horrible. She said, "You cannot expect children to talk about something that you were not prepared to talk about." I had never thought about it that way. We were prone to saying to a child, "OK, what happened to you at home?" We would get no answer. We found that in order to get a response out children, you need to not ask the question but you need to establish a comfort level with them. You need that child to feel absolutely and totally relaxed with you, comfortable enough to share a problem. That doesn't happen in a day, a week or a month; it happens in three, four or five months, after you've gotten to be on a friendly level with the child.

What we are seeing in our schools is teachers having fewer and fewer minutes to devote to sitting down and talking to a child. We are seeing it at the secondary level. We are seeing teachers teaching more minutes per day and having fewer minutes to sit down and do counselling. We've certainly seen pressures put on them, with all of the new curriculum, that they're not able to do sports.

And yet, I would suggest to you, a lot of times when a student is comfortable enough to talk to a teacher, it may be a coach, it may be a club leader, it may be the teacher they're seeing outside the class environment and they're able to establish the friendship and at that stage disclose what is happening to them. I believe that the increased teaching minutes that we are requiring of every teacher are not only hurting some of the curriculum, with less time to work on co-op placements, less time to do extra activities, but are in fact reducing the young person's ability to interact.

One thing that has become blatantly obvious to me is that schools themselves are prime targets for someone who is a pedophile. For years we had gatekeepers to keep these individuals out of schools. You could not walk into a school without encountering a custodian. Every school had a custodian somewhere in the building. If someone came in the side door or the back door of the school, the odds were pretty high that the first contact they would make, if classes were continuing, was with a custodian. That custodian's role, though it probably wasn't in the job description, was to keep intruders out of the school.

If they came in the front door, they would encounter a secretary. As cuts came for the financing—and the financing itself doesn't make sense, in that if you have a school with 400 students, it has twice the right to a secretary as a school with 200 students. Where the secretary and the custodian are funded on a per pupil basis, the smaller schools, even though they may be great schools, are told, "You're only entitled to a part-time custodian or you're entitled to a part-time secretary or you're entitled to a part-time principal."

Schools reacted to the changing society, with people coming in the side doors, by locking them, by going into a bit of a fortress mode. But at least the front door was open and parents and the public could come in there. They knew that when they got inside that front door, virtually all schools are arranged so that there's a secretary there who will greet them and in a subtle way inquire what they want in the building. There are now hundreds of schools in this province that do not have a secretary at that front door. I would suggest to you that it is not uncommon, if you went to one of the smaller rural schools, to find there is no secretary in the building for much of the day, there is no custodian in the building for much of the day, maybe none of the day, or maybe they come before and then the contract one comes after, or that there may or may not be a principal, because the principals are being twinned, and principals are now being required to teach perhaps 60% or 75% of the time. So it is possible to go into a school and get into the hallways with no one in that school being aware that they have an intruder. If you are concerned about children, you could be concerned about that stranger coming in the hallways. There have been incidents where very undesirable individuals have gone into the school, gone into a washroom, waited for a child and molested a child. There is no longer the gatekeeper there to keep intruders out. Children, if this government really believes they are a

number one resource, deserve protection from people who come into that school with the wrong desires and the wrong motives.

So the reduction in the funding, the change to having absolutely no base in the funding but simply per pupil, severely impacts rural schools, small rural schools particularly, that are now second-class citizens in terms of protection from intruders and from people who would molest them.

The last thing that I think the government needs to do in addition to this bill, if they truly, truly care about children—a child who has been molested has had their life altered by that molestation. That child has learned something they should not have had to learn and they cannot forget. That child has had an experience that will affect their school life, will affect their home life, will affect their interaction with other students, will affect everything they do from that point on for the rest of their entire life.

There are mechanisms to deal with it. The sad reality is that mental health services for children are almost non-existent in rural communities in this province. When you get into rural Ontario, there is not one anywhere close. I know that all too often, when we wish to access mental health services for a child, we're told six months, eight months, a year's waiting list before they can first be seen. So that child who has been molested by anyone of any group of individuals we've been talking about today will have a one-year wait before they can first start counselling. The damage is done, and then the damage is reinforced and reinforced. Clearly, this government needs to direct some resources into that area.

As I said at the beginning, I commend the government on this bill, but they need to view it as an excellent start. All too often, this minister believes that once you talk about a problem, it's solved. No. This talking about it is to recognize that the problem is there, perhaps not in huge numbers, but a problem with one child is a problem we need to deal with. But that is only a start. I certainly will be supporting the bill, but I hope that at the clause-by-clause review in committee there will be an opportunity to make this bill into an even better bill.

1710

Mr Alvin Curling (Scarborough-Rouge River): I want to say how much I appreciate being able to comment on this Bill 101. I think it's an extremely important piece of legislation. I also want to commend the government for bringing this forward and acting upon the Sydney Robins report, although the recommendations were much more extensive than what has been presented today. But, as the Minister said, she's sending a message to the violators. I don't think she's sending a message to all the violators in the system. I think it's been too selective and too narrow. However, it's a start. We want to commend that approach and we will be forever seen to protect all students. I am sure my colleagues have mentioned the fact that teachers have supported this, but only a selected number of teachers who are assigned to

the teachers' federation. Those within the private schools have no obligations to follow this procedure.

What my concern is, really, and I think my colleague just touched upon this, is that a teacher 20 years ago and a teacher now are completely different individuals. The teacher is called upon to do many things, not only to interact from the blackboard to the student and back to the blackboard as instructional, but to understand the entire student. To begin with, we are in a society that is so diverse that to understand the nature and the history and the culture of that individual is extremely important. However, what I am getting at is that the demands that are placed on teachers are enormous. Some of the signals that could be read by the teacher are lost because that teacher is then restricted to do so many things.

However, here we are now; the battle that went on within the education system between teachers and the minister did not really put us in any great light. As a matter of fact, Mr Speaker—you're quite aware of that and I think you would agree with me—many teachers are almost not encouraged any more to be teachers. They care so much for the students, but the fact is that the animosity that went on between the minister and teachers was not healthy.

I just want to say too that when Sydney Robins brought his report out, it was quite extensive. I think if the minister had wanted to make sure that they are all protected, all the recommendations would be addressed. Here is an opportunity for her to address all those concerns. What has happened? They were quite selective.

I think many of the private schools would feel left out. We know the battle that went on about the government encouraging private schools to be established. We would feel then that if we encourage the establishment of private schools, we should give students who will be attending there protection. But what we are seeing here is that that is not done. It could easily be done now, but it becomes more difficult when we try to make a law that will cover those private schools and the misconduct of teachers in regard to sexual harassment etc in private institutions. I can't understand, and I presume the minister during this debate will be able to explain to us, why she would exclude that.

We are the ones who make the laws. We are law-makers. We make the laws of this province. When we exclude people from that, what is happening is that we have this awkward situation that people don't interact very well in our society. Laws must be made, as we know, for the people and by the people. Sooner or later, when all these discrepancies and misconducts are happening, we realize that we can hardly address these cases because today, when we have the opportunity to include this in our legislation, this is being excluded from it. Maybe the minister will be able to explain it, or, without explaining that, maybe she will make amendments to this legislation and add private schools and those teachers who are not associated with the Ontario Secondary School Teachers' Federation or the elementary teachers' federation.

I applaud the teachers' federations that have decided to support this, and I understand why, because they have this deep commitment to our children and to our students. But again, I can't understand why the minister would exclude the private schools. It's not fair, and we have seen too many incidents over the years. We know very much of the case of Ken DeLuca and what went on for 20 years without it even being noticed. Look how long it took to bring that to justice. So I could say that anything developed in a private school could go the same way, because we have no monitoring of that. There's not a commitment to private schools to support that, and I think that is a gross negligence on the part of the minister.

We have a good system here and we are moving also to a good system of education, good teachers, the other sorts of changes that you're putting forward. I really applaud those teachers in this very complex and challenging society. In the classroom, as I said when I started my comments, compared to the teacher 20 years ago, the teacher today has before him or her students from different cultural backgrounds, different orientations. Therefore it takes more time for understanding and more time to understand what are the pressures faced by those individual students. But again, the demand placed on teachers by this government sometimes clouds the aspect of how we can deal with those students and their problems.

Bringing a law in just to say we have done something without covering all the aspects that need to be addressed leaves a lot to be desired. We of course in the Liberal Party will endorse this and will support this legislation. It's a start. It's unfortunate that we have to keep on saying, "It's a start." We want complete legislation that covers everyone, and we hope that before—because this is the early stage of the debate—the time is through, for it to have royal assent, the minister will see the light and decide to expand this in some respect and take into consideration those private institutions and teachers who are not a part of the federation.

Of course, everyone talks in here that their riding or their constituency is the most diverse of any. I think all across Ontario today we can talk about the diversity in the classroom. However, we in Scarborough, especially Scarborough-Rouge River, need a lot of attention in order to deal with some of the challenges faced by parents, faced by students and faced by teachers. I don't think much is done in this regard. I want to appeal to the Conservative government and appeal to the minister to cool the atmosphere a bit. Let's get some more understanding of who our students are and the challenges that the teachers have in those classrooms.

I know many teachers today who are working 12 hours, very much so, and there is no profession that for a constant 12 hours can do a great job when we're dealing with human beings because, as I've said, it's very sensitive. We're talking about human lives. We are carving a direction for our young people; we're forming them into good citizens. The hurt and pain that can come through

some of the abuses that may happen in that classroom sometimes may never be corrected.

I continue to feel that the government must show much more leadership and much more co-operation with teachers to face those challenges as we go along in our challenging time.

I visit the classroom every Friday, grade 4 to grade 8, to have an interaction about how students are feeling about governments, about life, and bring to them some of the realities of life. I have learned more, getting into that classroom, from those grade 5, grade 7, grade 8, right up, than I would say inside this Parliament. So I would encourage all of us to maybe one day get out into that classroom, interact with those students and interact more with those teachers, so that with the challenges of some of the things they do have, we can make more sensitive and better law than we have today. The laws that we have are inadequate, they're short-sighted, they're limited, and this is one of them; this is very limited. Although we can say we are going in the right direction, we want to say still yet it should be complete, concise and not be exclusive of any of the teachers and students who have maybe interacted and maybe come under pressure of some of the sexual harassment situations that we have here.

The Acting Speaker: Comments and questions?

Mr Marchese: I just want to say to the public that's watching this debate that from time to time Liberals, New Democrats and Tories agree for the most part. In this case, Liberals and New Democrats agree on this particular bill in terms of what the government is doing and in terms of our criticism of it as well. But by and large we support the bill, and I support the comments made by all of the Liberal members who have spoken.

Many of them touched on issues of prevention and the need to look at what, as governments, we can do to be helpful. There's no doubt the College of Teachers will have a lot to say about prevention. I am certain they are engaged in educational activities that are helping teachers to deal with issues of sexual abuse and prevention, generally speaking. No doubt they're doing it at the moment, and no doubt, once the bill is passed, they will have to think about ways to do more, which may probably involve the government obviously in terms of financing some of that work that is likely to follow once this bill is passed.

On the issue of prevention we are in agreement with the Liberals. And the issue of making sure that this legislation covers everyone who teaches in a system that is either public or private is important to us as opposition members and it ought to be important to the government to find a mechanism to deal with that.

I'll be speaking to that in about eight minutes or so, Speaker, but I want to say that I agree with the Liberals as well in that regard and hope the minister will take these issues into account.

1720

Mr Doug Galt (Northumberland): It's certainly a pleasure for me to rise in a two-minute response to the

presentation that's been made by the official opposition and also the comment just made by the member of the third party.

It is great to bring before the House a bill that all parties agree with. Often they go through very quickly because everybody agrees and we get on with other legislation. The public sometimes wonders, "Don't you people ever agree?" I think it's good that we bring bills such as this and carry them forward for some debate, even though all parties are agreeing. It's really unfortunate that it was necessary to bring forward a bill such as this, but it is definitely necessary. Unfortunately, it's necessary.

I guess as a grandfather you're allowed to brag a bit. I've been a grandfather now for four weeks, six days and 16 hours, but who's counting? I also have three daughters, one of whom is a teacher, just promoted as a principal. I'm really concerned, having had three daughters through the system and now a granddaughter who will be coming into the system, when there are these kinds of things happening in our schools. You'd almost hope that it wasn't happening, but in fact apparently it has been.

I think of retired Justice Robins, who has been investigating this and came up with a situation in the Sault Ste Marie school where some 13 students were sexually assaulted over some 21 years. It's very unfortunate. It's great that his 101 recommendations are being seriously looked at by organizations like the Ontario College of Teachers. What a great organization that is that this government brought in. It really brought teaching into a professional category where they now have a self-disciplining body such as the Ontario College of Teachers.

Mr James J. Bradley (St Catharines): I listened with a good deal of interest to the comments of the various speakers from the official opposition who were speaking in support of the legislation. As the previous speaker has just mentioned, there are occasions where there is unanimous consent for a particular piece of legislation. That doesn't make news, of course, because we all have people in our constituencies who say, "Don't you people ever agree on anything?" In fact, there is an opportunity from time to time to agree. Even within bills you may find that in principle the opposition may agree with a government bill; they may find something within the legislation that they believe requires correction or modification to make the bill even better.

Certainly I'm encouraged by the fact that I've not heard of any serious opponent of the concept of this bill, of the principle of this bill. The other day I was watching a press conference, or at least a statement being made, by representatives of the teachers' federations indicating their support for the legislation, the school boards' association indicating its support because it is positive legislation.

The one aspect that is lacking is that this does not apply to uncertified teachers in the school system. I happen to think that if you're passing legislation of this kind, which is to be beneficial to students, it should apply to everyone who is in a teaching position in an educational setting, whether it's a public school or a private

school. You can't allow special consideration: an exemption for people in a private school or an exemption for those who are not part of the College of Teachers because they're not appropriately certified as teachers. If the government were to make that change to the bill, it would make it even better and would certainly be acceptable to all concerned in the opposition.

The Acting Speaker: Comments and questions? The Chair recognizes the minister from Ottawa.

Hon John R. Baird (Minister of Community and Social Services, minister responsible for children, minister responsible for francophone affairs): Mr Speaker, it's Nepean-Carleton, not Ottawa.

The Acting Speaker: My apologies. It's Nepean-Carleton.

Hon Mr Baird: As my constituents will know, I'm from Nepean-Carleton, not Ottawa.

I'd like to congratulate the members opposite for their remarks. I appreciate the non-partisan tone of most of what we heard. This is in fact an issue on which we can all come together to ensure that children are protected.

I think protecting and promoting supports and issues that affect children is something that's incredibly important. This issue is just one of the many things this government has done in recent years designed to do just that. Through our Early Years action plan, the third phase of it, we're doubling support to help provide early intervention services to young autistic children, something that wasn't done anywhere in Canada just six years ago. We've been able to increase support for infant development to help parents with a young child, perhaps born with Down's syndrome, realize how they can help that young child realize their full potential, something that's incredibly important. This is an issue on which you don't get a lot of letters from constituents because it affects a very small number of people, but it can be incredibly important to those families to ensure the development of their young child.

Expanding supports to early literacy is something that's important to the Minister of Education, who spoke earlier today. She has done that in the school system and we're doing that for the zero-to-six category, because we know the power of early literacy, not just so the children arrive at school with a readiness to learn when they reach grade 1, but it also helps with the bonding and the relationship they have with their parents. That's something that's important.

The Minister of Education, who spoke earlier, did a lot on the whole area of child welfare and child protection, bringing in tougher standards to help children who have been the victims of sexual abuse, to help children who have been the victims of abuse and neglect. The funding that has flowed from that has done a lot to provide supports to children. This minister's interest in providing effective supports to children isn't new. This bill before us is just another example of her commitment to the children of this province.

The Acting Speaker: Further debate?

Mr Marchese: I welcome the good citizens of Ontario who are following this political forum. It's 5:30 on Wednesday night, and we're on live. I know that many of you watch this program, because we talk with some of you from time to time. I think it's one of the—not one of the better ways, but at least you get a sense of what it is we do in this assembly. It is good that many of you are participating as watchers, if nothing else because you become engaged by learning about what is presented here by way of a law and through the opinions all three political parties share in the debates.

You good citizens have often heard me talk about the titles of the bills that are presented in this place, and often I have said to you that the titles of the bills introduced by Conservative governments often belie their true contents. I've said that, and by and large that is the case with almost every bill that is introduced by this government.

Just to give you a couple of examples so that you have a sense of what I'm talking about, and then to bring it back to this issue of the Student Protection Act, you will recall the Victims' Bill of Rights that this government introduced. It wasn't a short while ago, but a couple of years ago.

Mr Peter Kormos (Niagara Centre): In 1996.

Mr Marchese: Five years ago? It was 1996. It was intended to at least communicate to the public that is either watching or following the issue in some way or other, through the title, that it conferred rights. If you don't read the bill, the assumption you make—those listening to those snippets of information you get from the media—is that it is a bill that gives victims rights, and so you say to yourself that this government is doing something good, it's helping victims, because the title of the bill says so. You're not encouraged by the government to read the bill. The government doesn't say, "Call us for the bill," so that you could read it for yourself to find out what is contained therein.

Interjection: You've got to pay.

1730

Mr Marchese: Sure, you've got to pay—mind you, you can get it off the Internet; you're paying for the Internet, too, but you can get it off the Internet now. But the government doesn't invite people to read the bills. I wouldn't do it because most of the time what is contained within bills is not what is in the title. The government clearly has an interest in not telling you to read bills. Most of you, I know, are so busy with your own lives. Good God, even the members of provincial Parliament don't read the bills, let alone having you read them. They're busy with so many things.

One teacher said, "I don't play golf. I don't have the luxury to decide I'm going to play golf tomorrow morning. I've got to get up and go to work and teach." One teacher said that. It was a letter that she sent to the Premier in anger at the disillusionment and the attacks that they feel from this government.

So the Victims' Bill of Rights is one example that I offer—and I'll offer another—that has no rights. You'll recall, Speaker, because you're part of the government,

the Tenant Protection Act. It suggests in the title that the bill is intended to protect tenants because it is the Tenant Protection Act. It is saying to the tenants, all 3.3 million or more, "Don't worry, the bill is about you and we are protecting you. Don't worry about reading its contents, because the bill says we are protecting you." The attacks that I have waged—in fact, I have excoriated with gusto the Minister of Housing in this regard—are because the Tenant Protection Act is clearly anti-tenant and clearly pro-landlord. It was designed to give landlords a little more money because they're suffering. The landlords are not little people.

We are talking about the owners of these rental buildings; not a little house where someone is renting the basement and is trying to scrape by to pay a mortgage to own a home. I'm not talking about them. I'm talking about the big buildings: 20 storey, 10 storey, 25 storey, whatever it is. These are the people who are enjoying the profits of decontrolling of rents, enjoying the benefits of a government giving them, in advance of a January announcement of tax cuts—they're getting it now, They're enjoying a tax cut because they're not making enough money and presumably with the extra money they'll probably buy another building so they can milk more tenants. That's what the government is doing: helping people who don't need money with a tax cut, passing a law, the Tenant Protection Act, designed to clearly help the big guy with the big buildings.

The decontrolling of rents is a way of killing rent control, which New Democrats brought in when we were in power to protect tenants from high increases that they were getting as tenants. It was designed to control rents. But the decontrolling of rents, without saying, "We are killing rent control," has the effect of killing rent control. How, you ask, good taxpayer? This is how it works. Someone leaves their unit and immediately faces incredible increases when they move into a unit next door or to a building next door, because there is no rent control that kicks in when they move. So the landlords have been jacking up rents incredibly because the vacancy is so low that they can do it and get away with it. Tenants have been suffering the effects of decontrolling in a way that I have never seen before. They are milking tenants through that decontrolling of rents. Rent control kicks in once they're in, but they get the big hit as they move from one place to the other. I'll remind you, Speaker—and you probably know or ought to know from a study that you commissioned, your government—that 70% of tenants move within a five-year period. Imagine these poor tenants who get whacked. We have seen unprecedented evictions, tenants with unprecedented hardships, unprecedented increases. That is waging war against 3.3 million tenants.

I say that to you as a way of saying that the Tenant Protection Act does not protect tenants. Remember the Safe Streets Act, which goes after squeegee kids? It's supposed to protect, I don't know, someone out there: old ladies, old men, I guess, who were driving their cars and

were getting so intimidated by those poor squeegee kids that they had to introduce the Safe Streets Act.

I gave these as examples—and there are so many more, but I don't want to talk about that any more, really—as a way of suggesting to you good citizens and taxpayers that this government plays games, a lot of them, when it comes to the titles of bills. But this one, the Student Protection Act, actually does what it says. So I can see how you could be somewhat deceived, good taxpayers, by this government. In giving you a list, a number of examples where the government introduces bills with titles that belie their content—when you hear this, you're likely not to believe this government. All I'm asking you to do for the moment, good listeners, those of you who watch this political forum—this one, the Student Protection Act, is actually good, by and large good, 90% good.

Interjection.

Mr Marchese: I want to get to that because there are some attacks that we want to make on this government. I want to say that this is a serious issue. Protecting young people from sexual predators and sexual abuse is serious. When abuse happens against young people—children or adolescents, teenagers—it's harsh. It's heinous. It affects your whole being, your whole psyche: intellectual, moral, physical, psychological, physiological. Your whole being is affected by it. So we have a duty as legislators to bring forth legislation that protects young people. That's why we support this bill: because it does, to the extent possible, do that.

I praise this government for doing that in spite of the fact that we often excoriate this government. I do it happily, often, because I disagree so profoundly with what they do most of the time, except in this regard.

I congratulate my friend from Sault Ste. Marie, Tony Martin, because he encouraged this government and previous ministers to deal with an issue that had occurred in his riding, and he had no action. Tony Martin had a campaign for government action on the issue of sexual abuse of students. But he was concerned enough, he and Bud Wildman, at the time. Both of them were concerned enough that they wanted to press the government to deal with an issue of sexual abuse in Sault Ste Marie. Tony Martin pushed that Conservatives should call an inquiry into the 1996 Sault Ste Marie case in which a separate school teacher assaulted students during a period of 20 years. The government finally commissioned Justice Robins to study the case in 1999, and the legislation now being debated is a response to those recommendations made by the judge and somewhat, I dare say, a response to the fact that Tony Martin raised these concerns in a campaign he started in 1996.

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In October 1996, Tony Martin and then-Algoma MPP Bud Wildman delivered a petition calling for an immediate inquiry into the sexual abuse case. The petition contained more than 10,000 signatures.

In July 1997, Tony Martin called on the Sault Ste Marie separate school board to offer an apology to the

victims for the sake of reconciliation and healing. He wrote to the Minister of Education repeatedly from 1996 to 1999 urging the government to call an inquiry. He wrote on behalf of his constituents to education authorities and the sexual abuse policy coordinating committee. He did that for three years. At the time, Mr Snobelen, the then minister—in the title of a newspaper article, "Snobelen Makes no Promises on Inquiry." "Martin Will Call for Inquiry Into DeLuca's Case"—another article. "Martin to Give DeLuca Petition to the Minister."

He did quite a lot to deal with an issue which for him was something close to his heart, close to anybody who understands the physical and intellectual and emotional disruption that such abuse causes to young people. As a result of his work, we finally got this government to have Justice Robins do this report that is now before us and which we support fully. We support and acknowledge his recommendations, support as well everyone who was involved in helping the minister with this issue. The College of Teachers consulted teachers' federations, parent groups, school boards, associations and independent school representatives, and submitted their proposals to the government, which the government obviously listened to. The elementary teachers of Ontario in particular said in a press release, "It appears that the government has listened to advice from teachers and others."

So the stakeholders were part of this and teachers were there to support this government, unlike this government's attack on teachers on a regular basis. It's for that reason that so many teachers are disillusioned and dispirited and are leaving our system, because of the attacks by this government. So when the government calls on matters of importance such as this, they are there. Federations and individual teachers alike are there to support the government because issues of sexual abuse, of predators against young people, need to be dealt with, and we are all behind them. I wish from time to time the Minister of Education would do the same and support teachers.

One of the problems we have with this bill that the minister doesn't cover is the fact that all certified teachers come under the purview of this particular bill, but there is one sector that does not. Before I speak about that sector that does not, I want to remind the government members who are here, some of them listening and some of them not—I understand, but I've got a couple of friends who are listening—that there are 1,200 unqualified teachers who receive letters of permission to teach in our public system. They are covered by this legislation. Remember, they're unqualified, they do get letters of permission, but they are covered by the legislation. Those who teach in the private system who are not qualified teachers are not covered. Do you follow the logic, Speaker? Unqualified teachers in the public system are covered, but unqualified teachers in the private system are not.

You see, I don't follow the logic. So I'm saying to the minister, you have to correct that. You have to devise a mechanism to make sure that unqualified teachers in the

private system are covered as well. Not to do so is a serious oversight, a serious omission for which you need to be criticized.

I overheard the Minister of Education say in response to one of the Liberals when he raised this issue that the reason is simple: they're not teachers. But whether you are certified or not, you are a teacher; you teach in that private system. The fact that you are not certified does not mean, ought not to mean, that you ought not to be covered by this law. In fact, you are protected if you are an abuser because you are not subject to this law. It's dumb and it's wrong. We ought not to be protecting potential abusers under the guise of or under an explanation that says they're not teachers. I'm sorry; even though they are not certified and they do not report to the College of Teachers, it doesn't mean they ought not to be covered. It means, therefore, that if not covered by the College of Teachers, they ought to be covered by some other body. The bill ought to cover that group in some way. You've got the wheels, you've got the government, you've got the limousine. Please, just devise a mechanism to make sure that these uncertified folk are covered.

We agree that we need to protect students from sexual abuse. We agree on your definition of sexual abuse, making it more comprehensive, that includes not only physical sexual abuse but also sexual harassment. We agree with that as well. We agree with the removal of teachers in that it imposes a duty upon school boards to remove a teacher from the classroom who has been charged with or convicted of a sexual offence involving minors. We agree that the board will have to take steps to ensure that the teacher does not perform any duties that permit him or her to have contact with students. We agree with all of that. We agree that all employers of certified teachers working with students 18 years of age or younger would be required to report sexual abuse. That includes public schools, independent schools, tutoring companies or any other organization employing teachers certified by the Ontario College of Teachers. We agree with that. We agree in that it increases the reporting requirements and communication between employers and the Ontario College of Teachers. All of that, New Democrats agree with.

What we disagree with is the fact that it doesn't cover everybody and that in the private school system, where there are close to 100,000 children who attend them, some of those who are teachers but not certified are not subject to this law. I suspect half of the teaching body does not have a teaching certificate, which I suggest to you is a high number of people we're dealing with. If we're worried about sexual abuse, sexual harassment, that can come from anyone, whether certified or uncertified. You've got to protect everyone and you've got to make sure that everyone is covered by this law, and your oversight doesn't deal with it.

I'm surprised, because it ought not to take so long for the government and the Minister of Education, or anyone, to come forward and say, "There's a problem. We

agree with the opposition." They didn't even have to listen to the opposition. They could have, in anticipation of opposition criticism, come forward and said, "This bill doesn't cover all circumstances, but it will."

That's why we're going to need hearings, because we need to talk about how to solve that particular problem. It will also give the minister an opportunity to come forward with suggestions and/or solutions to that particular problem. The minister can look good, and ought to look good, and we will thank her and acknowledge that she is responding to a legitimate concern that we in opposition have. But if she doesn't do it, she will be properly criticized, excoriated for an omission that's egregious.

You, Speaker, and your buddies are now funding private schools through public—

1750

The Acting Speaker: I just want to assure you that when my foot reaches the top step here I become pure; all my biases leave, my halo becomes permanently in place. I'm acting in the role as your Speaker, not as a colleague of those in one bench or the other.

Mr Marchese: I appreciate that, Speaker. I hope they're still your buddies, though. I hope that even though you hold that chair and are of course independent and neutral, they're still your buddies.

But your buddies, Speaker—and I know you are neutral in that chair; I appreciate that and I acknowledge that—have introduced a law that will fund private schools in the form of a tax credit. They're going to get a tax credit. You, good citizens—oh, taxpayers—are going to be paying, in the form of a tax credit, parents who send their children to a private school. I am convinced you don't support it. I know that most of you don't support it, and you're going to have to let the government know that. Ninety-five per cent of students are in our public system. It means that our public system is working. But public confidence is floundering. Our schools are crumbling and our teachers are demoralized. They're tired of you beating up on our public school system and our teachers.

You had the nerve in this climate to introduce public dollars for private schools, where you, the Minister of Education, and you, Premier, admitted the \$300 million to \$500 million would come out of our public schools. You said as much. Now you, Minister, and the government are saying, "Oh, no, we didn't say that. That would have been the case if we had done funding in some other way." The Minister of Education said that in committee: "It would have been \$300 million that would have come out of our public schools if we had done it differently." I asked her in committee, "What kind of 'differently' does that mean? In what way would we have spent \$300 million that would have come out of our public schools if we had done it differently? What is that?" She didn't have an answer for me.

She's saying \$300 million will not come out of our public system now; it will come out of our consolidated revenues and therefore it will not affect our public school system. It boggles my mind, good citizens, when I hear

such logic because it doesn't make any sense. We've got one pot that all of you pay into, and then we distribute that money to health, education, social services, environment, labour, culture etc—one pot of money. So if this government is about to give away \$300 million to \$500 million to \$700 million, where is it going to come from? It's got to come from somewhere. You just don't grab \$700 million from some Tory tree. There are no Tory trees that grow money. You just don't pick it up.

Your insane move to advance the tax cuts earlier than January, which I call an act of irremediable stupidity, is going to hurt us some more. It's an act of ruinous and irremediable stupidity that they're going to take your money, give you back 18 bucks or so and that it is intended to spur you to go out and spend at a time when people are being laid off. You're worried about saving whatever few pennies you've got. You've got your \$18. It's not going to give you an incentive to go and buy a television. What does it mean? It means that we are draining our provincial coffers in a way that leaves us empty of any resources to help the people who need it.

Seventy-five million bucks of that \$175 million these people have given away, just thrown down the drain, could have been given so that every student in our system would have a textbook. Students are sharing old tattered books, and we don't have enough textbooks to deal with the new curriculum that has just been introduced. This government has cut the money that ought to be going to textbooks for this coming year from \$30 million to \$15 million, thus suggesting to me and to the people watching that our students are not getting the money they need to have the books for the new curriculum.

Do you understand? All of that \$300 million to \$500 million to \$700 million that these people gave to private schools could have gone into textbooks as one example of so many needs. Our schools are crumbling. A portion

of that money could help the schools that are crumbling in each and every one of our areas in Ontario. That \$175 million they're spending on that tax cut in advance of January—that's what it costs—could have been so used by our health care system, our educational system, our services for seniors desperately needing support, and this government proudly and arrogantly says, "Oh, no, New Democrats, that's the old way. Our new way is just to throw money away in tax cuts because we believe that will solve our problems."

We have an economy that's crumbling and the government is throwing away money it doesn't have to corporations that don't need the money if they're doing well, and it won't go to the corporate sector that is falling apart, because it's falling apart. It's going to people who are going to benefit at the big level, and those who earn a couple of bucks are not going to spend it. It's \$175 million wasted, down the tubes.

Good citizens, we're in trouble. By these policies we're in trouble. We need every possible penny we've got to support our public system, and this government has given it away to the private sector to the tune of \$300 million to \$700 million. I say to you, taxpayers and citizens of this province, that if public dollars, your money, are going to go to support private schools in whatever way, then they need to be accountable. Certified teachers and non-certified teachers must be accountable like our public system by this bill. We New Democrats are saying that those who are not certified are not covered by the bill and that's a serious omission to which I will return the next day.

The Acting Speaker: It being 6 of the clock, this House stands adjourned until 6:45.

The House adjourned at 1759.

Evening meeting reported in volume B.

**STANDING AND SELECT COMMITTEES OF THE LEGISLATIVE ASSEMBLY
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Finances et affaires économiques**

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Vice-Chair / Vice-Président: Michael Gravelle
James J. Bradley, Leona Dombrowsky, Michael Gravelle,
Bert Johnson, Tony Martin, Frank Mazzilli,
Jerry J. Ouellette, Bob Wood
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Justice and Social Policy / Justice et affaires sociales

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Vice-Chair / Vice-Président: Carl DeFaria
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Lyn McLeod, Tina R. Molinari
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Règlements et projets de loi d'intérêt privé**

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Wayne Wettlaufer
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**Alternative fuel sources /
Sources de carburants de remplacement**

Chair / Président: Doug Galt
Vice-Chair / Vice-Présidente: Marie Bountrogianni
Marie Bountrogianni, James J. Bradley, Marilyn Churley, Doug
Galt, Steve Gilchrist, John Hastings,
John R. O'Toole, Jerry J. Ouellette, Ernie Parsons
Clerk / Greffière: Tonia Grannum

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