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**Official Report  
of Debates  
(Hansard)**

**Journal  
des débats  
(Hansard)**

**Monday 26 November 2001**

**Lundi 26 novembre 2001**

Speaker  
Honourable Gary Carr

Président  
L'honorable Gary Carr

Clerk  
Claude L. DesRosiers

Greffier  
Claude L. DesRosiers

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## LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 26 November 2001

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 26 novembre 2001

*The House met at 1330.  
Prayers.*

### MEMBERS' STATEMENTS

#### SCHOOLTEACHERS

**Mr David Ramsay (Timiskaming-Cochrane):** In the next couple of weeks this government is going to bring in legislation that basically will recognize the legitimate activity of hunting, but I want to say to this government that it is time to ban the open season on teachers this government has held for the last six and a half years. Through Bill 80, and now through Bill 110, we see this government continually targeting teachers, having them in its sights all the time, thinking that teacher-bashing is not only good politics but is somehow going to be good for the education system. Well, it's not. What this government has done is it has demoralized the teaching profession and made the education system the worse off because of all that.

What this government has to do is to recognize teachers for the professionals they are and to work with the teachers so that they have a self-regulating association and do their own assessment and testing over the years, but to work with the teachers to do that. The teachers know they have to do it and have always believed in lifelong learning. They do that. They take their education days all year round. They take courses in the summer. They are one profession that has always been on the cutting edge of self-improvement, yet this government decides it's a great idea to pick on them and demoralize them again.

Here we are with new teachers coming into the profession, some with a brand new two-year teaching course, and you're going to have to have 14 new courses on top of that in order to get your certification. Over the 30-year lifetime of a teacher, many of these teachers are going to be required to take 98 courses that are being imposed upon them, rather than working through their own self-governing association. It's time the government stopped targeting teachers.

#### TRENT UNIVERSITY

**Mr John O'Toole (Durham):** I am pleased to rise in the House today on behalf of the member for Peterborough, the honourable Gary Stewart, the whip.

I'm also pleased to inform the House of the outstanding record of consistent accomplishment made by Trent University. Today I would like to thank the faculty, staff, students, President Bonnie Patterson and the administration of Trent University for being recognized by Maclean's magazine as the top primarily undergraduate university in central Canada. This is the 11th year in a row that Trent has achieved this ranking, proving once again that it is a centre of excellence in the liberal arts and sciences.

Trent University earned this recognition by also ranking first in many other factors: awards for students per full-time faculty; class size; scholarships and bursaries available to students. Trent has established a proud track record in delivering quality education to its students, and its future looks even brighter. The faculty continues to achieve prestigious honours and awards, such as the Honda Prize recently won by Professor Donald Mackay for his research in environmental chemistry.

No doubt more students than ever will apply to Trent to benefit from its rewarding experiences, and I'm pleased the university is prepared to meet this demand. Through our government's SuperBuild initiatives and a provincial investment of \$29 million in Peterborough, 1,295 new student spaces will be available as new academic space is created and joint venture programs with Sir Sandford Fleming College are strengthened. The future looks bright.

I ask members of the House to join me in applauding Trent University for its contributions to success and the encouraging future being built for our younger generation, our collective future.

#### PUBLIC HEALTH

**Mr Dominic Agostino (Hamilton East):** I want to speak today about a shocking report in a Spectator investigation into the state of restaurant and food inspections in the city of Hamilton. Last year, only 10% of the restaurant and banquet centres were inspected the minimum number of times as required by provincial legislation. In the year 2000, more than 100 restaurants went uninspected. This is a dangerous situation. I am here today to ask the province of Ontario to step up to the plate and properly fund public health departments in Ontario so they can do the job that they're assigned to do. The province sets the standards, but they don't come through with the dollars. They've cut funding. We used to have a funding formula of 75% provincial and 25% municipal for all pro-

grams at the public health level. Now it's 50%, and in some cases it's not even existent, it's at the province's discretion.

As a result, in the last couple of weeks we've had 12 new cases of non-water-borne E coli bacteria, mostly related to food, food safety and hygiene. I think it's even more important today for the provincial government to do its job, not only to set standards for minimum inspections of restaurants but to ensure that those standards are being followed at the municipal level. When they walk into a restaurant, people should feel comfortable that they're not going to get sick as a result of dinner or a meal they've had there.

The province has a responsibility to come through. Today I ask the Minister of Health to do his job, to step up to the plate and properly fund public health departments so we can do proper food inspections so that people can have safety and comfort when they're in a restaurant in the city of Hamilton or anywhere else in the province of Ontario.

#### COMMUNITY ENDOWMENT FUNDS

**Mr Garfield Dunlop (Simcoe North):** Today I rise and wish to speak about an important community organization in Simcoe North called the Community Foundation of Orillia and Area. Foundations like this are sprouting up across this country to provide a way to pool the charitable gifts of many donors into permanent, income-earning endowment funds that benefit local communities. Canada's more than 100 community foundations hold combined total assets of about \$1.4 billion and made over \$70 million in grants to support local priorities across this country.

The Community Foundation of Orillia and Area provides many bursaries and endowments funds, such as the Simcoe College scholarship and bursary award fund, which helps students attend the many programs at Georgian College. There is also the Tom Parish scholarship fund, which is given to an Orillia high school graduate who will be attending a college or university to continue studies in either business or the environment. In an effort to help our communities, there is the Trails for Life endowment fund, which is a permanent fund to help maintain Orillia's Trails for Life, a 10-kilometre, multi-use paved trail built in 2000 as part of the millennium celebrations.

Recently the foundation announced the Ontario Endowment for Children and Youth in Recreation fund. From now until March 2002, donations to this fund will be matched dollar for dollar by the provincial government up to a maximum of \$200,000 for the Orillia area. The capital stays with the foundation in perpetuity and continues to grow, generating income to meet the community recreation needs of our young people for years to come.

At this time, I would like to recognize the hard work of this foundation, and particularly its executive director, Ms Deborah Wagner.

#### AIR QUALITY

**Mr James J. Bradley (St Catharines):** This morning Ontario Power Generation was trumpeting the moves it is going to make at the Nanticoke and Lambton coal-fired plants. They are totally inadequate to protect the air of the province of Ontario. What they are planning to do is install selective catalytic reduction units in only four of the 19 coal-fired units to reduce their nitrogen oxides emissions.

There are two major problems with this plan. First of all, OPG's proposal will only reduce nitrogen oxides emissions for one quarter of its coal-fired capacity. Second, the selective catalytic reduction will only reduce one of the more than 30 toxic air pollutants emitted by OPG's coal plants. Under OPG's plan, its carbon dioxide, mercury, sulphur dioxide, heavy metal and cancer-causing emissions will continue to rise.

There are costs of staying with coal. According to the Ontario Medical Association, smog and poor air quality cost Ontario \$9.9 billion a year in health care costs, lost work time and other quantifiable expenses, as well as killing an estimated 1,900 Ontarians prematurely each year. Smog-related illnesses will increase, and mercury contamination is going to increase considerably. Acid rain and global climate change are wreaking havoc on our natural environment and having a direct economic impact on everything from tourism to natural resource industries. Clearly, the Sir Adam Beck hydroelectric generating station in Niagara Falls is the answer.

1340

#### DIAMOND MINE PROJECT

**Mr Gilles Bisson (Timmins-James Bay):** I want to take this opportunity to let members in the House know, but more importantly to let people in the province of Ontario know, that this afternoon, as we speak, De Beers, the mining giant in the diamond business, is in Attawapiskat meeting with the community and community leaders to let them know just exactly where they are with their diamond mine project at the Victor camp.

You would know that last year there was a great amount of drilling done at the Victor camp, just outside of Attawapiskat. Some 60 to 70 people worked there last year. The interesting part, which I think is a credit to De Beers, is that about half of the people who work at that particular project are from Attawapiskat. So I want to give my congratulations to De Beers for that.

Today we have the pleasure of knowing that De Beers is going to be announcing this afternoon that they are moving to a pre-feasibility study on the opening of a diamond mine at Attawapiskat. That means we can cross our fingers even more that there's a good possibility that if things go well this year and the pre-feasibility study is able to answer a number of technical questions about this mine, Ontario may indeed end up having its very own first diamond mine in the province.

That's good news for the people of Attawapiskat, good news for the Mushkegowuk people of the James Bay coast and also very good news for the province of Ontario because it means that where you find one mine, who knows, there may be a second or third or fourth lying somewhere nearby.

I want to congratulate all those who are in Attawapiskat today—the community leaders and the community—for having worked well together on this project. We look forward to hoping that the pre-feasibility study will actually bring us one step closer to a diamond mine.

#### FUNDRAISING CALENDAR

**Mr Doug Galt (Northumberland):** I rise in the House today to recognize the efforts of more than 30 physicians from the Northumberland Health Care Centre. These doctors are raising money locally through sales of their annual Christmas calendar, with proceeds going to the new \$60-million hospital being built in Cobourg.

Last year, in excess of \$39,000 was raised from the photographs of these doctors, set in familiar locations around Northumberland county. This year, 6,000 copies have been printed as organizers hope to break last year's record.

Some of the scenes in the calendar include humorous photographs of a fictitious drive-through medical clinic and a low-tech CAT scan featuring a number of volunteer felines. Last year's calendar had the same concepts and received a warm response in areas as far north as Peterborough.

Toronto councillors will be glad to know our physicians will be keeping their shirts on for this calendar. I'm sure you will all agree that their criticism of the Toronto firefighters for baring their chests to raise money through a similar effort was rather silly.

These doctors, like their firefighter counterparts, have recognized that even simple efforts can have a tremendous impact at the local level. These dedicated personnel are an example of what can be accomplished through the efforts of a small, creative group. As a matter of fact, a copy of our calendar is being sent to the Ministry of Health to demonstrate this novel approach to fundraising.

Please join with me in acknowledging the efforts of all calendar posers, both here in Toronto and in Northumberland, for taking this initiative.

If I might, I know it's not a point of order but I would like to introduce two of my constituents who are in the members' gallery, Suzanne and John Liptay.

#### HYDRO ONE

**Mr Sean G. Conway (Renfrew-Nipissing-Pembroke):** I have one question for my friend the Premier on behalf of millions of Ontario taxpayers and electricity ratepayers, and that question is simply this: what the hell is going on with Hydro One, that crown agency that holds about \$10 billion worth of very valuable public assets?

I see from the weekend press that our old friend Ernie Eves is quite rightly saying that it is time for the public of Ontario to have a very thorough debate of all the options, all the costs, and the consequences of exercising any of those options.

We know that this potential sale of the \$10-billion asset base of the Ontario Hydro transmission grid presents a bonanza for special interests. We know from the public press that the lobbyists and the investment bankers are drooling. They are salivating. The special interests are excited in ways they haven't been in a long time.

On behalf of the thousands of people I represent in the Ottawa Valley and millions of Ontario citizens and electricity ratepayers, I say to you, Mike Harris, who is looking out for the public interests? Who is looking out for Main Street? Can you assure me that the interests of Main Street and the interests of the millions of average electricity ratepayers are not going to be badly injured in some sell-off to accommodate the powerful interests of Bay Street?

#### ROBIN MEDNICK

**Mrs Tina R. Molinari (Thornhill):** I take this opportunity to recognize a very special constituent in my riding of Thornhill. Robin Mednick is the co-editor of a new book appropriately called *Heroes in Our Midst*, featuring Canadians who have overcome adversity pursuing Olympic glory. *Heroes* is a collection of 110 anecdotes by Olympians and Paralympians who tell compelling stories of overcoming various obstacles on their way to breaking world records.

When asked what writing the book had taught Robin after speaking to so many Olympians and Paralympians, she said, "When you know in your own life that you can walk and do things that most people take for granted, then you start to put into perspective the small worries that you face every day that shouldn't trouble you at all." These are inspirational words to live by.

The idea to create such a beautiful book was conceived in September of last year after Robin spent time collecting inspirational stories for her 13-year-old son's bar mitzvah. It's also important to note that all the royalties from this book will be donated to junior athletes and a charity that promotes sports education.

Congratulations to Robin Mednick on an accomplishment that is worth its weight in Olympic gold.

#### REPORTS BY COMMITTEES

##### STANDING COMMITTEE ON REGULATIONS AND PRIVATE BILLS

**Mr Rosario Marchese (Trinity-Spadina):** I beg leave to present a report from the standing committee on regulations and private bills and move its adoption.

**Clerk at the Table (Ms Lisa Freedman):** Your committee begs to report the following bill as amended:

Bill Pr15, An Act to establish the Sioux Lookout Meno-Ya-Win Health Centre.

**The Speaker (Hon Gary Carr):** Shall the report be received and adopted? Agreed.

Curling, Alvin  
Di Cocco, Caroline  
Dombrowsky, Leona  
Duncan, Dwight  
Dunlop, Garfield  
Ecker, Janet  
Elliott, Brenda

McMeekin, Ted  
Miller, Norm  
Molinari, Tina R.  
Munro, Julia  
Newman, Dan  
O'Toole, John

Tsubouchi, David H.  
Turnbull, David  
Wilson, Jim  
Witmer, Elizabeth  
Wood, Bob  
Young, David

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

## INTRODUCTION OF BILLS

### TILBURY AREA PUBLIC SCHOOL ACT (WILLIAM J. MILLER TRUST), 2001

Mr Hoy moved first reading of the following bill:

Bill Pr1, An Act respecting the Tilbury Area Public School and the William J. Miller Trust.

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

Pursuant to standing order 86(a), this bill stands referred to the commissioners of estate bills.

## MOTIONS

### HOUSE SITTINGS

**Hon Janet Ecker (Minister of Education, Government House Leader):** I move that pursuant to standing order 9(c)(i), the House shall meet from 6:45 pm to 9:30 pm on Monday, November 26, Tuesday, November 27 and Wednesday, November 28, 2001, for the purpose of considering government business.

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

All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

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

*The division bells rang from 1349 to 1354.*

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

#### Ayes

Agostino, Dominic  
Arnott, Ted  
Baird, John  
Barrett, Toby  
Bartolucci, Rick  
Beaubien, Marcel  
Bountrogianni, Marie  
Bradley, James J.  
Brown, Michael A.  
Bryant, Michael  
Caplan, David  
Clark, Brad  
Coburn, Brian  
Colle, Mike  
Conway, Sean G.  
Crozier, Bruce  
Cunningham, Dianne

Flaherty, Jim  
Galt, Doug  
Gilchrist, Steve  
Gill, Raminder  
Gravelle, Michael  
Hardeman, Ernie  
Hoy, Pat  
Hudak, Tim  
Jackson, Cameron  
Johns, Helen  
Johnson, Bert  
Kells, Morley  
Marland, Margaret  
Martiniuk, Gerry  
Maves, Bart  
Mazzilli, Frank  
McLeod, Lyn

Ouellette, Jerry J.  
Parsons, Ernie  
Peters, Steve  
Phillips, Gerry  
Pupatello, Sandra  
Ramsay, David  
Runciman, Robert W.  
Sampson, Rob  
Sergio, Mario  
Smitherman, George  
Sorbara, Greg  
Spina, Joseph  
Sterling, Norman W.  
Stewart, R. Gary  
Stockwell, Chris  
Tascona, Joseph N.  
Tilson, David

#### Nays

Bisson, Gilles  
Hampton, Howard

Kormos, Peter  
Marchese, Rosario

Prue, Michael

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 70; the nays are 5.

**The Speaker:** I declare the motion carried.

### WALKERTON INQUIRY REPORT

**Hon Janet Ecker (Minister of Education, Government House Leader):** I believe all parties agree that the report of Mr Justice O'Connor relating to the Walkerton inquiry should be released immediately upon its receipt, as stated in the opposition day motion that's scheduled to be debated tomorrow. At this time I would like to seek unanimous consent to have that question put immediately without further debate, to have Mr Bradley move his motion in order that the House could demonstrate unanimous support for that motion.

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

**Mr Dwight Duncan (Windsor-St Clair):** On a point of order, Mr Speaker: I seek clarification from you. Would we lose the opposition day tomorrow? I'm sure it's not the intent to take an opposition day away from the opposition to deal with government business, because if it was, we would not be able to agree to that even though we support in substance what's said. The debate's far too important to let go.

**The Speaker:** What could happen is the motion would give direction to the House, so if the motion indicated something along those lines, then obviously it could be included in the motion. So we'd look for guidance from the House on that.

**Mr Duncan:** On a point of order, Mr Speaker: I ask the government House leader, we would agree to that provided we could continue to have an opposition day and if the rules could be waived to allow the opposition to put another resolution with respect to that or any other issue. Clearly, if it's the government's intent to deal with Walkerton, we can do that, but if it's the government's intent simply to play a procedural game to deny us one of our four opposition days, then we wouldn't support it and we'd welcome that debate.

**The Speaker:** I often wish the House leaders could get this clarified so that we don't have to have House leaders' meetings during the House. Having said that, maybe the government House leader could give us some clear indication.

**Hon Mrs Ecker:** I quite understand the House leader's concern. This was something that came up quite quickly today. I'd certainly be prepared to try and work something out. I understand it could be rearranged with unanimous consent of the House. I'd be quite prepared to talk to the House leaders about doing that, because it was the intent of the House to try and show unanimous support for this, and that was the beginning and the end of this particular request. We could certainly try and work that out.

1400

**Mr Duncan:** On a point of order, Mr Speaker: I do apologize. I would have preferred to have dealt with this at the House leaders' meeting as well, and I apologize that this didn't happen. If the government House leader were to give us a motion that included both clauses at the same time, (1) that would provide that tomorrow could be used for another opposition day, (2) that the rules could be waived to allow the tabling of that opposition day motion and (3) asking for our support for Mr Bradley's resolution, if that was all dealt with in the same resolution, we could agree with it; if not, we'd simply have to say no.

**The Speaker:** Do you need some time to do that?

**Hon Mrs Ecker:** Mr Speaker, let's have the House leaders talk and see what happens on it in terms of where we are.

**The Speaker:** Are you withdrawing your request for unanimous consent until you iron that out, then?

**Hon Norman W. Sterling (Minister of Consumer and Business Services):** I thought we had unanimous consent.

**The Speaker:** Let's do this: let's take a moment for the clerks at the table to work with the government House leader, if they could make it not too long, though, and see if we can come up with a motion that would be acceptable to all sides. I know there is agreement, but there is some concern. If you do ask for unanimous consent later on—any member could do it—there might be some problems there. I understand the clarification.

**Mr Duncan:** On a point of clarification, Mr Speaker: So there's no misunderstanding, we have not given unanimous consent to that at this point.

**The Speaker:** We haven't actually asked for it yet. If we could take just a moment, we'll see if there's some clarification.

**Hon Mrs Ecker:** If there is an agreement, we'll work that out before.

**The Speaker:** As you know, what can happen is that it can come back at any point in time with unanimous consent, if we can get the agreement worked out. I'm sure it's just a matter of circumstances. It did come up late, and hopefully the House leaders could get together and move it. I understand the concerns of the House leader for the official opposition, that if you do ask for something, they need to have clarification. With that, we will move on and hopefully it can be ironed out between the House leaders.

## ORAL QUESTIONS

### HOME CARE

**Mrs Sandra Papatello (Windsor West):** My question is for the Minister of Health. Minister, in a letter dated June 28 from my colleague MPP Bartolucci, he wrote to you and asked if you had any intention of eliminating the community care access centre boards. Let me quote what you responded two days later. This question is for the Minister of Health because he wrote this letter. In that response two days later you said you have "no plans to replace the board" and that your ministry "values the important contribution of our CCAC health care partners," as you called them.

Minister, it was a flat-out no to eliminating those boards. What you've done now, when you dropped that bill in the House a couple of weeks ago, is a complete reversal. That legislation is specifically designed to muzzle opposition to the cuts you're making in home care. Specifically, it's a gag order on volunteer boards. People, despite the gag order, are starting to speak out. It's an enormous flip-flop on your part. One moment you're saying you have no plans to eliminate boards, that's crazy, and the next you drop—

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

**Hon Tony Clement (Minister of Health and Long-Term Care):** To the associate minister of health.

**Hon Helen Johns (Minister without Portfolio [Health and Long-Term Care]):** I'd like to thank the member opposite for the question. Let me say that the Premier asked me to look at community care access centres in the fall of this year. We have done a thorough analysis after having the PricewaterhouseCoopers report and the operational review report from Hamilton. In both of those reports it told us that there needed to be changes to community care access centres so we could provide the services that were necessary to provide quality health care across the province. Since that time, we at the Ministry of Health have worked together to ensure that we have a plan that will strengthen community care access centres, that will strengthen the systems within community care access centres, the accountability within community care access centres, and we will move together to provide more quality services to the people of Ontario in the community service area.

**Mrs Papatello:** My supplementary is for the Minister of Health. This bill is a shameful takeover of local CCAC boards. It's shameful.

Let's listen to the leading candidate for your PC Party, Jim Flaherty. This is what he has to say about where health care ought to be going in this province.

"Doesn't it just make sense," Jim Flaherty said, "to let local people who understand local needs have more say about where health care dollars are spent? That's why I believe that the time has come for more regional autonomy, and coordination, in our health care system." Jim

Flaherty thinks your power grab, your gag order, your hostile takeover of community care access centres is dead wrong.

Minister of Health, where are you on this? It's a gag order, a hostile takeover, but the finance minister of this province disagrees wholeheartedly. Where are you on this today?

**Hon Mrs Johns:** Let me say first off that I'm sure the member opposite doesn't know what Jim Flaherty thinks. I know Jim Flaherty is very committed to ensuring that we have quality health care in the province of Ontario, that local needs and local people are providing those services.

Let me say that I'm not sure how the members opposite consider this a takeover. What happened in the past was that the people of Ontario funded community care access centres. They are going to continue to do that through their tax dollars. We're going to have local people on these boards who are going to make decisions about local needs. We're also going to have coordinated services so that quality health care is being provided to all in the community. I think what they say opposite is just not correct.

**Mrs Papatello:** Well, here are some facts. The Minister of Health says on June 26 that there are "no plans" to take over boards. August 28, he writes a letter and says there are no plans to take over boards. A couple of weeks ago, he drops a bill in the House that takes over community care access centre boards. Those are the facts.

The Minister of Finance runs for leader of that party and he stands up and says that local autonomy is what health care services need in this province—not hostile takeovers, not gag orders; real community advocates in the area of home care in this province—and it's the opposite direction to where this government is now going.

I ask the Minister of Health, who is responsible for health care for working families in Ontario, where is the Minister of Health today? Is he busy running for leader, or is he more caring about what happens to working families in Ontario? To the Minister of Health, will you eliminate this bill from the docket in this House? Hostile takeovers are wrong. We don't agree. Where is the Minister of Health on this?

**Hon Mrs Johns:** Let me say that this government is committed to ensuring that we have community services, CCAC services, that will be strong in our community for many years to come.

What the member opposite fails to understand is that a hostile takeover is when someone takes over the shares, and they don't own those shares at that particular time. This government sets up community care access centres. They fund community care access centres. We have been there to ensure that community care access is strengthened, and right now what we're saying is that we need to make some changes to these community care access centres so that in the future they will have the strength to

be able to continue on and to provide good-quality services in their area.

I can tell you that all of my colleagues on this side agree that there needed to be changes to community care access centres, and we're moving forward to ensure we have a viable and sustainable community system that will be here for our generation and our children.

#### HEALTH CARE FUNDING

**Mrs Sandra Papatello (Windsor West):** My question is for the Deputy Premier. You've sent the Premier packing to Ottawa to ask for health care money. My question for you is simple, and we hope your answer will be very clear and unequivocal. Deputy Premier, we want to know just how much exactly you believe ought to be spent in health care in the province of Ontario.

**Hon Jim Flaherty (Deputy Premier, Minister of Finance):** Our budget on health care this fiscal year in Ontario is in excess of \$23 billion, close to \$24 billion. If the federal government is going to make the commitment it made to John Robarts when they brought in medicare in this country, a national program, it should be 50-50. That's what it should be.

1410

**Mrs Papatello:** Deputy Premier, the answer is not clear. What we said was, how much money do you think has to be spent? We didn't ask you who is supposed to spend it; we asked you just how much money you think has to be spent in health care. Do you need to spend \$2.2 billion more, the same amount you're giving away in a corporate tax cut, or do you have to add \$500 million more, the same amount you want to give away for private school tax credits? The question, Minister of Finance and Deputy Premier, is simple: how much money needs to be spent—not who is spending it, but how much in total needs to be spent? Is it the same amount of money that you're giving away in corporate tax cuts? What is the amount you want to spend in health care?

**Hon Mr Flaherty:** I think what the member is asking for is a figure on health care. The tax cuts, stretching out to 2005, over the course of the next five years, are \$2.2 billion. That's the plan for the tax cuts. What we need from the federal government over the next five years, just to maintain the federal government's 1994-95 share, will be \$10 billion.

**Mrs Papatello:** The Liberal caucus thinks it's amazing that this guy sends his Premier packing with a suitcase to Ottawa but he doesn't know how much he's asking for. As a matter of fact, the Deputy Premier doesn't even know how much this province needs to spend in health care. How much do you need to spend that's enough? We're not suggesting who spends; we're saying how much.

You make a hole in your Ontario revenues with your \$2.2 billion worth of corporate tax cuts and \$500 million in private school tax credits and you go running off to the feds to say, "We demand more health care." This province demands good health service. You are asking for



money to cover the holes in revenue from your corporate tax cuts. We want to know if you're going to tell the health minister the truth when you head up to Ottawa.

**Hon Mr Flaherty:** It's a sad day in the House when I have to listen to the number two person from the Liberal benches talking about health care spending. It is Monday. We may get a different figure from the Liberals later on in the week.

She thinks, apparently, that what the federal Liberals are doing is OK, but what did Mr McGuinty say? When Mr McGuinty was asked what he thought after the last federal budget, which was almost two years ago, he said, "I was personally disappointed with the budget because it does not assign the priority to health care that ordinary Ontarians have been telling me they"—

*Interjection.*

**The Speaker (Hon Gary Carr):** Minister of Finance, take your seat. Sorry, Minister of Finance. The member for Hamilton East isn't sitting in his chair. You're up close and you've got a loud voice. It's bad enough when you're two rows back. You're right up front. I can't hear the question.

Minister of Finance. Sorry for the interruption.

**Hon Mr Flaherty:** The Liberals don't believe what they're saying; they are just mouthing words. If you look at what the Liberal leader said right after the last budget, here's what he said: "I was personally disappointed with the budget because it does not assign the priority to health care that ordinary Ontarians have been telling me they assign to it. The silence from the federal government on medicare has been deafening." That's the Liberal position after the last federal budget. You have some different position today. I wonder what it will be tomorrow.

#### PLEA BARGAINING

**Mr Howard Hampton (Kenora-Rainy River):** I have a question for the Attorney General. Last week we raised the tragic case of Michael Tilley, the homeless man who was brutally beaten to death and whose murderer was able to plea bargain for a lesser charge of manslaughter and a reduced sentence of six years.

Today I ask you about the case of wife killer Kenneth MacDougall.

*Interjections.*

**The Speaker (Hon Gary Carr):** Stop the clock, please. Minister of Finance, you had a chance to answer the question. I ask for order, please. We need to have some quiet.

*Interjections.*

**The Speaker:** OK, that's it, folks. The next one is out. I've been patient with you, and you push and you push and you push. Now we're going to start throwing people out. Every day you've got to do that, and every day we've got to come in here and do that because you get carried away. I ask for order; now I mean it. The next person who shouts out is going to get thrown out. If you want to be thrown out, do it.

The leader of the third party.

**Mr Hampton:** Today I ask you, Attorney General, about the case of a wife killer, Kenneth MacDougall, who according to the evidence drugged, raped and drowned his wife, Mitzi MacDougall. The crown attorney bargained away second-degree murder and then agreed to a mere six-year sentence for manslaughter. Your government's repeated rhetoric is that you're tough on crime. I wonder if you can explain to the brothers and sisters of Michael Tilley and to the three young children of Mitzi MacDougall all about your rhetoric.

**Hon David Young (Attorney General, minister responsible for native affairs):** Let me commence by once again expressing my condolences and sympathies to the families of those involved.

As for the case of the Tilleys, the member is probably aware, but I certainly wish to inform you, Mr Speaker, that I met with members of the family late last week, on Thursday afternoon. We had a good discussion. They aired a number of concerns they had about the system. We've undertaken to examine those concerns and to continue our discussion with the family.

The member knows, should know because he was once the Attorney General of this province, that crown attorneys have to look at all the evidence when a case is put in front of them. They have to make tough but necessary decisions. They have to consider the facts of the case—all the facts, not a particular fact—and ultimately they have to make decisions based on the precedents that exist and the facts of the case in question. They do that to the best of their ability each and every day.

**The Speaker:** Supplementary? The member for Niagara Centre.

**Mr Peter Kormos (Niagara Centre):** Minister, today we're talking about Mitzi MacDougall, a 27-year-old mother of three young kids. You've already heard that she was drugged, raped and drowned in the bathtub after she told her husband she was going to be leaving him. In this case there had been a preliminary hearing. A judge examined the evidence that was there, the evidence to be put against MacDougall the murderer, and determined that the matter should be put forward for trial on the basis of second-degree murder. Your crown attorney, notwithstanding that evidence, which included a confession, decided to drop the charge to manslaughter, and furthermore to agree to a sentence of but six years. That means a maximum of four and parole eligibility after two years.

You and your government talk tough about protecting our communities. You talk tough about crime. Why don't we see that tough talk reflected in our courts?

**Hon Mr Young:** Once again the member opposite has chosen to pick a particular case. He knows I'm not in a position to comment on any particular case. He knows I'm prohibited from doing so by law. He would be the first individual in this Legislature to rise and complain if I did comment on a case that was or is in front of the court. So he has me at a disadvantage. There should be no doubt about that.

Having said that, I, for one, am very proud of the fact that I am part of a government that has in excess of 40 programs in place that each and every day, in courtrooms across this province, help individual victims. I am very proud of the fact that we spend \$145 million on those programs and support victims each and every day.

**Mr Kormos:** Attorney General, you don't understand. Michael Tilley's murderer is going to be out of jail in no more than four years. That brutal, vicious murderer, who stomped a man to death on the streets of Toronto, is going to be walking in public in four years because your crown attorney agreed to a sentence of but six years. The murderer of Mitzi MacDougall, who was given the benefit of a plea to manslaughter after evidence had been presented that warranted a committal for trial on second-degree murder, is going to be out in no more than four years as well, because your crown attorney agreed, collaborated with a joint submission of but six years.

You're the Attorney General. You're responsible for what happens in your crown offices. You're responsible for the administration of justice in this province. I put to you that there is an epidemic of plea bargaining of the most serious charges in this province, that you are accountable and that you owe it to this Legislature and this province to explain why this is going on in our courts, in our communities, from Toronto all the way to Kenora.

**Hon Mr Young:** Thank you for providing me with an opportunity to respond. Let me read you a quote, if I may. "Crown attorneys independently make their resolution decisions, and judges independently make or approve sentencing decisions, based on facts and information that the public may or may not always have access to." Who said that? It was the member who just asked me the question. That is a quote from the member opposite. He talks the talk but he doesn't walk the walk.

In fact, in this case he does not have all the facts, but that doesn't prevent him, when he thinks there are political points to be made, from entering into the fray and making wild accusations. I would suggest to him and to others that it is irresponsible for him to behave in this way.

1420

**The Speaker:** New question?

**Ms Marilyn Churley (Toronto-Danforth):** To the Attorney General: Kenneth MacDougall confessed to a police officer that he drugged, raped and killed his wife, yet the charges were reduced to manslaughter and Mr MacDougall got six years in jail for killing his wife.

I want to remind you, Attorney General, that May-Iles recommendation 137 states that crown attorneys should avoid the staying, withdrawal or plea bargaining of charges where there is a reasonable prospect of conviction. Attorney General, I will say to you that something went terribly wrong in this case. When are you going to implement that particular recommendation from May-Iles so that this never happens again?

**Hon Mr Young:** First of all, I'm proud to be part of a government that has implemented in excess of 90% of

the recommendations that came from the May-Iles inquest. So that is important to say at the outset.

It's also important to remember that the system that we have in this province, the one that we have in this country, the one that is the envy of the world, is one that allows for a judge—an independent, impartial individual—to review the sentence recommendation that is made to him by any crown or by any defence attorney. Ultimately, the judge has the last word. He or she is the individual who makes that decision.

**Ms Churley:** Minister, in that case, why didn't you allow the judge to try the case? You said we didn't have the facts over here. Let me give you the facts.

Mitzi was a 27-year-old woman who had three little children. That night, she was suffering from a cold and she told Kenneth MacDougall that she planned to leave him. He gave her two sleeping capsules, telling her that they were Dristan. He also opened two of the capsules and poured the contents into her Neo Citran. He said that he "wanted to hurt her emotionally and cause her the same pain that she had caused him ... and the way to do this was to have sex with her one last time." Then he threw this drugged woman on to the bed and raped her. Then he held her down in the bathtub and drowned her.

Those are the facts of that case, Attorney General. I want to ask you now: you say you have a commitment to end violence against women, but you let this guy who committed this horrendous crime against this young woman get off with a mere six years in jail. What are you going to do about it, Attorney General?

**Hon Mr Young:** Once again let me express my sympathies and the sympathies of the government to the family in what is obviously a tragic situation.

But as the member opposite should know, these resolution decisions in court cases are made, and they're made bearing in mind all the facts of the case. The member opposite suggests the facts are just that simple. She iterated them in all of about 20 seconds. I suggest to you that the preliminary hearing likely took a little longer than that. As the member probably knows, preliminary hearings only represent a portion of the evidence that is usually called in trials. So, out of respect for the judiciary, out of respect for the system that we have and out of respect for the very same crown attorneys that the member opposite holds up as a pillar of our system on other occasions—out of respect to all of them, I would suggest that they allow the system to operate in the way it does. If they have constructive changes to make, not about a particular case but about improving the system, I've always had my door open. I'm always happy to meet with them to hear from them in that regard.

## PUBLIC HEALTH

**Mrs Lyn McLeod (Thunder Bay-Atikokan):** My question is for the Minister of Health. The Northwestern Health Unit indicated to your ministry early last June that the funding that you're providing to carry out the immunization program is totally inadequate. Some 60%

of the immunizations that are done in the northwestern region are done through the health unit. There is no question that the service is absolutely essential. In fact, physicians are asking the health unit to take over the whole immunization program. But, Minister, the health unit cannot continue to deliver the current immunization program without additional funding. The medical officer of health, Dr Peter Saarsfield, has made it clear that the only way the health unit can deliver the immunization program that you have mandated is to cut back on other essential programs.

Dr Saarsfield finally received a response from the chief medical officer of health on November 16, and the response said, "The concerns have been duly noted." Minister, five months after a medical officer of health indicates to you that his public health unit is not receiving adequate funding to deliver the immunization program, he's told that the concerns have been duly noted. Do you consider this to be an adequate response?

**Hon Tony Clement (Minister of Health and Long-Term Care):** I'd be happy to elaborate on the response and indicate to this House that, since 1995, public health spending has increased by 14%, and please keep in mind that this is a 50-50 funding arrangement. The local boards of health have approved budgets that are approved by the municipalities, as well as by the province, and yet despite that arrangement, which has been the arrangement for a considerable amount of time, we fund 100% of key health protection programs, such as flu vaccinations and so on. So we are pulling our weight. Certainly we get a lot of correspondence from public health unit partners on what their priorities are and we carry on with those priorities along with the municipal governments.

**Mrs McLeod:** Ignoring the issue is not going to make it go away. You're underfunding home care, you're underfunding hospitals and you're clearly underfunding public health. It's not just the immunization program that's threatened in the northwestern health unit.

Minister, last year, after the Walkerton disaster, you required health units to take on additional responsibilities for safe water. You gave the Northwestern Health Unit less than half of what they said was needed to take on these new responsibilities. This year you're telling them that you're discontinuing the funding for safe water activities.

In September your ministry told health units right across this province that they should consider dropping one or more mandatory programs as a way of reducing costs. I say to you today that in fact you're the one deciding what money the public health units are getting; you're going to have to decide what gets dropped. So I ask you today, what's it going to be? Is it going to be immunization? Is it going to be safe water programs? Is it going to be anti-smoking initiatives? Will you just tell us, what are you cutting out of public health?

**Hon Mr Clement:** I can't comment on speculation and conclusions that are drawn from misapprehension of the facts. The fact of the matter is we are spending more this year than when we took power in 1995. In a lot of

programs that we have initiated, we are spending 100% of the dollars on behalf of the citizens of Ontario. That's been our public record. That's our record that we're proud of.

I would hasten to add, since given the opportunity, that those are 100% provincial dollars. Not a dime comes from the federal Liberal government. Not a dime comes from their priorities. At a time when health care is the number one priority, this Liberal government is spending less on health care than Brian Mulroney spent. They should be ashamed. They should try to do their part on the opposite side of the House to get their federal Liberal cousins to live up to their responsibilities for the people of Ontario and Canada.

#### DRINKING AND DRIVING

**Mrs Tina R. Molinari (Thornhill):** My question is for the Solicitor General. Minister, it continues to shock me, and I'm sure it shocks every member of this Legislature, that after all the public awareness, there are still people who drink and drive. When these thoughtless individuals get behind the wheel of a car after drinking, they not only put themselves in danger but put all of the people on the road in danger. How is the message getting out to the public that this government and the police all over Ontario will not tolerate drinking and driving?

**Hon David Turnbull (Solicitor General):** This is a tremendously important issue. The message is very clear: if you drink and drive, you will be the target for police in this province. Unfortunately, drinking and driving is the number one criminal cause of death in Canada. Police are always on the lookout for impaired drivers. In the year 2000-01, there were 650,000 people stopped in RIDE spot checks in this province, conducted by some 154 police services. There were 768 drivers charged with impaired driving, and another 2,500 had their licences suspended. RIDE spot checks are a key component of our strategy for Ontario's safe roads. RIDE is considered to be a good strategy by both the public and the police services, so the government will continue to support the RIDE program in Ontario.

1430

**Mrs Molinari:** This government has always been tough on crime. Drinking and driving is a crime in this province, and I'm pleased to hear that all of the offenders are being prosecuted. We support police services all over the province as they work hard to keep our streets safe.

As we approach the holidays, there will be many people who will be in festive celebrations with their families and at parties, and of course there will be much more danger on the roads. What is this government doing to continue to show our commitment to safety and to the RIDE program?

**Hon Mr Turnbull:** Indeed, drinking and driving is a menace to the whole of our society. Since taking office in 1995, our government has doubled the annual RIDE grants. To date, we've invested over \$7 million in RIDE

grants, providing police services throughout Ontario with funds.

On Thursday, I will be attending the kickoff for this year's annual holiday season RIDE program. In last year's check, 250,000 spot checks were completed during the December blitz. I encourage everyone to be responsible this holiday season and indeed every day of the year. If you drink, don't drive. That's the law.

#### OAK RIDGES MORAINE

**Mr Mike Colle (Eglinton-Lawrence):** I have a question for the Acting Premier.

**Interjection:** Which one?

**Mr Colle:** Who is the Acting Premier? I'm not sure.

Mr Minister, while your government boasts about saving the Oak Ridges moraine, an army of bulldozers is illegally clear-cutting the Jefferson forest to make way for the Bayview Expressway right through the heart of the moraine, from Stouffville Road up to Lake Wilcox.

Your government also told us that your land swap with land speculators to save the moraine would see a trade of land only off the moraine. But now we hear that you've made a secret deal to upzone thousands of acres of farmland in Richmond Hill right on the moraine. With the stroke of a pen, your government has secretly rezoned land to build 10,000 homes smack in the middle of the moraine, even before the legislation is in the House.

Minister, I want you to do three things for the people of the GTA: (1) use your powers under the Planning Act to put an immediate halt to the illegal bulldozing of the expressway through the moraine; (2) place before the House all the details of the secret land swaps you've made with developers; and (3) allow for full legislative hearings so we can plug the massive loopholes in your Bill 122. Will you do those three things?

**Hon Jim Flaherty (Deputy Premier, Minister of Finance):** I would, in reply, say that the government is committed to the protection of the Oak Ridges moraine. The recent court decision allowing the road construction to proceed does not conflict with the Oak Ridges moraine legislation that is before this House. If the member opposite is implying or inferring some sort of improper motives, I'm sure he would not want to do so toward the Ontario Supreme Court, because it was the Ontario superior court that made the decision that a new environmental assessment is not needed for the road construction to continue. That decision was made by the highest trial court in this province.

**Mr Colle:** The simple question that the people of the Oak Ridges moraine area have for you, Mr Minister, is, if development is frozen and the moraine is protected, why is the government allowing an expressway to go right through the middle of it? That's the question.

Secondly, why is the government allowing 10,000 homes to be built right on the moraine in the Gormley-Richmond Hill area? How can it be saved when you're allowing 10,000 homes and an expressway right up to Lake Wilcox? How is that possible?

**Hon Mr Flaherty:** We do have a process in this province for those kinds of disputes. In this particular case, the Bayview extension dispute went to our courts and was adjudicated, and people argued both sides of the issues. The Supreme Court of Ontario has made the decision that a new environmental assessment is not needed for the road construction to continue. The Bayview extension has received all the required approvals to continue and does not conflict with Bill 122, which is the Oak Ridges moraine legislation that is before this House.

#### AIR QUALITY

**Mr Gerry Martiniuk (Cambridge):** My question is to the minister of environment, science and technology. This morning, you and I were in Cambridge for the signing of the contracts for the purchase of selective catalytic reduction units for Nanticoke and Lambton generating stations totalling some \$200 million. Can you explain how these units will help the environment?

**Hon Jim Wilson (Minister of Energy, Science and Technology):** It's great news for the environment this morning with the first electricity company in Canada to introduce the selective catalytic reduction units. They will reduce the emissions of nitrogen oxides by some 12,000 tons, or, put another way, they'll clean up the air. Eighty per cent of the nitrogen oxides will be removed from the air, helping to reduce smog in Ontario and helping to reduce air pollution.

Again, it's the first of its kind in Canada, a significant investment by Ontario Power Generation in partnership with Babcock and Wilcox, a company from Cambridge, Ontario—a \$205-million contract for Babcock and Wilcox, and about \$35 million to \$45 million are being spent by Ontario Power Generation in additional expenditures. It's great news for the environment: clear air and more jobs, high-tech jobs. It's a winner all around and a great announcement.

**Mr Martiniuk:** My apologies to the Minister of Energy, Science and Technology for referring to him as the Minister of the Environment. You don't look at all alike.

Babcock and Wilcox from my riding is responsible for the production of these environmental control systems. Can you tell us how Babcock and Wilcox will help the economy and the environment of both Cambridge and the province?

**Hon Mr Wilson:** I also want to make it clear to my colleagues that I'm not running for anything yet.

**Mr James J. Bradley (St Catharines):** Yet?

**Hon Mr Wilson:** The race is young.

Babcock and Wilcox has a long history with the former Ontario Hydro and with Ontario Power Generation. I'm just very pleased that, as their president announced this morning, 85% of the over-\$200-million contract will be spent in Canada, with much of that money spent in creating jobs and keeping jobs in Cambridge, Ontario. It's an extremely impressive facility they have in Cam-

bridge, and the honourable member should be proud of the workers there and proud of his constituents.

It's a high-tech company, a large manufacturing company: 80% of the boilers used in our nuclear fleet historically have come from Babcock and Wilcox. Now Canada's first SCRs, selective catalytic reduction units, to bring down air pollution are being installed and are being built in Cambridge and are being installed by people from Cambridge, by the honourable member's constituents, and he should be proud. I know I was proud to be there, along with Bill Farlinger, the chair of Ontario Power Generation, and to share the joy with the employees there of that \$200-million-plus contract.

#### RENT REGULATION

**Mr Howard Hampton (Kenora-Rainy River):** Today, the new Canada Mortgage and Housing Corp rental market survey was released, and the numbers are obscene. Tenants who rent two-bedroom apartments in Toronto today are paying an average of \$2,500 a year more to their landlords than they did before your government killed rent control in 1997.

Minister, tenants' incomes haven't increased by \$2,500 a year. Why does your government think it's OK to take \$2,500 a year out of the pockets of tenants and transfer it to landlords?

**Hon Jim Flaherty (Deputy Premier, Minister of Finance):** When this government came to power, the rental housing industry in this province had ground to a halt. It stopped building under the Liberal-NDP legacy of tax hikes and restrictive rent controls. This government has worked hard to reverse the damage done to the rental market by the Liberals and the NDP and to get the industry going again and building for tenants.

Here's what has happened. We've provided \$4 million in provincial sales tax relief on construction materials for new, affordable rental units; we've made changes to the Ontario building code, reducing the red tape barriers for building rental units; we've implemented the Tenant Protection Act, which has reformed the rent system, improved the maintenance of rental buildings and is helping to create a better climate for the construction of new rental housing.

We've also established a working group of government and industry representatives to develop a comprehensive strategy. We responded to the housing supply working group this spring, and we await the federal government's response.

1440

**The Speaker (Hon Gary Carr):** Supplementary? The member for East York.

**Mr Michael Prue (Beaches-East York):** Minister, the housing ministers are meeting in Quebec City this week. At that meeting the federal government has already said they're coming forward with money, and that's a first because they haven't come forward with money for health and they haven't come forward with money for transit, but Ontario appears to be heading to that meeting

with empty hands. There has been nothing built in Ontario since 1995. The Tenant Protection Act has given a virtual monopoly to the landlords and rents have gone skyrocketing. Minister, are we going there with money or should the tenants of this province just prepare to sign over their wages to their landlord?

**Hon Mr Flaherty:** As I indicated, we responded immediately to the recommendations of the housing supply working group and we're awaiting the federal government's response to that. I hope we hear from them this week in Quebec City. With respect to the record, the legacy of the NDP and the Liberals was a \$1-billion housing boondoggle: \$300 million for consultant fees; \$550 million for architectural fees; \$50 million for legal fees. That was the NDP and Liberal legacy. Under just the Liberals alone, the average rent increase was 12% per year when the Liberals were in power. The money wasted included \$27 million for six housing projects in Toronto that were never even built.

#### ONTARIANS WITH DISABILITIES LEGISLATION

**Mr Ernie Parsons (Prince Edward-Hastings):** My question is to the Minister of Citizenship. I have a constituent who needs to use a wheelchair, not all the time but much of the time. There is simply no accessible housing for him. He has to be helped into his house. He can do that by standing up from the wheelchair, at times, and getting into the home. He has to be helped into the house because the home and motor vehicle modification program has absolutely no funding to build a ramp into his house—\$900. When my constituent has dialysis, he is not able to get up and help himself into the house, so he is sleeping in his car at nights. He lives in his car for two or three days until he is able to get enough strength to walk into the house.

When he first heard there was going to be an ODA bill passed, he was excited. However, examining the details has caused him some concern. Minister, would you tell me how, when the ODA is passed, it will help my constituent and others like him who require access to accommodation?

**Hon Cameron Jackson (Minister of Citizenship, minister responsible for seniors):** First of all, I would hope that the member opposite, understanding the issues as he has presented them with his constituent, would have contacted someone in the Ministry of Health, in the government, to consider looking into the case. That's the first issue, and I hope you have done that in advance of trying to do something here on the floor of the Legislature.

Second, I want to reassure the member opposite that if you want to talk about access to special housing supports, this government will stand by its record, which has been an extraordinary expansion: brain-injured repatriation from the United States after the millions and millions of dollars spent by past governments and sent to the United States. This government made the historic commitment

to repatriate every single brain-injured individual in this province, to find a program and a home and accommodation for them in our province, something we're very proud of.

If you want to look at dialysis programs, it wasn't a Liberal government or an NDP government, it was a Conservative government that expanded the dialysis program. It started under my colleague the Honourable Jim Wilson and expanded at unprecedented levels in this province.

**Mr Parsons:** Minister, you never once mentioned the ODA, but I believe you did in fact list everything it would do for my constituent and others like him.

Certainly we were concerned about Bill. We called your home and motor vehicle modification program, which said they have no money. They said that because this is almost a life and death situation, they would make him a top priority next year, in January. We thought, "Wonderful," so we said, "If he applies in January, does that mean he will be approved and he'll get that \$900 ramp and be able to sleep inside?" They said, "Well, no." Although he's a top priority, the program is substantially underfunded and they could not commit in any way that he would get the grant.

Minister, we're not talking the theory of the bill. We're going to put actual names and faces on these people. The question I ask you is, will your bill help people get access to accommodation, to their own house, or do they have to continue to sleep in their car?

**Hon Mr Jackson:** If the member opposite wishes to read the bill, he'll know that all social housing in this province is covered under this legislation, under the ODA, and he may wish to pursue that further. It's very clearly in the language of the bill. It talks about all new subdivision planning and development, modifications to the current building code, and all of that will be covered.

I want to remind the member opposite that when housing programs were under construction in this province, in all the time the Liberals and the NDP talked about housing for the disabled, housing for seniors and housing for families, the persons they talked the most about and delivered the least to were, first, persons with disabilities, who didn't get their fair share out of the billions of dollars spent in this province and, second, seniors, who were disadvantaged by those government decisions made by past Liberal and NDP governments.

I remind the member opposite that we have yet to hear one promise from the Liberal Party about what commitment they'll make to the disabled people of this province—not one financial promise, not one commitment for legislation; just politics.

#### MINISTRY OF LABOUR CUSTOMER SERVICE

**Mr John O'Toole (Durham):** My question is to the Minister of Labour. Before I begin my question, Minister, earlier this year you attended at my riding and made an informal presentation on the Employment Standards

Act with employers and employees, including members of the CAW. That of course happened in Durham.

Minister, given the proclamation of the new Employment Standards Act, 2000, just this past September, could you tell the members of the House what the Ministry of Labour has done to ensure the highest quality customer service, as well as to raise the level of education awareness about the new Employment Standards Act in the province of Ontario?

**Hon Chris Stockwell (Minister of Labour):** We have taken many steps to improve customer service over the past few years. One of the first avenues taken by many of our customers is to phone. Today people can call a toll-free number and get the services they need within minutes. I understand, with respect to the Employment Standards Act, that those particular questions have been dealt with and the changes that we have made have been very productive. I have also noticed that we have taken a number of calls over the time in the Ministry of Labour and the percentage of calls respecting the Employment Standards Act has been very low. We've dealt with it very carefully and we've also taken the calls, but upon proclamation it's been reasonably well accepted and dealt with fairly.

**Mr O'Toole:** Thank you, Minister. I'd like to say I'm pleased but certainly not surprised with this development under your leadership. It's a pleasure to hear that you are taking proactive steps in providing information on the new Employment Standards Act. But how do you know that you are meeting the standards with your clients and how does your ministry compare with others in this particular area?

*Interjections.*

**Hon Mr Stockwell:** I'd caution the member for—I don't know your riding, actually; sorry about that. The member whose riding includes Smitherman House, I guess. I would caution the member to be careful what you wish for. It has a habit of jumping up and biting you on both your faces.

A recent survey of ministry clients across the province found that nearly—

*Interjections.*

**Hon Mr Stockwell:** I've obviously raised the hackles. That caterwauling continues. I'll take you on individually, one at a time. Just wait in line.

We found that nearly 85% received—

*Interjection.*

**Hon Mr Stockwell:** Why don't you just put a target on your forehead, George?

**The Speaker (Hon Gary Carr):** Order. It's pretty tough when even his own members are involved. Minister of Labour.

**Hon Mr Stockwell:** A recent survey of ministry clients across the province found that nearly 85% received service and information that they needed. This was one of the highest ratings of any government ministry or agency. It was also higher than similar ratings at the federal and municipal levels of government. In fact, last year the call centre received an Ontario government

Amethyst Award in recognition for service in the government sector. They're very proud of this at the Ministry of Labour.

1450

#### CONTAMINATED SOIL

**Mr Gerard Kennedy (Parkdale-High Park):** I have a question for the Minister of the Environment. Minister, there is a portion of the city, on the edge of High Park, that is contaminated. It has poisonous materials in it. It contains methylene chloride that came from the time it was a dump, and it spent 50 years as the site of two gas stations. This site is dangerous and you have been made aware of it on a number of occasions, most recently in estimates about a month ago. At that time you were asked, and you made an undertaking, to provide whatever protections your office could to the local citizens.

It has been too long. The Ontario Municipal Board has approved this development, and no one else—not the city, not the conservation authority—has the ability to assure the residents that this will be safely handled. Minister, will you stand up in this House and guarantee that that site will be safe before it is disturbed and before the residents can be damaged in any way from any of the poisons in that soil?

**Hon Elizabeth Witmer (Minister of the Environment):** If the member opposite would give me the additional information, certainly I would be prepared to follow up and ensure that indeed all the safety measures will be undertaken in order to ensure the health of those residents.

**Mr Kennedy:** Minister, that will not do. I have three pages of telling you about this in estimates on October 16. This is on the edge of High Park. Water runs underneath this property. That water leads into Grenadier Pond. It leads into Lake Ontario. There are poisonous elements in there. Do you know what the director at the Ministry of the Environment, whom your staff told me to talk to, who said he was going to look after things, told me? Brian Howieson told me that they would not do anything unless and until some poison went into the air, the water or the land, and had already affected the residents. Then you would be there.

Minister, you personally were made aware of this on a number of occasions. There is no excuse. You're the Minister of the Environment. There is no other body—not the city, not the Ontario Municipal Board, not the conservation authority—that will test this property and make sure people aren't poisoned. The last time they tested this property, in 1998, they stopped. Why? Because poisonous gas was being released into the air.

Minister, I want your undertaking today. You're the Minister of the Environment. Will you act? Will you make sure the Ontario Municipal Board cannot make this development happen until testing has taken place to make sure the residents in the area, the people who use High Park, the natural environment, the ducks that are nearby,

the natural habitat, will not be damaged? Will you be the Minister of the Environment?

**Hon Mrs Witmer:** The member opposite knows full well that the entire issue is being reviewed by the Ministry of the Environment and we are awaiting a recommendation. They are well aware of the issue. It is under review and a recommendation will be coming forward.

#### PLANT CLOSURE

**Mr Bert Johnson (Perth-Middlesex):** My question is for the Minister of Economic Development and Trade. Last Friday I met with about 100 union representatives and employees from Canadian Fabricated Products Ltd, a subsidiary of Johnson Controls, as well as three representatives from the Stratford city council.

As you know, this Stratford plant is closing in mid-December, putting approximately 400 people out of work. You can appreciate that closing a plant has a major impact in Stratford and the surrounding region. I promised the employees that I would bring this to the attention of influential people like you to try to reach some solution. Minister, what assistance can you provide the employees of Canadian Fabricated Products?

**Hon Robert W. Runciman (Minister of Economic Development and Trade):** I represent a riding much like the member's and I appreciate his interest in this issue. I too have suffered the closure of a plant in the last few years in the community of Brockville and several in the community of Prescott. It is a difficult time, and I want to indicate our strong support for his riding and his community in any way, shape or form that we can help. Certainly in Ontario we have, through the past six years, dramatically improved the business climate in terms of making Ontario a much more attractive place to invest and grow a business.

With respect to this particular company, we are assisting. MEDT and the Ministry of Training, Colleges and Universities have offered to sit on the company's internal adjustment and advisory committee to help workers find ways to get new skills and be integrated back into the workforce. We have also offered to work with the Stratford economic development officials to help displaced employees find other employment opportunities.

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

**Mr Johnson:** Thank you, Minister, because these people are in some ways desperate because their circumstances, especially at this time of the year, are dreadful. Union representatives and employees of Canadian Fabricated are angry and upset with the way they've been treated by their head office, located in Milwaukee, Wisconsin.

Indeed, they are being represented in court today to attempt to have their contract honoured. They feel there is a role for government involvement—local government, the provincial government and the federal government. What steps can our government and your ministry take to

prevent these types of foreclosures from happening in our towns in Ontario?

**Hon Mr Runciman:** I'm certainly more than prepared to work with the member to see if there is any role we can play in terms of intervention, although the decision was made some time ago by head office outside of this country. I know the member and I share the concern about the movement of head offices out of this country, primarily into the United States because of the acquisition of Canadian companies. We're seeing this in the energy sector as well.

The federal low-dollar policy is aggravating the situation. There are a number of areas in terms of capital taxes where this government is moving, but we're not seeing the same kind of movement at the federal level.

The other concern in terms of the auto sector and the auto parts sector especially is their dependence on cross-border traffic—smoothly operating border crossings. Again, we are working very vigorously to improve that situation but we are not meeting with the co-operation—

**The Speaker:** The minister's time is up.

#### EDUCATION FUNDING

**Mr Michael Prue (Beaches-East York):** My question is to the Minister of Education. Virtually every swimming pool in the city of Toronto will be closed next year. Sixty-two out of the 84 pools are scheduled to be closed. The reality is that all of these swimming pools are in the ground, all of these pools have been paid for by the taxpayers of Toronto, and hundreds of thousands of people who use them every year will have nowhere to swim in Toronto. The board of education is in a funding straitjacket because of your funding formula. When will you wade into this issue and give some hope to the people and their communities that they will have a decent and safe place in which to swim?

**Hon Janet Ecker (Minister of Education, Government House Leader):** The reason the Toronto school board is in a funding straitjacket is because of some of the decisions they have made around how to allocate their resources. We only need to look at recent media coverage in the last year to see how they have exercised that judgment and that authority.

Second, this government has never funded swimming pools in schools. Neither did the NDP government; neither did the Liberal government. That is not something that has ever been funded through provincial education grants. I would encourage the board to do what other boards have done: to work out agreements with the community. That's how swimming programs are offered in schools across this province. They can be a great recreational opportunity for students. I don't think there's a parent who would disagree with that. But I really believe that those programs should be offered through support between the school board and the community, as they are across the province.

**Mr Prue:** Madam Minister, your government took away the board's ability to pay for operating the pools. In

fact, your formula has sucked millions of dollars from the citizens of Toronto, taxpayers, which could have been used to keep the pools open. You have instituted a one-size-fits-all policy and it simply doesn't work. The children, the sports teams, the elderly, the disabled were all at Monarch Park school this week, trying to save their pool. Toronto is in a straitjacket. They need a life jacket. Madam Minister, when are you going to help the people of Toronto, and when are you going to take into account that one size doesn't fit all?

**Hon Mrs Ecker:** First of all, we took away the board's ability to tax the seniors, the disabled, the people who are on fixed incomes because they had no respect for the fact that those individuals couldn't continue to pay increased property taxes. We took away their ability to tax, as many experts recommended, and we asked them to do what Ontario's working families do: to live on a budget, to set key priorities, to manage their resources effectively, not to go out and rip up playgrounds when there was no need to do that, with no plan to replace them; not to go out and refuse to make difficult decisions about empty administration buildings.

They have received additional funds. As a matter of fact, there is special funding for the Toronto school board that recognizes pressures for low socio-economic neighbourhoods, that recognizes pressures for English as a second language. The funding formula specifically recognizes urban pressures. Do we need to have more investments in public education? Absolutely. We will continue to support our public—

**The Speaker (Hon Gary Carr):** Order. The minister's time is up.

1500

#### YOUTH CRIME

**Mr Alvin Curling (Scarborough-Rouge River):** My question is for the Solicitor General. Youth crime has been reduced considerably over the years, but you continue in your approach of attacking the young people of this province with your law-and-order rhetoric and your photo opportunities. What you have done is alienate young people. You have driven a mistrust for the police, and hence no co-operation is forthcoming in solving crime in the community. Minister, wouldn't you then think that you are part of the problem and not part of the solution?

**Hon David Turnbull (Solicitor General):** We're extremely proud of our party's record in reducing crime and addressing the very serious problems, and indeed of addressing youth crime, which is a tremendously serious issue. We have provided, across the province, 1,000 net new front-line police officers in a community police program that partners with municipal police forces. The government implemented the adequacy standards that require every police service to have a policy for investigations of youth crime. We have put forward considerable amounts of money specifically to address problems of youth crime.



**Mr Curling:** As usual, the minister has in his own way missed the question altogether. The fact is that there are young, ambitious and law-abiding citizens out there, young people who feel very mistrustful about the position of this government and of yourself with all your rhetoric. They have not seen any support in any respect that you have given. I again say to you that many of the crimes that are out there to be solved could have been resolved, but they have no trust in you or your government in that respect. They feel you have driven all of our young people to live in fear. Again, don't you see yourself as part of this problem of not solving crime and not as part of the solution?

**Hon Mr Turnbull:** On September 18, I announced a \$2-million program for a youth crime and violence initiative. This will enhance community safety through prevention to help police forces, but also through prevention grants to community groups to work with youth who are at risk, because we believe very strongly it is important to identify youth at risk and try and counsel them and help them through the problems. But we must ask the community to become involved in solving youth crime. That is key because we all have to be responsible for part of the puzzle of solving crime.

## PETITIONS

### EDUCATION FUNDING

**Mr James J. Bradley (St Catharines):** This is to the Legislative Assembly of Ontario:

"Whereas the Harris government's rigid education funding formula is forcing neighbourhood school closures and has centralized control for education spending and decision-making at Queen's Park, and will not allow communities the flexibility to respond to local needs;

"Whereas chronic underfunding and an inflexible funding formula are strangling the system and students are suffering the consequences;

"Whereas there is evidence that large schools do not automatically translate into cost-effectiveness;

"Whereas smaller, neighbourhood schools have lower incidences of negative social behaviour, much greater and more varied student participation in extracurricular activities, higher attendance rates and lower dropout rates, and foster strong interpersonal relationships;

"Whereas small, neighbourhood schools in local communities, both rural and urban, serve as important meeting areas for neighbourhood organizations which help bring individuals together and strengthen neighbourhood ties and the current funding formula does not recognize community use of these schools;

"Be it resolved that the Harris government immediately reconfigure their unyielding funding formula to restore flexibility to local school boards and their communities which will allow neighbourhood schools in our province to remain open."

I affix my signature. I'm in full agreement.

### PROFESSIONAL LEARNING

**Mr Rick Bartolucci (Sudbury):** I have a petition to the Legislative Assembly of Ontario. It says:

"Because we, the undersigned, believe in our responsibility as teachers to maintain a high degree of professionalism; and

"Because such professionalism is best served when professional learning is self-directed and based on teacher need, improves professional skills, improves student learning, is based on best practice accountability and is funded by the appropriate educational authority; and

"Because we oppose the government's teacher testing program and the College of Teachers' professional learning program because they do not meet the objectives of effective professional learning,

"We, the undersigned," from St Anthony school, from St Charles school, from St James school and from St Andrew's school, "respectfully request that you repeal all clauses and references to professional learning from the Stability and Excellence in Education Act, 2001."

Of course, I affix my signature as I am in complete agreement with it.

### AUDIOLOGY SERVICES

**Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot):** I've received, over the last week, 1,500 signatures from a number of communities, including Elmira, Aylmer, St Thomas, Dundas, London, Keswick, Tottenham, Alliston, Schomberg, Aurora, Beeton, Newmarket, Shedden, St Thomas, Ancaster, Woodbridge, Hamilton, Waterdown, Burlington, Wallacetown, West Ward, Kitchener, Stittsville, Freelon, Palmerston, Clifford, Brussels, Waterloo, Sutton, St Jacob's, Bellwood, Brampton, Fergus, Toronto, Erin, Norval, Dundalk, Markham, Hagersville, King City, Nobleton, Maple, Kettleby, Mount Albert and Mount Hope, Baldwin, Thornhill, Brantford, Kilbride, Guelph, Milton, Elora, Carlisle and Peterborough. They've all asked me to present this to the government:

"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.”

#### LAKEVIEW GENERATING STATION

**Mr Morley Kells (Etobicoke-Lakeshore):** I have a petition to the Legislative Assembly of Ontario, which reads:

“Whereas the Legislative Assembly of Ontario is requested to reverse a draft regulation of July 3, 2001, to the original promise of cleaner, high-efficient natural gas;

“Whereas the Lakeview generating station’s gas emission rates should not exceed those of high-efficiency natural gas combined-cycle turbines after April 2005,

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

“That the Legislative Assembly of Ontario reverse its draft regulation of July 3, 2001, to the original purpose of cleaner, high-efficient natural gas. The petitioners ask that the Lakeview generating station’s nitrogen oxide and greenhouse gas emission rates should not be permitted to exceed those of high-efficiency natural gas combined-cycle turbines after April 2005.”

I am pleased to affix my signature to this petition.

1510

#### HIGHWAY IMPROVEMENTS

**Mr Michael Gravelle (Thunder Bay-Superior North):** People in northwestern Ontario are desperate for us to get our fair share of highway infrastructure and we have a petition circulating. I’ve got many here from June Huston in Pass Lake. The petition reads as follows:

“To the Legislative Assembly of Ontario:

“Whereas traffic volume has increased dramatically on Highway 11-17 between Thunder Bay and Nipigon over the past 15 years; and

“Whereas the sections of Highway 11 between Nipigon and Longlac, Highway 584 to Nakina, Highway 17 between Nipigon and Marathon and Highway 527 to Armstrong would benefit from a safety point of view from fully paved shoulders; and

“Whereas the Minister of Transportation has recommended that any major transportation infrastructure improvements on these stretches of the provincial highway should focus on high-volume areas and enhanced safety features;

“Therefore, we, the undersigned citizens of Ontario and residents of northwestern Ontario, petition the Legislative Assembly of Ontario to provide funding support to:

“(1) Twin the highway between Thunder Bay and Pass Lake as a first priority with the stated goal of eventually completing the twinning all the way to Nipigon;

“(2) Commit to fully paving the shoulders of Highway 17 from Nipigon east to Marathon, Highway 11 from Nipigon east to Longlac, Highway 584 from Geraldton to Nakina, Highway 527 from the Thunder Bay Expressway to Armstrong;

“(3) Commit to a serious re-evaluation from a design point of view of dangerous portions of the highway that have seen a higher proportion of accidents over the years.”

I’m pleased to have the support of the member for Kingston and the Islands, Mr Gerretsen, who supports this cause, and I’m very proud to sign my name to this petition.

#### AFFORDABLE HOUSING

**Mr Michael Prue (Beaches-East York):** I have here a petition to the Legislative Assembly of Ontario, which reads as follows:

“Whereas the annual rent increase guideline for multi-unit residential dwellings in Ontario increases every year more than the rate of inflation and more than the cost-of-living increase for most tenants;

“Whereas no new affordable rental housing is being built by the private sector, despite the promise that the implementation of vacancy decontrol in June of 1998 would encourage new construction;

“Whereas one in four tenants pays over 50% of their income in rent, over 100,000 people are on the waiting list for social housing, and homelessness has increased as a result of unaffordable rents,

“We, the undersigned, petition the Legislative Assembly of Ontario to implement an immediate province-wide freeze on rents which will stop all guideline increases, above-guideline increases and increases to maximum rent for all sitting tenants in Ontario for a period of at least two years.”

It’s signed by approximately 50 people, and I would endorse it and sign it as well.

#### TENANT PROTECTION

**Mr John O’Toole (Durham):** I am very pleased to present a petition to the Legislative Assembly of Ontario on behalf of my constituents in Durham.

“Whereas we the residents of 145 Liberty Street South in Bowmanville wish to continue to rent our apartments and are not interested in purchasing condominium units; and

“Whereas we the residents of 145 Liberty Street South in Bowmanville have invested considerable amounts of money in decorating, upgrading our apartments; and

“Whereas we the residents of 145 Liberty Street South in Bowmanville were of the understanding that this was a rental property, not a condominium;

“We, the undersigned, respectfully petition the Legislative Assembly of Ontario to review this matter and request the Minister of Municipal Affairs and Housing or any other relevant ministry to investigate these concerns to ensure that we the residents of 145 Liberty Street South in Bowmanville continue to rent our apartments.”

Just for the information of the House, I’ve written to the Minister of Municipal Affairs and am working on

this. I'm pleased to sign and endorse this petition on their behalf.

#### EDUCATION FUNDING

**Mr Ernie Parsons (Prince Edward-Hastings):** "To the Legislative Assembly of Ontario:

"Whereas the funding for school boards is now based on student-focused funding legislative grants for the 2001-02 school board fiscal year;

"Whereas the Hastings and Prince Edward District School Board is in a period of declining enrolment, a trend that is projected to continue over the next five years;

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

"Whereas costs in these areas cannot be reduced at the same rate as the enrolment declines,

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

"To reassess the student-focused funding legislative grants for 2001-02 school board fiscal year to provide additional funding for those areas where funding is insufficient and to adjust future student-focused funding legislative grant to address the situation of the declining enrolment faced by the Hastings and Prince Edward District School Board and other boards in Ontario."

I'm pleased to add my name to this seven-page petition.

#### ADOPTION DISCLOSURE

**Ms Marilyn Churley (Toronto-Danforth):** I have yet again more petitions on adoption disclosure reform. This one reads:

"To the Legislative Assembly of Ontario:

"Whereas in Ontario, adopted adults are denied a right available to all non-adoptees, that is, unrestricted right to identifying information concerning their family of origin;

"Whereas Canada has ratified standards of civil and human rights in the Charter of Rights and Freedoms, the UN Declaration of Human Rights and the UN Convention on the Rights of the Child;

"Whereas these rights are denied to persons affected by the secrecy provisions in the adoption sections of the Child and Family Services Act and other acts of the province of Ontario;

"Whereas research in other jurisdictions has demonstrated that disclosure does not cause harm, that access to such information is beneficial to adult adoptees, adoptive parents and birth parents, and that birth parents rarely requested or were promised anonymity;

"We, the undersigned, petition the Legislature of Ontario to enact revision of the Child and Family Services Act and other acts to permit adult adoptees unrestricted access to full personal identifying birth information;

permit birth parents, grandparents and siblings access to the adopted person's amended birth certificate when the adopted person reaches age 18; permit adoptive parents unrestricted access to identifying birth information of their minor children; allow adopted persons and birth relatives to file a contact veto restricting contact by the searching party; and replace mandatory reunion counselling with optional counselling."

I will affix my signature to this petition.

#### HIGHWAY 407

**Mr John O'Toole (Durham):** The petitions keep arriving and I keep representing the people of Durham as best I can.

"To the Legislative Assembly of Ontario:

"Whereas the province of Ontario has proposed the extension of Highway 407 into the Durham region and the proposed route, designated as the technically preferred route, will dissect the property of Kedron Dells Golf Course Ltd Oshawa;

"Whereas such routing will destroy completely five holes, and severely impact two additional holes effectively destroying the golf course as a viable and vibrant public golf course;

"We, the undersigned, respectfully petition the Legislative Assembly of Ontario to change this routing to one of the other identified alternate routes, thus preserving this highly regarded, public facility patronized annually by thousands of my constituents, residents of Durham region and the GTA."

I've played this course. I'm going to sign this petition in support of those people.

#### LONDON HEALTH SCIENCES CENTRE

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

"Whereas the London Health Sciences Centre is a world-class academic health sciences centre serving people throughout southwestern Ontario; and

"Whereas the Ministry of Health has forced the London Health Sciences Centre to find \$17 million in annual savings by 2005; and

"Whereas the London Health Sciences Centre has agreed to cut 18 programs in order to satisfy directions from the provincial Ministry of Health; and

"Whereas these cuts will put the health of the people of southwestern Ontario, and particularly children, at risk; and

"Whereas these cuts will diminish the London Health Sciences Centre's standing as a regional health care resource; and

"Whereas these cuts will worsen the continuing physician shortages in the region;

"Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature to demand that the Mike Harris government take immediate action to ensure that these important health services are maintained so that the

health and safety of people throughout southwestern Ontario are not put at risk.”

It is signed by a number of residents from Coatsworth and Chatham, and I too have affixed my signature to all these petitions.

**Mr Steve Peters (Elgin-Middlesex-London):** I have a petition to the Legislative Assembly of Ontario.

“Whereas the London Health Sciences Centre is a world-class academic health sciences centre serving people throughout southwestern Ontario; and

“Whereas the Ministry of Health has forced the London Health Sciences Centre to find \$17 million in annual savings by 2005; and

“Whereas the London Health Sciences Centre has agreed to cut 18 programs in order to satisfy directions from the provincial Ministry of Health; and

“Whereas these cuts will put the health of the people of southwestern Ontario, and particularly children, at risk; and

“Whereas these cuts will diminish the London Health Sciences Centre’s standing as a regional health care resource; and

“Whereas these cuts will worsen the continuing physician shortages in the region;

“Therefore, be it resolved that we, the undersigned”—2,600 individuals from Windsor, Shedden, Amherstburg, London, Dorchester, St Thomas and other places—“petition the Ontario Legislature to demand that the Mike Harris government take immediate action to ensure that these important health services are maintained so that the health and safety of people throughout southwestern Ontario are not put at risk.”

I agree with these 2,600 people and will affix my signature hereto.

#### VISITORS

**Hon Cameron Jackson (Minister of Citizenship, minister responsible for seniors):** Mr Speaker, on a point of order: If I have unanimous consent, the legislative page for the great riding of Burlington, Patrick Suter, is here today in the House, along with his mother and father, Fred and Cathy Suter. Patrick, who attends Pineland school, brought one of the students, my daughter, Lauren. I’d like to acknowledge them in the House today.

#### ORDERS OF THE DAY

##### QUALITY IN THE CLASSROOM ACT, 2001

##### LOI DE 2001 SUR LA QUALITÉ DANS LES SALLES DE CLASSE

Resuming the debate adjourned on October 25, 2001, on the motion for second reading of Bill 110, An Act to

promote quality in the classroom / *Projet de loi 110, Loi visant à promouvoir la qualité dans les salles de classe.*

**The Speaker (Hon Gary Carr):** Pursuant to the order of the House dated November 19, 2001, I’m now required to put the question.

Mrs Ecker has moved second reading of Bill 110, An Act to promote quality in the classroom. Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please say “aye.”

All those opposed will please say “nay.”

In my opinion, the ayes have it.

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

*The division bells rang from 1520 to 1525.*

**The Speaker:** Would members kindly take their seats, please.

All those in favour of the motion will please rise one at a time and be recognized by the Clerk.

#### Ayes

Arnott, Ted	Hardeman, Ernie	Runciman, Robert W.
Baird, John R.	Hudak, Tim	Sampson, Rob
Barrett, Toby	Jackson, Cameron	Snobelen, John
Beaubien, Marcel	Johns, Helen	Spina, Joseph
Chudleigh, Ted	Johnson, Bert	Sterling, Norman W.
Clark, Brad	Kells, Morley	Stewart, R. Gary
Clement, Tony	Marland, Margaret	Stockwell, Chris
Coburn, Brian	Martiniuk, Gerry	Tascona, Joseph N.
Cunningham, Dianne	Maves, Bart	Tilson, David
Dunlop, Garfield	Mazzilli, Frank	Tsubouchi, David H.
Ecker, Janet	Molinari, Tina R.	Turnbull, David
Elliott, Brenda	Munro, Julia	Wettlaufer, Wayne
Flaherty, Jim	Newman, Dan	Wilson, Jim
Galt, Doug	O’Toole, John	Witmer, Elizabeth
Gilchrist, Steve	Ouellette, Jerry J.	Young, David
Gill, Raminder		

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

#### Nays

Agostino, Dominic	Conway, Sean G.	Kwinter, Monte
Bartolucci, Rick	Crozier, Bruce	Levac, David
Bisson, Gilles	Curling, Alvin	Marchese, Rosario
Bountrogianni, Marie	Di Cocco, Caroline	McMeekin, Ted
Boyer, Claudette	Dombrowsky, Leona	Parsons, Ernie
Bradley, James J.	Duncan, Dwight	Peters, Steve
Brown, Michael A.	Gerretsen, John	Phillips, Gerry
Bryant, Michael	Gravelle, Michael	Prue, Michael
Caplan, David	Hampton, Howard	Pupatello, Sandra
Christopherson, David	Hoy, Pat	Ramsay, David
Churley, Marilyn	Kennedy, Gerard	Sergio, Mario
Colle, Mike	Kormos, Peter	Smitherman, George

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 46; the nays are 36.

**The Speaker:** I declare the motion carried.

Pursuant to the same order of the House, the bill is referred to the standing committee on general government.

ONTARIANS WITH  
DISABILITIES ACT, 2001

LOI DE 2001 SUR LES PERSONNES  
HANDICAPÉES DE L'ONTARIO

Resuming the debate adjourned on November 20, 2001, on the motion for second reading of Bill 125, An Act to improve the identification, removal and prevention of barriers faced by persons with disabilities and to make related amendments to other Acts / Projet de loi 125, Loi visant à améliorer le repérage, l'élimination et la prévention des obstacles auxquels font face les personnes handicapées et apportant des modifications connexes à d'autres lois.

**The Speaker (Hon Gary Carr):** Pursuant to the order of the House dated November 21, 2001, I am now required to put the question.

Mr Jackson has moved second reading of Bill 125, An Act to improve the identification, removal and prevention of barriers faced by persons with disabilities and to make related amendments to other Acts.

Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

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

*The division bells rang from 1529 to 1534.*

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

**Ayes**

Arnott, Ted	Hardeman, Ernie	Runciman, Robert W.
Baird, John R.	Hudak, Tim	Sampson, Rob
Barrett, Toby	Jackson, Cameron	Snobelen, John
Beaubien, Marcel	Johns, Helen	Spina, Joseph
Chudleigh, Ted	Johnson, Bert	Sterling, Norman W.
Clark, Brad	Kells, Morley	Stewart, R. Gary
Clement, Tony	Marland, Margaret	Stockwell, Chris
Coburn, Brian	Martiniuk, Gerry	Tascaona, Joseph N.
Cunningham, Dianne	Maves, Bart	Tilson, David
Dunlop, Garfield	Mazzilli, Frank	Tsubouchi, David H.
Ecker, Janet	Miller, Norm	Turnbull, David
Elliott, Brenda	Molinari, Tina R.	Wettlaufer, Wayne
Flaherty, Jim	Munro, Julia	Wilson, Jim
Galt, Doug	Newman, Dan	Witmer, Elizabeth
Gilchrist, Steve	O'Toole, John	Wood, Bob
Gill, Raminder	Ouellette, Jerry J.	Young, David

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

**Nays**

Agostino, Dominic	Crozier, Bruce	Levac, David
Bartolucci, Rick	Curling, Alvin	Marchese, Rosario
Bisson, Gilles	Di Cocco, Caroline	McMeekin, Ted
Bountrogianni, Marie	Dombrowsky, Leona	Parsons, Ernie
Boyer, Claudette	Duncan, Dwight	Peters, Steve
Bradley, James J.	Gerretsen, John	Phillips, Gerry
Brown, Michael A.	Gravelle, Michael	Prue, Michael
Bryant, Michael	Hampton, Howard	Pupatello, Sandra
Caplan, David	Hoy, Pat	Ramsay, David
Christopherson, David	Kennedy, Gerard	Sergio, Mario

Churley, Marilyn  
Colle, Mike  
Conway, Sean G.

Kormos, Peter  
Kwinter, Monte

Smitherman, George  
Sorbara, Greg

**Clerk of the House (Mr Claude L. DesRosiers):** The ayes are 48; the nays are 37.

**The Speaker:** I declare the motion carried.

Pursuant to the same order of the House, this bill is referred to the standing committee on finance and economic affairs.

STUDENT PROTECTION ACT, 2001

LOI DE 2001  
SUR LA PROTECTION DES ÉLÈVES

Mrs Ecker moved third 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):** I will be sharing my time with the member from Simcoe North.

**Mr Garfield Dunlop (Simcoe North):** Nothing is more important than the safety and security of our young people. Each and every one of those children, as well as their parents, must be able to count on a school environment that is free from any kind of behaviour that may put people at risk of harm or injury.

The Student Protection Act, 2001, sends a clear message to those who would prey on children, and that is to stay out of our schools. This bill is part of our government's response to recommendations made by Mr Justice Sydney L. Robins in his report, Protecting Our Students: A Review to Identify and Prevent Sexual Misconduct in Ontario's Schools. We have worked with many stakeholders to develop legislation that will keep our schoolchildren safe. I'd like to thank our education partners who have devoted their time and resources to providing thoughtful advice on this very important subject. I particularly want to thank the Ontario College of Teachers for its advice and for the action it has taken to respond to Mr Justice Robins's recommendations. We have listened to the advice of the college given during recent committee hearings on this bill, and we are proposing an amendment to Bill 101 as a result. I will get to that amendment in just a few moments.

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All of us here today know that the great majority of Ontario's teachers are caring, law-abiding citizens. These teachers deserve the trust and respect of students and parents. However, there is a small number of teachers who take advantage of their positions of trust in the classroom to victimize students. It is our responsibility as legislators, as adults and as ordinary citizens to take every step possible to safeguard Ontario's students from these individuals.

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 some of the bill's key provisions.

Part I of the bill proposes an amendment to the Education Act that is critical to protecting students from sexual abuse and harassment. It would place the following important new duty on school boards: when a board becomes aware that a teacher has been charged with or convicted of an offence involving sexual conduct and minors, or any other offence that might place students at risk, the board would be required to ensure that none of the teacher's duties involve contact with students. This would apply to all certified teachers and temporary teachers working for school boards, school authorities and the Provincial Schools Authority. It would require immediate removal of the teacher from the classroom and from any other duties that might involve contact with pupils.

The amendments contained in Bill 101 would also meet the need for a broader definition of "sexual abuse." 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; behaviour or remarks of a sexual nature by a teacher toward a student. This broad definition would capture not only sexual assault and touching, but also inappropriate sexual remarks and behaviour, including the establishment of inappropriate sexual relations with students.

Bill 101 proposes essential changes to the reporting relationship between employers and the Ontario College of Teachers.

First, employers of certified teachers would be required to report to the college within 30 days where a teacher's employment has been terminated or his or her duties restricted for reasons of professional misconduct.

Second, in response to the feedback received from the college during their presentation on Bill 101 before the standing committee on justice and social policy, we are introducing a new amendment to the Student Protection Act, 2001. The amendment would strengthen one of the reporting requirements to the college in the act. It deals with a teacher who resigns while his or her employer is investigating an allegation that, if proven, would have caused the employer to terminate or restrict the teacher's duties for reasons of professional misconduct. Under the new amendment, the employer would now have to report this to the Ontario College of Teachers. This provision is essential to help prevent potential abusers from moving undetected from one board to another.

Third, the registrar of the college would be required to report back to employers on the actions taken by the college. This will help ensure that employers are made aware of the disposition of cases involving their employees.

Finally, to enforce compliance, Bill 101 would make it a provincial offence, punishable by a fine of up to \$25,000, for an employer to contravene the reporting

requirements contained in the bill. These reciprocal reporting relationships are designed to keep all parties who have an interest in the protection of students aware of any activity that might put students at risk.

To summarize, the Student Protection Act would catch the following activities by certified teachers: acts that result in a charge or conviction involving a certified teacher's sexual conduct and minors, or any other charge or conviction of an offence that in the opinion of the employer may put students at risk of harm or injury. It would also help prevent teachers accused of sexual assault against a student from moving undetected to another school board.

The final area addressed by Bill 101 focuses on the particular responsibility of teachers to be vigilant and take action against sexual abuse. Under the current legislation, certified teachers who are members of the Ontario Teachers' Federation are required to notify their colleagues if they file an adverse report against them. To ensure that protecting students is the first priority, we're proposing an amendment to the Teaching Profession Act that would preclude notification of adverse reports when the report involves sexual abuse by a teacher.

Bill 101 clearly demonstrates our commitment to the safety of our schoolchildren. The message to the public is very clear: protection of the students is everyone's responsibility and we must all act on it.

This legislation is the latest step in our government's comprehensive effort to ensure the safety of our schoolchildren in Ontario. Since 1995, our goal has remained the same: to ensure student success in a safe and respectful school environment. We're striving to build an education system that supports achievement and excellence through high standards and accountability.

To make that possible, we have worked to ensure that schools are environments where teachers can teach and students can learn without fear for their safety. We have already taken strong actions to ensure the safety of everyone in our schools. This past September, a number of new provisions came into effect regarding student suspensions, expulsions and strict-discipline programs. These measures are all part of the Safe Schools Act, 2000, which also gave force to the Ontario schools code of conduct, and set standards of behaviour for everyone involved in our school system. Principals now have the authority to expel students from their schools for up to a year for serious infractions under this act. In addition, teachers can now issue one-day suspensions for a number of infractions.

We have also increased protection of our youth in the following areas: last December, we released a provincial model for a local police-school board protocol. With this model protocol, we have ensured that school boards and their local police work together to develop policies and procedures on how they will respond to incidents at our schools. The protocol sets out how and when parents will be contacted if an incident involves their children. In 1999, we strengthened the Child and Family Services Act to provide front-line child protection workers with better

tools to do their jobs. These changes make it clear that the paramount purpose of the Child and Family Services Act is to promote the best interests, protection and well-being of our children.

The reasons for finding a child in need of protection have been expanded. For instance, the word "neglect" is specifically included, and the threshold for risk of harm and emotional harm to children has been lowered. The changes encourage earlier action to protect children at risk and make it absolutely clear that professionals and the public have a duty to report if a child is or may be in need of protection. School boards were also directed to provide opportunities for all staff to acquire the skills and knowledge necessary to recognize the signs of physical, sexual or mental abuse and to know what actions they should be taking.

This fall, the Ministry of Education released a revised policy program memorandum to school boards to increase awareness of the child abuse reporting requirements of the Child and Family Services Act. To help students recognize inappropriate behaviour, the personal safety and injury component of the new elementary curriculum introduces such topics as sexual harassment, child abuse, and violence in relationships. This is done in a manner that is appropriate to their age and cognitive development.

Work continues within the ministry toward meeting another key recommendation from Justice Robins. As announced last spring, the ministry plans to introduce criminal background checks for teachers and for school employees.

#### 1550

Each of these initiatives speaks directly to one or more of the specific recommendations we received from Justice Robins. The minister has been very active in consulting with education partners to improve the safety of our schoolchildren. Minister Ecker has met with the Council of Directors of Education, trustees' associations, and principals' associations in the spring of 2000. Strategies and work plans for addressing Justice Robins' recommendations were discussed during those meetings.

The minister also consulted with the Ontario College of Teachers. The college was asked to conduct a review of its policies and procedures in light of Justice Robins' report and to provide advice to the ministry on how to implement its recommendations.

Finally, we also received useful feedback from the Elementary Teachers' Federation of Ontario, and the Ontario Teachers' Federation.

I had the opportunity to hear the recent presentations made on Bill 101 at the standing committee on justice and social policy. This allowed me to witness the dedication and the efforts of our education partners in enhancing the safety of our school children. We listened carefully to what our partners had to say.

As a result of the presentation of the Ontario College of Teachers, we have introduced, as I mentioned earlier, an amendment to Bill 101. The amendment will reinforce the reporting requirements in the bill. It will lessen the

risk of teachers suspected of the sexual abuse of students moving undetected from one school board to another.

I would like to thank all our education partners, who have devoted their time and resources to providing thoughtful advice on this very important subject. I particularly want to thank the Ontario College of Teachers for its advice and the actions it has taken to respond to Justice Robins's report.

Bill 101 is the latest step in our efforts to keep sexual predators out of our schools. Our commitment to student safety is, and must continue to be, absolute.

Let me make one thing very clear: all of us here today know that the majority of Ontario's teachers are caring, law-abiding people, dedicated to enriching the lives of students and protecting them from harm. These teachers deserve the trust and respect of students and parents.

The disturbing reality, as Justice Robins confirmed, is that sexual abuse does occur in our schools when a minority of teachers take advantage of their positions of trust to victimize students.

It is therefore our responsibility as legislators to take every possible step to safeguard the safety of Ontario students. That is surely the most honourable achievement anyone in this House could possibly strive to do. That is what Bill 101 will help us accomplish. I invite all members in the House here today to support Bill 101.

I thank you for the opportunity to make a few comments on this third reading today.

**The Deputy Speaker (Mr David Christopherson):** Further speakers for the government? Hearing none, members will now have up to two minutes for questions and comments.

**Mr Gilles Bisson (Timmins-James Bay):** First of all, I want to say to the member across the way that I listened to the comments made, and I agree with more of what he had to say than he probably realizes. But I want to take the opportunity to remind him that a big part of what happened in regard to this legislation has to do with the inquiry that was called when we brought in Justice Robins in order to take a look at that issue. It came from an issue that happened in the Sault Ste Marie area.

If you remember, it was Tony Martin, the member from Sault Ste Marie, and the then member from Algoma, Bud Wildman, who, on a number of occasions, had approached the government to try to find some type of solution. As a result of that, Justice Robins was hired, the inquiry took place, and the justice reported back to the minister with recommendations about what could be done. Much of what we see inside this bill comes from that. I'm sure the member wanted to take an opportunity to put on the record a congratulations and thanks for the work done by the member from Sault Ste Marie and the former member from Algoma, who were quite instrumental in making sure something like this happened.

The other only thing I would say is that it's unfortunate that the bill doesn't go as far as it needs to. I will still vote for it because protection for children is important, and that should be a non-partisan issue as far as I'm concerned. But I would hope that we could extend

this bill to cover private schools as well. To me, it makes no sense that we have a standard that we uphold in order to discipline, in order to remove teachers from the system if they are found to be sexual predators, and do not have a mechanism to prevent them from moving over into the private system. We know that what will happen is that, in some cases, if a teacher is charged and their privileges are withdrawn from the College of Teachers, there is a very good possibility that those people will end up in the private system. Even though I don't agree with the private system, we shouldn't allow those predators into any education system, including that inside private schools. So I wish that as we go through the committee process, we're able to add that to the bill in order to protect children in both the public and private systems.

**Mr Wayne Wettlaufer (Kitchener Centre):** This bill is very important to the young people in this province. We had a couple of situations in Waterloo region in the past year that have come to light, and as you are aware, Speaker, there have been a number of instances throughout the province over the last few years. Justice Robins issued his report last year highlighting some of the problems with sexual abuse of students by their teachers. One thing that was really brought home in my own riding in Kitchener was one student who was perhaps not the most popular student in the school. He was intelligent but needed some help from a teacher, and the teacher used the dependence this student had on the teacher to repeatedly sexually abuse this student over a period of years.

Quite frankly, I am disgusted at that kind of behaviour by any teacher. I have spoken to a number of teachers in Waterloo region over this particular incident and a number of them were horrified this ever happened. They felt quite strongly that the government should take action to ensure—Speaker, I know you're having a hard time understanding me because the Liberals and the New Democrats are carrying on their conversations. I will try to speak a little louder to make it easier for you.

The teachers were horrified and they expected the government to bring something a little stronger to the fore, as opposed to what we have had in the past, and that is what this act addresses.

**The Deputy Speaker:** You're quite right about the noise from the Liberal and NDP benches. I would ask you to please keep it down.

I will recognize the member from Sarnia-Lambton.

**Ms Caroline Di Cocco (Sarnia-Lambton):** The Ontario Liberals agree with any measure that's going to increase the protection of students from sexual abuse. We are going to support this bill. This bill, though, in our view doesn't go far enough to ensure real protection for students. It is incomplete, and that seems to be the way bills come forward from the government. There are always many things that can be added to them.

We believe that the government should, as well, seek a province-wide partnership on this bill with school boards, teachers and other education workers to ensure that children are protected. Too often it seems legislation is

brought forth to this House but the government doesn't have a record of consulting with the people on the front lines and getting their buy-in into the acts and the legislation that's brought forth.

I believe that, as legislators, we have to ensure the safety of our students and put in place legislation such as this. I applaud the effort that is being made to make sure we have increased protection. I have to say as well that there is a bit of concern that this bill may not protect confidentiality, but I believe for the most part the bill is a good step in the right direction when it comes to ensuring safety for our students.

**The Deputy Speaker:** There is one more spot if anybody wants it. I'll recognize the member from Oxford.

**Mr Ernie Hardeman (Oxford):** I want to take this opportunity to commend the member from Simcoe North for his presentation on the bill, which pointed out the quality of the legislation and the need for the legislation, to make sure that our children in our education system are protected.

I want to reiterate, though, that this is not a bill to deal with all educators. This is a very small number of educators in our system. But we must make sure that the ability to deal with those and to make sure they are rooted out of our system is there. I think all educators would tell us that there's a real need for that to make sure that we can properly deal with improprieties in the system. I've had a number of times where parents came to my office and their concern was that the problem was transferred rather than dealt with. I think this bill will go a long way to prevent that from happening.

Again, I just want to commend the member from Simcoe North for a good presentation and explaining not only to this House but to the people of Ontario the problems that this bill is intended to solve in our education system.

1600

**The Deputy Speaker:** The member for Simcoe North now has up to two minutes to respond.

**Mr Dunlop:** I want to say again that it's a pleasure to respond to the comments on Bill 101, the Student Protection Act, 2001. I'd like to thank the members from Kitchener Centre and Sarnia-Lambton, the member from Oxford and the member from Timmins-James Bay.

Just a quick comment to the member from Timmins-James Bay: we had an opportunity last week to visit the north—Sioux Lookout—with the standing committee on regulations and private bills. I just want to say what a pleasure it is to get to the north the odd time. It was a pleasure, and there was a great reception of our committee for going there to deal with that bill. I sometimes question how you would possibly handle those huge ridings. I consider my riding to be large. Anyhow, it was great to be up there.

I was encouraged to hear both opposition parties say that they would support this legislation. I thank them for that. I know that a number of times it's been said here that maybe the bill doesn't go far enough, but in my opinion this is a great first step. When you put this bill



together with things like the Safe Schools Act, it should help our children. It should make life better and be more conscientious toward the children—but also for the respect that parents will have for our school boards and our school system and of course our teachers. There can't be anything worse for a teacher than knowing that one of his colleagues may have been involved with a child or something at a school.

I hope this is going in the right direction, and I appreciate the opportunity, Mr Speaker, to stand here this afternoon and speak to you and to make a comment on the responses we've had here.

**The Deputy Speaker:** It is now time for the leadoff speech of the official opposition.

**Mr Ernie Parsons (Prince Edward-Hastings):** I appreciate speaking to the bill. I will be sharing my time with the member for St Catharines and the member for Kingston and the Islands.

As has been said by others in the past couple of minutes, this is a bill that is going in the right direction. It's certainly a bill that we as the Liberal caucus are prepared and happy to support because we recognize that for far too many children the experience of sexual abuse in school—sexual abuse anywhere—is a life-altering experience. It removes the wonderful innocence that exists for a child and plunges them into knowing things they should not know and should not have to know. It is a particularly difficult type of abuse when it comes from someone who is in a position of authority, placing the child in a position where they're most reluctant to report it. It is a step in the right direction. That isn't to say that it is perfect.

One thing that immediately jumps out in this bill is that it "requires an employer of a member of the Ontario College of Teachers...." Not everyone who is in front of students in a classroom in this province is a member of the Ontario College of Teachers. That is because this government has chosen with the private schools to exempt them or to not even require that their teachers ever be a member of the College of Teachers.

That is fundamentally wrong for a number of reasons. I would strongly argue that there should be a strong, publicly funded education system in Ontario and not funding going to private schools, as we're seeing what now appears to be about \$500 million that's going to be taken away from public schools, taken away from things like classroom supplies, textbooks, transportation, indeed heating of the buildings, and transferred to a private system. It begs the question as to why this government so intensely dislikes publicly funded organizations like schools. I'm not going to say if we make teachers in private schools become members of this we have solved all of the issues. Certainly everyone who is a teacher and is working with students should fall under this requirement, but that's not this government's decision.

I would suggest that it is not just teachers in the public school system or the separate school system who have the capability of abusing. Unfortunately for all of us as humans, there's sometimes a pretty thin veneer on us. I

would suggest that anyone is capable of abusing. However, in a sense this bill carries on the message that we've got to get tough with our students; we've got to get tough with our schools; we've got to get tough with our staffs. We hear so often language that is a putdown of schools: "We need higher standards," as if schools never had standards. "We need zero tolerance. We need boot camps. We need to get tougher and tougher on the students and on the schools." But in this particular issue, I would suggest that teachers have been the leaders in the detection and reporting of child abuse rather than the offenders.

I was involved with a school board for some 17 years. During that time there were individuals who behaved inappropriately with students. That was dealt with.

I need to also say, although we hear the rhetoric from the other side of "the union bosses will support"—and that's a wonderful phrase they created that makes it sound as if the union bosses came in and took over a union, rather than being one of the most democratically elected positions that exists. The other side has reported that teachers have to do what they're told and that the union will protect anything they do. In every instance that I've dealt with, the federations came forward to support the issue that this teacher had to be dealt with and could not continue the actions.

On the other hand, if I can put on my CAS board of directors' hat for a few minutes, a significant percentage of the reports that come to the children's aid society about sexual abuse of children comes from schools—about teachers who care, about teachers who have recognized in a particular child that there is a problem. It may not be a problem that they can immediately identify. Children who have been abused almost invariably don't want to talk about it. If you ask a foster parent about working with a child who has been sexually abused, they will say it takes three or four months before a child has a comfort level enough to disclose that there is something happening to them.

So for teachers, they often have had to culture or nurture a relationship, because they know there's something wrong in this child's behaviour or in the way this child dresses. That may sound funny, but often children who have been sexually abused tend to layer themselves with clothes as a mechanism to protect themselves from being touched—or a child who just does not behave properly and is nervous and withdrawn and doesn't appear to function normally. It isn't an easy answer, but it's the teachers who identify the problem. In far too many cases, they are perhaps the only person who has come forward. Although neighbours and friends may have suspected it, it's the teachers who have done the groundwork and brought it forward. For that, we need to applaud them.

We also need to recognize that teachers have legitimate concerns coming now because of the fear that—for some kids, school is the safest place they'll be all day. The school is the most nurturing place they'll be all day or all week. Sometimes what that child needs is an arm around the shoulder. Sometimes the child needs a pat on

the back. The student needs to have a sense of self-worth developed that has maybe been destroyed because of abuse. And yet there is rightfully a caution and a concern on the part of teachers now to actually do that. To say, "Well done," is not the same as putting a hand on the shoulder and saying, "Well done." We need to be sure that we cultivate within the community that sexual abuse is absolutely horrible, but there is still a right way to tell a student that they're doing very, very well.

For those students, the school is a place of protection. It's a place where they can have some security. If we look at the statistics of who is doing the abuse, and they're reported to us each month at a board meeting, it is not teachers at the top of the list. It's not even strangers. The number one source of abuse, to our shame as a society and our shame as a civilization, is someone within the home where the children live. That's the number one source of abuse for a child, be it physical or mental or emotional. The teachers are helpers, rather than problems, in this situation. That's not to demean or diminish this bill. It has a purpose.

#### 1610

It does beg the question, though, if it is important that we recognize that teachers who abuse must be kept away from students, and it is, and this bill provides a mechanism to ensure that they're no longer teachers—in fact, this bill, in a sense, removes from the College of Teachers any discretion. If this happens, that happens; rightfully so. But there are other professions also that have been known to have individuals who abuse—again, in small numbers. I'm thinking of doctors. I know only what I read in the media, but I get some sense out of that that this can go on for months or even years, when people come forward with an allegation regarding a health care professional. If it is important to move quickly on the teacher issue, as it is, it is equally important to move quickly on the other, no matter what profession.

A lot of people in schools risk an allegation on a daily basis. You may have not thought about it, Speaker, but school bus drivers at some time every morning and every evening are on the bus alone with one other individual. We put them at risk. I say "at risk," not that the school bus drivers would offend, but we all know and are familiar with the fact that sometimes there will be allegations made that are not true. They may be malicious. They may simply be untrue. They may be made by a student who's emotionally unstable or having a difficult time at that particular period of time. But we put our bus drivers at risk of being alone.

There's a teacher's rule that has been explained to me, which is that whenever they're in a classroom alone with a student, the door is open. That makes absolute perfect sense. But then we want them to coach sports and at times be alone with the student, we want them to do clubs and we want them to do extra help. All of these good things put a teacher at risk of a malicious allegation. As long as we can trust the justice system to make sure that they're not convicted, we're quite satisfied that everything's working. But for an individual who has had

that allegation made—and I have seen too often that when an allegation is made, it makes the front page of the newspaper. When it's eventually dismissed or charges are withdrawn, it may or may not even make the media. So these teachers will have paid a great price for doing absolutely nothing.

The difficulty I have with this bill is, although it sounds great, we've not seen this government in any other area commit to the safety of students in the school. They're going to protect them from the teachers, says the bill, but I don't see any action to protect them from strangers or intruders in a school; indeed, the very opposite of that.

If we go back to pre-1995, with very few exceptions in Ontario, every school had a principal. They may or may not have had a vice-principal, depending on the enrolment. Every school had a principal; they had a secretary; they had a custodian. Now, the first thought in the way that it's being treated by this government is, "The custodian cleans the building and that's all they do; the secretary types reports and answers the phone and that's all they do and the principal is the principal teacher responsible for curriculum and deciding what classes, and that's all they do. But, you know, that isn't all they do. They do far, far more than that.

One of the most important roles that they fulfill in a school is a side effect that's not usually recognized, which is they are the guardians of the hallways. When a stranger comes into a school, it is not going to be the teacher in a classroom who knows that, because that teacher is very occupied with the ever-increasing class size within the school. It will be someone whose role requires them to be somewhere around the building. Every school board has experienced difficulties with an intruder coming in. They often do a very vile thing. If they can get into the school, they'll go into one of the washrooms and they'll wait for their prey. It's hard to believe that an adult could do that to a child, but they'll go into a washroom and wait, all alone in there.

The important thing, where the custodians can serve a wonderful role, is to find that person or see that person in the hallway and challenge their being there. It is the same thing for the secretaries. The secretaries are able to observe them coming in. School offices were always at the front entrance. As our society changed and in some ways deteriorated, schools that used to have every door open have gone to having only the front door open, so someone coming in would have to walk past the secretary and be challenged. But because of the funding formula now, there are schools that have, for parts of the day and parts of the week, no secretary and no custodian.

In addition, they may have a principal or they may not. We're seeing an increased number of schools that are being twinned. This government uses as an efficiency that one principal can handle two schools, but all too often these schools are 20 miles or 25 miles apart—pardon me for not going metric—which means a principal with the tremendous skills and knowledge that he or she may possess is spending their time driving from one

building to another. There are schools in this province where for parts of the day there is no adult having access to the hallways—no principal, no secretary and no custodian.

Do we lock the front door? That's not an answer because there is a need for parents to be able to come into the school. There may be a crisis at home, an urgent matter, a change in babysitters—whatever.

Even schools that have principals sometimes don't have the principal in the front office. The principal is in a classroom teaching. In order to fit within the wonderful funding envelope this government has provided, they have to teach. Some schools have dealt with it in the only way they can, and that is to have an answering machine answer the phone. Parents have spoken to me and said that when they have a crisis and need to get hold of their child immediately, it is frustrating and indeed dangerous to phone a school, get an answering machine, leave a message and wait for the school to return the call after school.

How did this come about? This is a government that purports to have improved the funding to education and that things are better than they were. The ads are better than they used to be, but the reality is that the classes are larger, that we're seeing fewer textbooks—this government cut the funding for secondary school textbooks by 50% this year over last year—and that they've cut the funding for a large number of things such as transportation and heating for schools. In my own school, the Hastings and Prince Edward District School Board, I'm receiving letters and petitions on a daily basis, because in essence that board has enough money to fund the buses until about February. That's the allocation this government has given to them for transportation.

The government came up with the wonderful concept of everything is tied to the pupil, so they will get  $x$  number of dollars per student. That means that for a school that is large, and there are many smaller Ontario schools that still serve a purpose, the funding generated per pupil will fund enough to pay for a full-time principal, a secretary and a custodian. That is not the case for smaller schools. The easy answer we would hear from the government is to close the smaller schools and bus the children to larger ones, but when we have children who are already on the bus for an hour, closing a school could result in a child spending an hour and a half or two hours on a bus getting from home to school. The buses don't just pick up a child and drive straight to the school. They have to stop and stop and stop. Two hours each way on a bus is clearly not acceptable.

We are facing an era of declining enrolment for schools in Ontario. As the number of students declines because of births—granted, there are only about four or five boards that are experiencing the decline because of the population decline—the reality is that over about the next eight years, the majority of boards are going to be experiencing declines in the number of students. The baby boomers and the echo of the baby boomers have gone through, and we're now seeing lower numbers in

most of rural Ontario. Metro Toronto certainly has immigration that keeps the numbers strong, but in rural Ontario there's a decline.

As the numbers decline, you generate fewer teachers on that money and you generate fewer everything: less bus money and fewer secretary and custodian dollars. But whether a school has 250 students or 200 students, it still costs the same amount of money to clean that school. It still costs the same amount of money to have a principal in that school. It still costs the same amount of money to have a secretary in the school. So as the schools experience decline, they have to make cuts. The cuts that get attacked first are the ones that are outside of the classroom, such as a secretary. The bus that they get fewer dollars for: it costs the same money to run the bus.

#### 1620

There's no recognition that there are certain fixed costs. I look at this Legislature. There used to be 130 members; it went to 103. The cost of heating this building is exactly the same now as when there were 130. The cost of providing security for this building—when we went from 130 to 103, they did not reduce the number of security guards we have here, they did not reduce the number of people we have at the Clerk's table, because the work didn't change. There may be fewer people here, but the workloads continue to be the same.

They somehow can't carry the logic that what's good for the House and what's right for the House is also right for a classroom. So now we're seeing schools with fewer and fewer supports. The schools are dealing with it by saying, "We need to have a secretary a certain number of hours." A secretary that the formula would generate for eight hours a week is simply not realistic and not practical. So schools are taking other dollars, all of which are needed for students, and moving them into secretaries. I would suggest that the move is because of student safety, and having a principal at the school is because of student safety. So if we want to worry about students being safe from teachers, we need to be more worried and more concerned about students being safe from intruders. While this bill deals with one small part of the problem, it doesn't address the total issue, that this government has put the safety of students at risk in many of our smaller schools, not necessarily in rural schools but just in our smaller schools.

There's another interesting thing with respect to child sexual abuse. This government changed the legislation for children when they have been abused and brought into care. The legislation now says that a judge has to consider what's in the best interests of the child. Good stuff. It used to be what's in the best interests of the family, and sometimes when you're saying "in the best interests of the family," you were saying what's in the best interest of the offender, along with the victim. The legislation now says "best interests of the child." That has resulted in more children coming into care. These are children who were at risk, were being abused and who sometimes could have come in and out of care three or four times. These are now children who are being assured

of a place of safety. So clearly it sounds like this government is committed to the protection of children. But in the last month, children's aid societies have been cautioned that there may not be the money to protect these children who are at risk.

All of the children's aid societies in Ontario combined are now projecting a deficit of somewhere around \$57 million. Most of that deficit, probably about 85% to 90%, comes from more children in care. Now we are hearing two things from this government: one is, "You must bring into care any child who is in need of protection." Good stuff. On the other hand they're saying, "But we're not sure whether financially we'll be able to reimburse you for them."

Children's aid societies don't own a printing press that makes money, they can't carry a deficit and they have to balance their budgets. They can buy a little bit of time by borrowing the money from the bank into the next year, but ultimately they need to be able to pay it back. So children's aid societies are getting a very mixed message from this government, not unlike that of community care access centres: "You must handle the caseload but we simply can't fund you." So we have children at risk and we're being cautioned. They haven't said they won't fund it, but we're being cautioned that if more children come into care, there may not be a mechanism for reimbursement.

Let's look at the problem that this bill attacks, which is teachers who abuse, and we'll deal with the teachers. We also need to think about the child who was molested. If indeed that happened, as I mentioned at the beginning, the student has had his or her life altered by that experience. In far too many cases, students haven't come forward and talked about the abuse for five or 10 or 20 years. It is so horrible that they've internalized it and don't wish to discuss it.

Whether they come forward 10 years after the abuse or whether they come forward two weeks after the abuse, they need support. They need counselling. This is not something they're able to deal with on their own. Far too many of them think, "I've done something wrong. I must have done something to provoke this. I must have done something to tease them. I must be partway to blame."

They've also probably been threatened, "If you tell anybody, this will happen." So they are frightened, and in the case of younger students, these are very frightened young people who worry that it will happen again, perhaps from another person, perhaps from the same person.

What does this government provide in the way of mental health services for young people in this province? Almost nothing. For a child to come forward and disclose that they have been abused and then have to wait six months, a year or two years for counselling is almost cruel. They need to talk it out. I can even tell you that for many of them it is so embarrassing that they don't want to talk about it with their parents. Even going into court to testify, to sit in public session and testify, is a very difficult experience for them. There need to be resources

available to counsel these children the immediate instant that they make the disclosure, to counsel them through the court system and to work with them until we have, to the best of our ability as humans, taken and restored their outlook on life. We'll never get them back 100%, but certainly we need to do something to counsel them with that.

We heard reference earlier from one of the government members about their accomplishments, and one of the things listed was their Safe Schools Act and how very proud of it they are. I believe it was just this weekend that we heard a group of parents come forward and say that zero tolerance is in fact creating problems. You see, zero tolerance is brought forward on a formula that says, "Here's the offence. There's the solution." Bang. Everything is simple. All these students are really just little widgets, and if they're all little widgets, we can treat them as little widgets and handle the problem in the same way.

What we're hearing from the schools and the parents is that life isn't that simple. Students aren't little widgets. Students have unique problems. I would suggest to you that a child who has been sexually abused at a school may misbehave, may handle it most inappropriately. There's a craziness that if that child doesn't disclose the abuse but rather behaves inappropriately, under zero tolerance they get turfed out. They get thrown out. Maybe the abuse happened at home, and they get turfed out to go home and spend all day there.

Zero tolerance doesn't recognize that people in communities all over Ontario have brains. They have an understanding. They don't need a guidebook on how to think; they need the empowerment to be able to sit down and say, "Yes, this child lifted a stick and was using it as a weapon, which is horrendous, but this child is developmentally handicapped or this child acted totally out of character because of something that was said or done to them."

I remember being a student and I can recall a time when I was sitting at a desk and the student next to me was observed eating a chocolate bar by the teacher. He leaned over, put the chocolate bar on my desk and said, "Here, Ernie, you can have your chocolate bar back." It wasn't my chocolate bar, but I became the offender simply by his transferring it over to my desk. There are young people being accused of things at times that very well may have been triggered by others. Those who appear to be the offenders can be the victims. Schools, school staff, police and counsellors need the ability to deal with that particular issue.

#### 1630

The Safe Schools Act presents problems, because for many children the abuse they have experienced causes them to behave inappropriately and to lash out at others because it's their only mechanism for venting the frustration and anger they have experienced over it.

This bill, as I mentioned earlier, is just a great start. It needs to go much further, because it doesn't deal with the additional issue, which is that sometimes individuals will

spend a great deal of time cultivating a victim. Rather than being bold and doing an offensive thing, they may start with a student and give them gifts and be their friend and encourage them and just be their absolute buddy until that individual has graduated from school or gone to another school, or they have. So we're watching, at times, a victim being set up.

This bill needs to deal with that. This bill needs to give the principal, needs to give the superintendent and the director in the school board the authority to say, "This behaviour is inappropriate. It does not look right; it does not smell right. There is something wrong with this and we need to deal with it." Although there's not a victim at this point, if we saw someone standing outside a store with a gun, we'd have a pretty good idea that that person is going to go in and rob the store, and the police would be able to intervene before they actually went in the door and committed the crime. We need the same thing, not just with teachers but with any other individuals who carefully cultivate and develop a friendship, or a fake friendship, that is really there just to allow them to abuse.

We support the bill, but we believe it should be more all-encompassing than it is. We strongly believe it should apply to every individual who is in front of a classroom or works with students, not just teachers. This is simply part of this government's continued vendetta of, "Teachers are wrong; teachers are nasty." I wish we would hear more about the 99.999% of teachers who do not commit offences against students but in fact are very, very nurturing toward them. The bill in some ways is unfortunate in that it again presents them as offenders when it is a very, very minor part of a teacher's day.

**Mr John Gerretsen (Kingston and the Islands):** Just picking up on the last point that the very knowledgeable member for Prince Edward-Hastings makes—because, after all, he was the chair of the school board there for many years, so he's certainly a knowledgeable individual when it comes to school matters and how boards have dealt with these very unfortunate situations—it is true that probably what is lacking more than anything else within our educational system right now is a boost in morale for the teachers, the people who are involved with our young people on a day-to-day basis.

It's certainly my impression, from talking to teachers over the last three to four to five years, that many of them are burned out. Many of them feel they are simply not being held in high regard by this government. Just about every action that's been taken in the educational field over the last two to three or four years has been an act of a negative connotation in one way or another. I'm absolutely convinced that the first thing that needs to be done if we want to elevate the education system, if we want to bring some excitement back to the education system, is to show our respect for the teachers and to work with them. We have to build up the morale for the teachers.

As the member for Prince Edward-Hastings has stated, we will be supporting this bill. Sometimes members of the opposition get accused of always being against some-

thing that's being proposed by government. This is a perfect example where we are not opposed to a bill merely for the fact that we're in opposition. We're supporting this bill.

We think there could be a better bill, and there were a number of amendments made in committee that I believe could have been followed. I'd just like to go through a number of ways in which we think the bill could be better than the bill that's presented here today.

The first question I have, and it has already been raised in this House—it was raised at committee and it was raised during second reading—is, why weren't private, independent schools brought within the confines of this act? Why is it only in the publicly funded system that in effect this kind of action is possible? Why does the bill only apply to that? I have not heard one argument from one government member, from the minister to the parliamentary assistant to any of the 56 members opposite, to tell us exactly why private, independent schools were exempted from this legislation. It leads people to believe that this is another attack on our publicly funded education system. That's the only conclusion that you can come to.

Let me make it absolutely clear that I think the kind of conduct that this bill speaks to is abhorrent under any circumstances and should be dealt with in legislation. But it should not just be confined to the publicly funded system. So we're still waiting for an answer. We asked that question in committee, we asked it during second reading, and now we're asking it again: why are you not including the privately funded, independent schools within our system?

The other thing I find interesting is that this government really believes that the way you effectively fight a wrong in society is to increase the fines. We've seen it in so many different acts. We had one the other day where I think the fine was \$50,000. What was it again? It was \$5,000—I shouldn't exaggerate—if you were caught parking in a disabled parking spot. The real question is, is anybody ever going to issue a ticket under those circumstances, and is anybody ever going to voluntarily pay a ticket under those circumstances? I think you'll probably find out in another year or two that there's never been a ticket issued under that particular provision.

It's the same thing here. There's a \$25,000 fine which can be levied upon the employer for not reporting this to the authorities, to the registrar, within 30 days of an event occurring. The question I have is that the employers in all cases—at least it's my understanding, and again I leave it to a government member to correct me on this—are the various school boards around the province. They are the people who hire teachers and fire teachers and terminate teachers' contracts. The fine for not reporting by an employer—in other words, by a school board—is \$25,000. The real question is, who pays this \$25,000? The publicly funded education system is totally funded by the province, by the property tax base and, yes, by a lot of fundraisers that now are being held in various schools in order that they can have the proper supplies and things

like that. But basically our education system is publicly funded. So if you're talking about a \$25,000 fine being levied on some school board, who ends up paying that fine? The taxpayer. Unless you attach some personal responsibility to, I don't know, the director of education or the board or somebody to actually pay this fine, attaching a \$25,000 fine in a situation like this means absolutely nothing.

I suppose it's like many of these other situations. It creates a statement out there where people are led to believe, "The government really thinks this is a serious situation, and if school boards don't report these incidents, we're going to get them. We're going to fine them \$25,000." But if the school boards, in effect, pay the \$25,000, it just means they have to come up with the money elsewhere or they're going to have to reduce some sort of programming that's being carried on by the board of education. In the end, the fine will hurt the students because there's less money in the system for that school board to expend on the students in their education. I'm just pointing that out, that again it is the symbol that this government is trying to create by saying, "We're going to really fine people." It makes a statement, but when you look at what's behind it, you realize that in effect the people who are going to be hurt are the students you're trying to protect, because there will be less money in the system to educate those students. That's the second point I wanted to make.

The third point is kind of interesting. I understand the Robins report dealt with these kinds of situations and it made a number of recommendations. One of the recommendations that it made in promoting the enactment of the bill we've got before us is that they keep using in that report the term "sexual misconduct." For some strange reason the wording that is used in this bill talks about "sexual abuse." As has been pointed out by others as well, sexual misconduct is much broader and wider than sexual abuse. I would like to know from the minister or the parliamentary assistant why the terminology used in the Robins report was not used in the act. Why was there this need in effect to limit the offence to sexual abuse rather than sexual misconduct? We have not had any response to that.

**1640**

The other issue, and it has already been pointed out by the member earlier today, is, why are we limiting this just to teachers? There are many other people in schools who may also be involved in this kind of activity. I just want to reiterate, and it's already been stated a number of times, that we're talking about a very small minority, and we certainly all hope this would never happen again in our schools. We're not talking about every teacher or everybody who works in a school, by any means. We're talking about a very small number of people, predators, who get involved in this kind of activity.

The point I'm trying to make is that we're not just talking about teachers. We have custodians in schools. We have bus drivers, as you've already heard. We've got other clerical people in schools etc. Why were they

excluded from the act? If we're trying to protect our children in the school environment, why do we limit that protection under this act only to teachers? I don't understand it. Maybe somebody can explain it. There's absolutely no reason why all those individuals who are involved with our children in the education process could not have been included in this act.

I guess it's a combination of all these factors that leads me to believe—and perhaps I'm getting cynical at this job. Why is the government allowing so many loopholes in a bill like this? Is there another agenda at work that we are not aware of in this Legislature?

One other point is that the legislation also specifies an employer must report to the college if they fire or restrict a teacher's duty as a result of professional misconduct. As my briefing note points out, this leaves a loophole for a teacher who may be transferred to another school. I've known of those kinds of situations, and I've heard about it over the years, where quite often individuals who are involved in these kinds of abuse situations are usually very skilled at either hiding that fact when they go elsewhere or at somehow being able to deal with it in a very effective way so that they can get a job with another school board. We've all heard of those kinds of situations. If there are allegations like that, why do we allow this in effect as an out so that a transfer could possibly take place?

I'm sure that in all these instances the government doesn't mean not to do the right thing when it comes to situations like this, but these issues were raised during committee. Amendments were brought forward to tighten up this bill. It's my understanding, and I wasn't at the committee hearings during the entire period of time, that for whatever reason none of the amendments were approved or accepted by the government.

I've tried to point out a number of instances in which the bill, as far as we're concerned, lacks the kind of specificity or tightness that would be required in this bill. We still look forward to hearing from the government as to why these particular loopholes are left there. Obviously we hope the provisions of this bill, and of the act once it's passed, will not have to be used in Ontario. We all want the best for our children. The kind of devastation it leaves in a young person's life has been so well spoken to by the previous member, who was chairman of a school board and regrettably probably has much greater knowledge about these issues. I'm sure he wished he had not been involved in or heard about those kinds of incidents in the school board or the school community.

Our ultimate hope is that there will be sufficient resources put in place, for example, to deal with the tremendous effects this is going to have on young children. There's absolutely nothing in this bill that suggests for a moment that when something like this happens, the resources will be made available in counselling, in therapy and in so many other ways that not only may be necessary but will be absolutely necessary if we want to make sure any young individual who is subjected to this

kind of conduct can overcome that experience in a meaningful way.

I simply ask the government to explain to us why they didn't accept our amendments and why they are against making this bill, which is a good bill in its first attempt, a better bill so that the children in our schools will be protected to the greatest degree possible. With that, I'll turn it over to the member from St Catharines.

**The Deputy Speaker:** Before the member for St Catharines takes the floor, I'm sure the four government members who've been holding an increasingly animated meeting over here will want to pay very close attention to the long-serving member from St Catharines who now has the floor.

**Mr James J. Bradley (St Catharines):** Mr Speaker, with the first part of that, probably there would be concurrence; with the second, I'm not all that certain.

I want to say, first of all, that we in the Liberal Party are in favour of this bill. I think there's a good consensus in this House that the provisions of this bill, even with some of the weaknesses, are such that there would be support. It's interesting because there has been considerable opposition to this government from the teachers on much of its legislation in the field of education. The teachers, in other words, have found the bills to be unnecessarily punitive, with motives they believe are anti-teacher and not in the best interests of education. That's not the case with this bill. Clearly, with this bill, there is support from the Elementary Teachers' Federation of Ontario and also from the Ontario Teachers' Federation, both of which feel it is in the interests of the students, and that's whose interests they have at heart, to see this bill passed and strengthened in any way we can.

One of the concerns I have with this legislation, and a certain aspect of the teacher-testing legislation, is it exempts people who are not members of the Ontario College of Teachers, uncertified teachers, if you will. This of course has people in the publicly funded system saying that this government is now prepared to partially fund private education, to let government dollars go to private schools, but is not prepared to impose on those schools the same rules and regulations we see applied to the publicly funded system.

Mr Eves, who is going to be reincarnated as a candidate for the leadership of the Conservative Party, has noted, for instance, his concern with the tax credit, or as some people call it, the voucher, that is going to be provided for private education. Mr Eves has said he believes it should only go to those schools that teach the Ontario curriculum, that if there's a significant variance from that curriculum, he believes the funding then should not be provided in that educational situation.

I certainly understand that if you're going to fund private schools, as this government has decided it's going to through a little bit of an indirect way, then if there's government funding going to those schools, it seems to me that those schools should adhere to all the legislation that is passed in this chamber. We clearly see an exemption for that.

1650

I don't know where all the candidates stand on this. Perhaps when they have their public debates, we'll see some differences, just as I was noting in the announcement of the Minister of Labour today—you'd be interested in this, having been labour critic for the New Democratic Party in a different incarnation, Mr Speaker—that he does not believe you can have tax cuts next year. He said that at his press conference. They said, "Do you believe in these tax cuts?" He said, "If you're facing a deficit, you can't do that."

You will remember, because you've been a member of this House long enough to remember, that there were certain members of this government who warned the Harris government some time ago, back when they were embarking upon the so-called Common Sense Revolution—my friend from High Park-Parkdale calls it the Comic Book Revolution, but whatever you want to call it; I'll be kind enough to call it the so-called Common Sense Revolution. There were four or five members of the government caucus who warned that you don't cut taxes till you've balanced the budget, because then you'll be borrowing money to finance a tax cut. I think that's what we're seeing from the Minister of Labour now. He's understanding what we in the opposition have been saying, that these tax cuts are mindless, that they're not going to produce what you need, particularly when you're facing a deficit.

I should add, because there is an interesting speech being given in Ottawa today, I thought perhaps the minister of business relations might be in Ottawa to hear his present leader speak to the Canadian Club. He is doing what he does best, and that is taking a run at the federal government. As you would know very well, although you're neutral in the chair, this government and its members, including the Premier, are first in line to accept the credit and last in line to accept the responsibility. So we have the Premier in Ottawa today looking for more money from the federal government. I don't know if it's to provide the implementation of this bill or not, but my conclusion is that they've noticed that they're going to lose all this revenue, so the Premier needs money to finance his tax cuts. Remember, there's a \$2.2-billion tax cut for the corporations that is going to be implemented, there is a \$950-million income tax cut and there's the at least \$300-million voucher for private education. All that adds up to \$3.5 billion.

In Hamilton, could you see how you could utilize that kind of money, whether it's in education or health care or the environment, something of that nature, Mr Speaker? I think you could contemplate that quite nicely.

So what he really wants, because he knows he's going to lose this revenue, is that money to pay for his tax cuts. We won't see any more money spent, any more money invested by this government in health care. What we would see is simply taking the money, as they've done on four or five occasions, put it in their pocket to finance the tax cut and show a balanced budget and everything is

fine. But we really have the province not committing a penny more to those programs.

I note as well that Carol Goar wrote an article in the *Toronto Star* on July 21 in which she outlined four different categories where the provincial government had taken money when the federal government had given it. You have students; you have McMaster University in your riding, Mr Speaker. Those students were to be the recipients of the millennium scholarship. The Ontario government said, "That's fine. We will take that money and we'll pay your loan back with it. We'll take the money away. It's not additional funding for you." So that was one example where they took the money and stashed it and paid for their tax cut.

I was just talking to my constituency office. I got a call this morning from a desperate person who was saying, "I need the child tax credit." The federal money is coming in a greater amount and now the province is clawing back its money. So again, the federal government brings more money in and the province just says, "Thank you. I'll take that." They put it in their pocket, pay for their tax cuts for the rich and the powerful and everything is fine as far as they're concerned. There was another one on welfare that was similar. There were four different instances that she happened to mention. I wish I had more time to delve into them.

But that's where I get to looking at the implementation of this bill. There are always financial implications to any bill. The poor Chair of Management Board has got the job now of having to wear a scowl on his frown. That's what he's going to have to have when he meets his colleagues in cabinet, because there isn't going to be the money there. The Treasurer is busy giving it away left and right to the corporations and others, so the poor Chair of Management Board has to accept the brunt of criticism from his colleagues. It's not his fault. He's the victim of the Treasurer of this province and the Premier. I'm trying to help him out as much as I can.

What we're seeing is that, just as I was saying the other night in a speech in this House to my friend Mr Sterling, the Minister of Consumer and Business Services, he's not going to have the money invested to implement his legislation because this government is obsessed with tax cuts. Not the Minister of Labour—obviously he's off that bandwagon. I suspect, as you would, when they come to the all-candidates debate in Hamilton or St Catharines or wherever they happen to have it, we'll see people falling off that wagon left and right, because the provisions of this kind of legislation can't be implemented without taking into consideration the financial implications and paying for those implications.

Most people I'm talking to today are saying to forget about further tax cuts, even if they appreciated them in the past and maybe felt the taxes were high in the past. They're saying, "Forget about that. Let's put the money into services. If you're passing a bill of this kind, let's provide the funding to be able to implement the provisions of this bill." If you need it for the health care

system, come on, let's put it in the health care system. Remember that \$200 cheque that showed up last year? Most of those people, and particularly I thought of the people in Walkerton, would have preferred the government to have invested that in environmental protection as opposed to simply giving it away in tax cuts.

It would be different if they worked. I want to be fair. I want to be fair to this government. I have never given them credit for the economy booming in Ontario.

**Mr Wettlaufer:** You've never given us credit for anything.

**Mr Bradley:** No, I want to tell my friend from Kitchener, I don't blame them now that the economy has gone down, because you and I know—we're close to the border—it's all to do with the American economy. When the American economy was booming, Ontario was booming. Now that the American economy is not booming, of course Ontario is way down in terms of its revenues and its economic activity. I understand that. I don't blame them.

Where I do blame them is for the recipe they have for solving that, the solution for it, which is more tax cuts. Responsible financial people are shaking their heads at that. Responsible economists say that the combination of tax cuts and expenditure cuts is in fact contractionary. The only one who doesn't believe that is the person who writes the government notes.

I well recall, and you were a minister of the government of the day then, Mr Speaker, that they were very critical of the NDP government when it was making a pitch for more federal funds. They called them whiners and they shouted and the Premier said the feds weren't cutting enough. I remember that. They weren't cutting enough to suit him. Now the tune has changed because the one thing they do very well is point fingers somewhere else.

I was suggesting today in the House that I think the Minister of Labour may be a person of the future. He's not going to get up in the House as all these ministers do and point his fingers at the NDP or the Liberals and say, "It's all your fault. You were worse," and so on. I expect the Minister of Labour to do something else, to think of the future. He obviously is, when he agrees with us that you can't have further tax cuts when you're facing a deficit in the next year.

**1700**

As Speaker, you'll be critical of this, and understandably so, but while question period was on I was engaging in a bit of a spirited discussion with the Minister of Finance over the dollar. He was complaining about the low dollar. I asked him what he thought it should be, and he said \$1.05 is what it should be. Can you imagine the unemployment in Hamilton, St Catharines, Essex, Kingston or anywhere in this province if that dollar went to \$1.05—in other words, if the Canadian dollar was worth more? It would be good for the people heading for Florida. If they're heading to a condominium in Miami, they could cheer that. But I would think that, for instance,



the tourism industry here would be devastated by a dollar that would be \$1.05 for an American dollar.

I think one of the reasons we've got a booming economy is that we've had low interest rates, and that's a responsibility of the federal government, we've had a low dollar, and that's partially federal policy and partially economic circumstance, and we've had a booming American economy. So those three have combined and now the chickens have come home to roost. We're now into a recession in Ontario and this government doesn't know what to do because it's a one-trick pony, and that one-trick pony it trots out is tax cuts.

If you said to people, "Here's a tax cut, but you can only have it if you spend it now on a service provided in Ontario or a product made in Ontario," and you compelled them to do so, it might have some effect. But of course, you don't know what they're going to do with the money. They can do whatever they wish—take a trip to Spain, buy a luxury vehicle that is built overseas or perhaps not spend the funding at all—so there isn't the payoff. Remember how Ronald Reagan ran a huge debt in the United States as a result of this supply-side economics, a huge debt that the United States was able to start wrestling with only under the Bill Clinton administration? We're going to see that debt go up again because the George Bush government now wants to give away billions of dollars in tax cuts.

This is a piece of legislation that will require some finances to implement it. Is it a bill we're going to agree with? It is. There's a consensus in this House and there's consensus in the community out there. It's got some deficiencies. The government, I think, has introduced one amendment, but the most significant amendment could be to make it applicable to all teachers who teach in any of the schools in the province of Ontario, including the private schools which are now getting funding through the special tax credit that the Minister of Finance is going to provide and that has caused some significant dissension within the caucus and the cabinet of the government of Ontario.

**The Deputy Speaker:** Members now have up to two minutes for questions or comments.

**Mr Bisson:** I want to respond to two points that were made by the member from St Catharines. The first one I want to deal with is where the Premier is today on the whole issue of fed-bashing. I was a member of the government from 1990 to 1995, and I remember how the member from St Catharines, Mr Bradley, was somewhat sympathetic to the problem we had, which was that the federal government under Brian Mulroney was decimating transfers to the province of Ontario. I remember our Premier, Mr Bob Rae, when he stood in this House and outside the House at various events saying we needed the federal government to come back to the table to give Ontario back what we called its fair share.

Michael Harris at the time had a very different opinion than he does today, because back then what did he say about Mr Bob Rae? He called him a whiner. He used to stand in this House and say, "Quit your whining. What

you've got is a spending problem. You don't have a revenue problem." In fact, I remember the comment he made when it came to the cuts that Mulroney was making to the provincial government. He said the cuts didn't go far enough. Now, I wonder what happened to Mr Harris on the way to his chair in the Office of the Premier, because now he takes a much different line. The member reminded us—and I think it's well that he reminds us because I hear the Premier get up time and time again and do, yes, what is called fed-bashing, talking about how the federal government has downloaded its financial problems on to the provinces, something I agree they shouldn't have done. I just say it's somewhat hard to take when I hear the Premier of the province of Ontario today get up and whine about how much he's being cut by the federal government when he was nowhere to be seen on that front when it came to us trying to get our fair share from the federal government.

I thought that was a point that was very well made and I thought, man, it's about time we hear that said in this House again. I don't know about you, but I'm tired of hearing Harris whine all the time.

**Mr Hardeman:** I am pleased to have this opportunity for a couple of moments to speak to the members from the Liberal Party speaking to the bill at hand, which is the bill that will put a law in place to make sure we can protect our children in our schools from teachers who are not what they should be.

I just want to make a comment to the member from Timmins-James Bay, who didn't have the courtesy to say that he was here from 1990 to 1995. That was the period of time, Mr Speaker, as you will know, when they went from what the Liberals call a balanced budget—which was about \$3 billion short—to \$11 billion just five years later in deficit. I find it interesting that he would take credit for having achieved that, because I think the people in Oxford county don't see that as a great achievement, that you would spend \$11 billion a year more than you were taking in to try and address the priorities that the government had set. I think they want more than that.

But as the member from Timmins-James Bay mentioned, the members across the aisle who were speaking to the bill have spent a lot of time talking about the fiscal situation in the province when they were in power and the fiscal situation we have today, but that's not the bill that is before us. The bill that is before us is to put a framework in place to make sure that we protect our children in the schools from teachers who conduct improprieties in their teaching, and that should be looked after. As I said previously, I think it's very important that we have a system in place to make sure that those teachers are dealt with and do not just move to another location, that they are not just left in the system for more children to be hurt by. I'm very happy to hear that the majority of the members on the opposite side are going to support this bill.

**Mr Bruce Crozier (Essex):** I want to rise in the two minutes I have to point out that I too, along with my

colleagues, will be supporting this bill, but with some reservation, because with all its faults and with its attempt to protect the children in our schools, this bill is not going to protect those students who are not in the publicly funded system. This government is moving to give anywhere from—what?—

**Mr Bradley:** From \$300 million to \$500 million.

**Mr Crozier:** —\$300 million to \$500 million to private schools, but they're not going to ask that the private schools play by the same rules. That just is not right.

I want to go to my colleague who just a few minutes ago mentioned about this government and its whining. It's really comical to watch this. When I first came here in 1993, when Mike Harris was the leader of the third party and the NDP was in government and facing some extremely difficult economic times and was going to the federal government for money, yes, Mike Harris sat right down there and accused Premier Bob Rae of doing nothing but whining. I'd say the biggest whiner in the province is in Ottawa today doing exactly the same thing that he pointed his finger at back from 1993 to 1995. Everything that goes around comes around, doesn't it, eventually? Here it is today, and all he's doing is whining, because what this government did and continues to do—at the outset they borrowed some \$10 billion to pay for their tax cuts. They're still short-changing us for the sake of their tax cuts.

1710

**Mr Rosario Marchese (Trinity-Spadina):** I want to tell you that I'll be speaking in a couple of minutes so I haven't got too much to say, except to support the member from St Catharines, who is usually dead on in his remarks with respect to these issues, particularly in education. He talked about the whole issue of private schools and the fact that private schools are about to get 500 million bucks. He asks, as we do, where are you going to get this money?

**Mr Hardeman:** Where did you buy the calculator?

**Mr Marchese:** The member from Oxford is so unhappy to hear that.

He actually believes that it won't be \$500 million; it will be \$700 million. I'm not calculating it right. He's right.

**Mr Hardeman:** Stick to the facts.

**Mr Marchese:** The facts are that Mike Harris said it would cost about 500 million bucks to 700 million bucks.

**Mr Hardeman:** Where did he say that?

**Mr Marchese:** The member from Oxford is clueless. He doesn't even know his Premier said that. Please don't say anything, because the Premier did say it. We know. It's on the record.

**Mr Hardeman:** No, Rosie, you don't know.

**Mr Marchese:** Actually, the member from Oxford puzzles me. He's actually saying it in such a way as to make it appear as if I don't know and he does. What he doesn't know is that he doesn't know. It's on the record. We, in public estimates, in committee, quoted Harris, quoted Ecker, saying that they don't support the idea of

extending public dollars, because they know that anywhere from \$300 million to \$700 million is going to go away. They know that.

What he also said, which I will be speaking to in a couple of minutes—

**Mr Hardeman:** That was full funding, Rosie. You know that.

**Mr Marchese:** I'll get to that in a minute. I don't have time now.

He also said that the non-certified teachers in the private system will not be covered by this legislation. They are protected by not being covered in this legislation. He argues, as I will, that it's wrong, and in that regard we agree.

**The Deputy Speaker:** One of the three original speakers now has up to two minutes to respond to the questions and comments.

**Mr Bradley:** On behalf of the member for Prince Edward-Hastings and the member for Kingston and the Islands, we appreciate the input from two members of the New Democratic Party, a member of the Conservative Party and a member of the Liberal Party on the remarks that were made. One of the three speakers was a chair of the board of education in his area and brings a good deal of knowledge about this matter.

I think we've finally solved the whole mystery of whining at the present time and who is doing the most whining with the least justification. I think it's three to one that Premier Harris is the one doing the most whining. I like to be democratic. I go by democracy, and I notice it was three to one, the speakers who said the Premier was whining.

I want to go back to this very contentious issue of the funding of private schools. If you're going to fund them—and you know the opposition is not in favour of funding these private schools; no public money for private schools, although they are allowed to exist. But if you're going to do it, as you said you are going to, then of course we would expect that you're going to apply the same rules and regulations to teachers in the private school system that you are funding now as you would in the public school system, that whether it's teacher-testing legislation you have before us or whether it's sexual misconduct, you're going to hold everybody accountable to the same rules. That's only fair. That's the road you go down when you start funding all of these schools. You have to say, because the taxpayer will demand it, that if you're going to provide funding to private schools, you have to provide the same rules and regulations. That's what we would like to see in this bill, and it's not in the bill at this time.

**The Deputy Speaker:** It is now time for the leadoff speech for the third party.

**Mr Marchese:** I want to say to the viewers of this political forum that I support this bill. We've said it before and we'll say it again. We will connect it to many other issues, because of course this doesn't stand alone; it's very much connected to so much damage that you've

done to the educational system. So I will attempt to do that.

Before I get into the substance of the bill as well, to the member from Oxford, I need to tell you that your Premier, in a submission to the United Nations, in his defence—

**Mr Hardeman:** That was full funding. You know that.

**Mr Marchese:** That was full funding. OK. I'm going to do my best to explain it as best I can. The member from Oxford says that was full funding that he was talking about. No, he talked about how extending public dollars to the private schools would cost 500 million bucks. The Minister of Education said extending public dollars to the private schools would cost \$300 million.

**Mr Hardeman:** Full funding, Rosie.

**Mr Marchese:** No, member for Oxford, there was never anything on the record that has the Premier or the minister distinguish or define, with some adjective or other, that what we mean is that full funding would cost \$500 million and some other type of funding would cost less money.

Private schools are going to get up to \$3,500 per student within a five-year period and the countdown is this year—\$3,500. It is true that in this system most students are getting, give or take, \$5,000. It is also true, viewers of this political forum—and the member from Oxford may or may not know it, it's uncertain—those parents get charitable support for the charitable contribution they make to their private schools, and the daycare component as well—federal and provincial. When you top up federal and provincial contributions, including 3,500 bucks that comes from the government—and by the way, the other support comes from governments too, which is taxpayers' money—you add up all the three levels of support, you get more than what we get in the public system.

*Interjection.*

**Mr Marchese:** The member for Oxford says, "Get out your computer and add it up." He should try to do the same. Better still, consult the minister's staff, because I think these people are paid to do the calculations, and see whether or not they would send an honest figure your way when they calculate what they get by way of the federal government and the provincial government for the various contributions you make as a charitable tax cut and the daycare component. You add those two up, plus what you're going to give, and the taxpayer is going to get stiffed again and again and again. It's not going to be pretty, because there is no money.

**Mr Hardeman:** That was due to your deficit, Rosie.

**Mr Marchese:** The member for Oxford reminds you political viewers of this wonderful assembly that when the NDP was in they racked up a huge deficit. That is very true. I admit that; we can't hide from it. It is equally true that that recession was a hurtful one.

I've got to tell you, Ontarians, we are in for a rough ride. You thought you were not in for a rough ride, some of you, while these people ran this wonderful economy

that worked so beautifully. They felt they never had to worry about a shortage of money. You felt everything was OK. But I know some of you felt the hurt a little bit because you said to yourselves, "My goodness, doesn't it feel awfully bad that somehow our health care system is in shambles and we're not getting the kind of health benefits that we should be when the economy is so good?" Many of you probably have said, "My goodness, these Tories think we have such a great economy, yet the educational system is in shambles. Why is it so? If the economy is so good, why are we feeling so bad? Why are our wages so low, and why is minimum wage at \$6.85 an hour? Why are rents skyrocketing?" Rents, in Toronto and every other major city in this province, are skyrocketing. In this wonderful, healthy economy of ours, there are more homeless than you can count these days. In this great economy of ours, there are homeless people, more now than we had when the NDP was in control of that economy, which was in a recession.

**Mr Wettlaufer:** You didn't know how to count then, and you don't know how to count now.

**Mr Marchese:** Wettlaufer, my buddy from Kitchener Centre, says we didn't know how to run the economy then and we don't know how to run it now. They lead you to believe that they know how to run the economy. So I say to you, Ontarians, as you watch us, if you feel that Mr Wettlaufer from Kitchener Centre knows how to run the economy, then why does it feel so bad that the educational system is in shambles?

1720

**Mr Wettlaufer:** It's not.

**Mr Marchese:** Oh, it's not. I will get to that.

The health care system is crumbling. Our schools are certainly crumbling. They are certainly closing, if they're not crumbling. I will get to that in a moment.

Our environment is in shambles, of course. We had Walkerton. Nobody died when the NDP was in power. But Walkerton proved that, under this government, people actually die drinking the water.

**Mr Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot):** Are they doing anything right?

**Mr Marchese:** I don't know. I'm asking Ontarians. In this great economy of ours, Mr Wettlaufer from London Centre is saying that they know how to manage the economy. I say to you: more homeless. Thousands and thousands of people are paying rents they cannot afford any more. No housing construction, even though these people said, "Elect us, because we know how to build and the private sector will build ad infinitum." Mr Leach, mon ami M. Leach, said, "When we're in power and we get rid of rent control, we're going to build social housing that is affordable to Ontarians." Do you remember that? M. Leach left, God bless his soul.

We have everything in shambles. We have fewer policemen and policewomen in the streets today than we did in 1994. In a recession we had more policemen and policewomen. You tell me, M. Wettlaufer from London Centre, how it is that you manage this great economy of ours. Billions of bucks in your pocket, and there is no

money to be seen. People are saying, “Where is the money?”

I know: the tax cuts. That’s where it is. We, lucky recipients of the tax cuts, have very little to show for the money that they’re giving back, because of all the things that I described to you—

**Mr Wettlaufer:** It’s Kitchener Centre.

**Mr Marchese:** I did say Kitchener Centre—I said, if you feel this is a great economy and you’re getting some tax money back and you feel good—no doubt about it—because, all you working Ontarians, boy, do you feel great getting a couple of hundred bucks back. I know the banker feels a lot better to get \$120,000 back, but the rest of you feel even better or just as good, because you’re getting a couple of dollars back. Yet natural resources is in disarray, thousands of people laid off; Ministry of Labour, thousands of people laid off from that ministry. The Walkerton experience. Nobody died when the NDP was in power, and we had a recession.

What are you people doing with all this money? Where is it going? The people feel so bad. Then, lo and behold, the Management Board Chair said, “We’re going to have to cut \$5 billion.” Where is it going to come from except from education? While the Student Protection Act sounds good—and it is—by and large, there are so many other problems in the system that we need to take care of. The Student Protection Act is a good bill.

**Mr McMeekin:** You’ve got 54 minutes; you’ll get to it.

**Mr Marchese:** I’ll touch on it right now. Don’t despair. The Student Protection Act obviously redefines or defines sexual abuse. It creates a comprehensive definition of sexual abuse that includes not only physical sexual abuse but also sexual harassment. It’s a good thing.

The majority of people involved in the educational system support this. Every stakeholder that connects to the public educational system supports this, by and large: trustees’ associations, principals’ associations. They had some reservations in some areas because they feel the same protections that are applied to teachers should apply to principals. In the event that there is some problem of sexual abuse by a principal, they feel they should have the same rights. But by and large, all of the players support this definition of sexual abuse; support this bill, the Student Protection Act; support the removal of teachers when there has obviously been an act of abuse against young people that most of us find abhorrent, reprehensible, inexcusable, ugly, hurtful. We, as legislators, have to make sure that we listen to the people who put forth these recommendations that Judge Robins—and I’ll get to that in a short second—helped to create for this government.

It imposes a duty upon school boards to remove a teacher from the classroom who’s been charged with or convicted of a sexual offence involving minors. It’s a good thing; no disagreement. 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, and the duty to remove remains while a charge is in place—stuff, of course, how can you disagree with?

Reporting requirements: all employees or certified teachers working with students 18 years of age or younger would be required to report sexual abuse. That includes public schools, tutoring companies and other organizations. It also says it includes independent schools, and I will get to that in a moment.

This is the background connected to this particular issue. We feel good in supporting that. Judge Robins made many of the recommendations that this government has instituted on the basis of his review of events leading to the 1996 conviction of a Sault Ste Marie teacher for sexually assaulting 13 students over a 21-year period. You will recall that the member for Sault Ste Marie, Tony Martin, urged this government to call an inquiry in 1996. The government, after not listening for a long, long while, did agree to commission Justice Robins to study the case in 1999, three years later; better than nothing. It was good that after years of work by the member for Sault Ste Marie, Tony Martin, and Bud Wildman, the former member, the government finally commissioned Judge Robins to do that study. As a result of that, we have these measures before us in this bill.

What we New Democrats have opposed, in speaking to this bill earlier—not earlier today but in previous weeks, when this bill was before us—we said that once this government has made the unsavoury decision of funding private schools, they too would be made accountable, as is any other system that is in this province—the public and Catholic boards. The Catholic board and the public system are subject to this law, and even the teachers on the Toronto board and other places who do not have a teaching certificate but are given leave to teach by the minister are subject to this law. So we argued, if everyone in the public system who teaches is subject to this law, why would private schools not be subject to the same rules? Why would you protect some teachers in the private schools by not subjecting them to this law? It makes no sense.

It has never been answered by this government, by the minister. No one in committee, where we dealt with this issue, spoke to this issue. No one has been able to make us feel that when a teacher potentially, in a public system, could escape and go to a private system, because in that system they may not be protected by this law—because those who do not have a certificate are not subject to the law. There are 732 private schools in this province. There are thousands of teachers who are not qualified, meaning they do not have a teaching certificate. Those people are not covered by this law.

We’ve appealed to this government, saying, “You have had so much time to deal with these bills. Why would you not introduce a measure, as you talk about this bill, that would subject those teachers in the private system who do not have a certificate to this law?” Why wouldn’t you do that? We don’t get it. We don’t understand it.

1730

None of the members present here speak to this issue. None of the members who were on that committee where we dealt with this matter have spoken to this issue. The minister runs away from talking about this issue because clearly she's sensitive to it. Recall that it wasn't she who introduced public funding for private schools. It was M. Flaherty who ran the education system by remote control and poor M<sup>me</sup> Ecker was subjected to that remote control and couldn't say anything. All she could do was defend the policy of M. Flaherty, the finance minister, because publicly you can't been seen to be disagreeing with a minister. It would be almost unparliamentary to do that. It would be unwise to do that because it would show divisions within the ranks. To be fair, all governments are subject to that problem, whether they're New Democratic or Liberal or Conservative. But this was a low blow. To have put in motion by a Minister of Finance a policy that so clearly is connected to the Minister of Finance without consulting that member is wrong. That's why Flaherty, the Minister of Finance, is a bit in trouble, because Mr Ernie Eves, who is coming back, has made the suggestion that if private schools are to get public dollars, they should be subject to the same rules.

I don't support public dollars for private schools, be they religious or non-denominational. I do not support them, never did and never will, because I believe that the majority of people are served by our public system in a very healthy way. M. Eves has come back and said that if he becomes the leader, private schools will be subject to the same curriculum as the rest. It's a problem. Teacher testing, of course, student testing, of course: subject to the same law. Why? Because they're getting taxpayers' money: remember, \$3,500 per student plus what comes from the federal and provincial governments by way of contributions that you make, charitable contributions that are tax-deductible, and daycare components that are deductible as well.

Ernie is a smart guy, he's a lawyer, not that all lawyers are smart, but he's fairly smart; he was here for 20 years. He's saying that something is wrong with the idea of giving taxpayers' dollars and not subjecting them to the same rules. I think he's a smart guy. I think he's able to put one and the other in the same kind of boat and say, "There's a link here." Ernie understands that.

Ernie is going to give Flaherty, the Minister of Finance, a hard time ideologically, at least on this issue. I'm not quite sure about other issues, but on this issue there's going to be a little ideological rift. It will cause some discomfort, which I relish. The discomfort, political viewers of this channel, should be of interest to you as well. I know that most of you who consider yourselves taxpayers are a bit uncomfortable about giving away your money to private schools. I know that you are. While you're not sending your e-mails and/or your messages by the thousands, we understand each other. We don't even need to communicate with each other, because I know what you're feeling, and what you're feeling is this: "My money is precious to me. I earn it because I work hard,

and to give my money away"—member for Oxford—"to wealthy individuals who choose to send them to private schools is a matter of choice for them, not my business. Don't take my money, that I worked hard to get, and give it away to people who've decided, on the basis of class and religion, to isolate themselves from the rest of us. Don't give my money, that I sweat for day in and day out"—

**Mr Dunlop:** You've never sweat a bit here.

**Mr Marchese:** I'm speaking for the taxpayer, because I know most of you don't think you work hard in this place. I know that.

Speaking for the taxpayers, who work very hard—because the finance minister constantly reminds us about how hard you work, taxpayers. He tells us all the time, "You work hard for your money. It's yours." That's why he's so happy to give it back to you.

Then I ask you, if he's so happy to give it back to you, why is he with the other hand taking it away by funding private schools? I know that instinctively, viscerally you say, "Marchese is right." It's wrong, and those of you who are Tories are going to have an opportunity to speak to it because there's a leadership debate going on. You can support Ernie Eves, or Flaherty, or Clement, or M<sup>me</sup> Witmer, or Stockwell on the basis of these mild ideological differences which for some of you is going to make a difference. For me it makes no difference whatsoever because, you see, they're all the same. They are all the same. Ernie is still going to send your money to the taxpayers, but he's going to make them more accountable. Ha. I hope you feel better. Ernie is not saying he's going to take the money back; Ernie is just saying to you, to make you feel good, "We're going to make the private school system a little more accountable, just like the public system."

But you're still stuck. They have stiffed you, because it's going to cost you big-time. It's going to cost you anywhere from \$500 million to \$700 million. So what's the difference between Ernie Eves and Flaherty? Not much. You're still going to have to pay. Your hard-earned money is going to be taken out of your pocket, ripped out of your pocket, to give away to those who decide that the public system is not good enough, that they don't want their children in our public system because they're just so different from the rest of us, because their wealth could be tainted by all those oh-so-poor people in the public system. They wouldn't want their upper-middle-class children to mingle with those poor kids, wherever those poor kids come from. They wouldn't want that. They have chosen to send their kids to a private school so that they wouldn't have to share the multicultural nature of this country, so that they wouldn't have to share the mix that our society brings—the mix of poverty and the mix of middle-class parents who are not so poor, working-class parents who are not so poor but work hard. This is the mix that we get in our system. It's a beautiful thing. That's what is so beautiful about our public system. The private system doesn't give you that economic mix or multicultural mix. Those private

schools set their own rules to do what they want. Of course, if you've got millions, you say, "I want to set the rules myself."

If I had millions and I was a Tory, I would say, "I want to set the rules for me because I've got the money. I want to choose a separate system for my kid because I've got the money, because I can." These Tories have decided, taxpayer, to take your money and give it away to people who don't need your money.

People in the private system are not subject to this law. These fine Tories, some of whom are friends of mine from time to time, shake their heads in disagreement. They don't share my views. I understand that. I understand that they don't share my views. That's why I share them with you. I share them with you because, I've got to tell you, you are from time to time my only friends. We don't have too many friends in this place. You are our only friends, and that's why we talk to you directly.

1740

*Interjection.*

**Mr Marchese:** Ontarians, those of you who are watching this political forum, you know what happens when we go to committees? In committee, in case you don't know, the Tories have the majority and the rest of us are in a minority position.

**Mr Dunlop:** Is that a new way of doing it? Haven't we always done it that way?

**Mr Marchese:** You're quite right. No, it's just that—

**Mr Gerretsen:** It's always been that way.

**Mr Marchese:** It has always been thus. You're quite right. But you people were going to be different. You guys were going to be different, eh, Norm? Weren't you? Norm Sterling from Lanark-Carleton has been here for a while and he was one of the members who was here at the time who said, "When we get elected, we'll appoint members on merit. We won't appoint them on party affiliation." Do you remember that?

Remember when you were on this side, Norm? You used to decry the fact that from time to time New Democrats would appoint someone who was a New Democrat to some committee or other and you guys said, I know, "We're not going to do that. We're going to appoint our members on the basis of merit." It just turned out that the majority of people, 99.999%, are Tories. Is it possible that all these Tories are appointed on the basis of merit? Is it possible? I say to you they're Tories and that's why you can't trust anything these people tell you. They'll tell you one thing and it's another.

In committee—and you're right, Mr Dunlop, member from Simcoe North. We were just in committee together and we had a good time. I don't want to abuse our friendship. In committee, what's troublesome to me—and I've got to tell you, I used to experience this when we were in government as well. I want to share that with you, member from Simcoe North, because we've got to change somehow. Right? We've got to change it a little bit.

I used to be in committee and I, from time to time, would say to our—"used to" because we were in

government, but no longer. When the Tories would introduce some friendly amendment or something like that, I would go to staff and say, "What's wrong with that?" Staff wouldn't say. They would just say we were opposed to it and so they expected our members to oppose it. So I said, "I'm going to support that amendment," and they would all scramble like mad thinking, "My God, he's going to freelance." They don't like it. Liberals did the same. New Democrats did the same. I'm hoping that from time to time we could change that. How frustrating it is—

*Interjection.*

**Mr Marchese:** I know you changed it. I know, but how frustrating it is when you're in committee all the time. You make suggestions, you make amendments and they're never accepted. It's so pitiful. It's so tiring. It's exhausting. So I moved a motion, for example; I moved an amendment here. It was introduced by the Children's Aid Society of Algoma and they argue this way: "In many instances children's aid societies are involved in the investigation of reports of sexual molestation or sexual exploitation of children, years before criminal charges are laid. Unfortunately, there are no provisions in the Education Act or the Child and Family Services Act which allow children's aid societies to report their findings to school boards...."

"Since these investigations are jointly conducted with CASSs—the children's aid societies—"and the role of the CASSs is both enforcement and prevention, being informed of CASSs' findings would help to resolve this problem. Inclusion of confirmed reports of child abuse by CASSs in section 170(1) of the Education Act would significantly increase the educational system's ability to prevent or end child abuse. This section should also include protection for CASSs when making these reports."

She goes on to add something else which is not as critical. But I thought it was a reasonable point. We made an amendment immediately there on the spot and we were saying, "I move that the bill be amended by adding the following section:

"0.1.3 The Education Act be amended by adding the following section:

"Reports by CAS

"57.1.1(1) A children's aid society shall report findings respecting abuse of a pupil by an employee of a board to the board.

"Same

"(2) Boards shall be duly diligent in monitoring and investigating reports received under subsection (1)."

I thought it was reasonable. I didn't introduce it for ideological purposes; I introduced it because we had two children's aid individuals who came before us and said, "We have experience in this field. We want to make this bill stronger and more effective." So I introduced that amendment on the basis that it would make the bill a little better, that it would give greater protection to students, to young people, men and women who potentially could be abused by individuals. We said the children's aid society has experience. Yes, they do

investigations long before they're found out in the school board, and they could and should be able to report their findings to the ministry, to boards of education, and they can't. So I introduced that motion. Of course it was very soundly and effectively defeated. It's tiring, because every now and then it would be so good for the members of this government to throw a little bone to the opposition, make them feel good, make them feel that from time to time whatever it is that they contribute has some value, that perhaps it might be a useful intervention, an intervention that may add something to the bill of a nature that you could agree with. But because we're so ideological in this place, we can't break down those barriers, ever. It happens over and over again and it exhausts me as an opposition member. It should even exhaust the government members to have to defeat over and over again any amendment proposed, by and large, by the opposition. It would be tiring. I was tired when I was there for a couple of years, seeing—

**Mr Dunlop:** On Friday we agreed to every amendment.

**Mr Marchese:** On Friday we went to Sioux Lookout. We had Liberal representation; we had Howard Hampton, our leader, from Rainy River; and three Conservative members. We worked together. While it is true that in this committee things are rather unconventional in the way we do things, it was because of the way we were able to do things that we got somewhere. I saw Raminde, from Bramalea-Gore-Malton-Springdale. He was good. He was so concerned about one individual or two who were in disagreement with the majority and he went and worked the floor beautifully. I really respected that; I did. He wanted to make sure that person was included in the compromise that we were attempting to come to in Sioux Lookout as we were trying to create a new hospital that removes the old hospital, governed by the federal government, a provincial hospital that's crumbling, and they wanted to bring the two together. There was discussion and disagreement about how all of these things happen. Some members worried about the fact that one of these hospitals may not be built on Canadian lands. It has nothing to do with the bill. The point is that Raminde Gill, from Bramalea-Gore-Malton-Springdale, was working the crowd in order to make certain that people who were in disagreement felt that somehow they were being heard. It's beautiful. We don't get that every day.

1750

But it wasn't just him. The other members were very supportive. Mr Dunlop and Mr Barrett were very supportive, and the Liberal members. We all worked together and we created no barriers. It was free-flowing. We permitted people to come to the table, back and forth, over and over, until we felt that, by and large, compromise was reached, the people were heard and as a community they would be happier at the end of the day because they felt the Chair and the members listened to them and strived hard to fix what they were all trying to fix.

In this committee, and every committee I've been a part of for the last many years under the rule of these despots here, we never—

**Hon Norman W. Sterling (Minister of Consumer and Business Services):** What?

**Mr Marchese:** Was I a bit harsh?

Not once do you get this government saying, "We're listening. Oh, there's disagreement on the other side. Perhaps they might have something intelligent to say. Oh, there's an amendment in front of us. Perhaps we may want to consider the amendment because, as we did in Sioux Lookout, we realized there were differences."

**Hon Brad Clark (Minister of Transportation):** I did that with Brian's Law, Bill 68.

**Mr Marchese:** You people do that with nothing. That's the problem. You do that with nothing.

*Interjection.*

**Mr Marchese:** Hold on, now. Don't be so harsh, member from Kitchener Centre; don't be so hard on me. I'm trying to be fair. I was fair just a couple of minutes ago. We've got to start working together a little more to make sure that we get better bills in front of us. This ideology has got to wear a little bit. You've got to chip away at it a little bit.

That's why it's so good to have Ernie Eves come into this debate, because he's a man with a big heart. I'm looking forward to that big heart. I want to see how big it is. I hope he just lays his chest open so that I can see how big it is. I've got to tell you, Ernie said he's neither left nor right, he's a man with a big heart—fiscally conservative, of course, but he's got something here.

*Interjection.*

**Mr Marchese:** I didn't see it before, it is true. He was here before and I didn't see it.

**Mr McMeekin:** You didn't look hard enough.

**Mr Marchese:** Perhaps I wasn't as sharp as I should have been. I know that when he comes in this place, his heart is just going to gush right out and help all those homeless people. He's going to make the educational system oh, so much better. He's going to work with the teachers, unlike Flaherty. You know that Flaherty is dogmatic and ideological. You know that. Oh, but not Ernie. Ernie's got a big heart. I can't wait for him to come back. It is true I didn't see that heart before, but I know if he were here he would accept the amendments we made to the Student Protection Act. He would, because his heart is big.

We have so many problems on our hands. We have too many problems on our hands. We have so many educational issues to deal with. This is but one.

We were talking about swimming pools today. Do you think Minister Ecker listened to us when we raised the issue of swimming pools? No.

**Hon Mr Clark:** Did you fund them?

**Mr Marchese:** Ah, Minister, let me get to that. Minister Hodgson said, did we fund swimming pools? We didn't.

**Interjection:** That was Brad Clark, not Hodgson.

**Mr Marchese:** I beg your pardon, my friend. I beg your pardon.

We didn't fund swimming pools either, but all of you probably don't know—because the majority of you here today, all few of you, are not from Toronto, so you wouldn't know—that in the city of Toronto, the Toronto board of education funded swimming pools. Why? Because they had access to the property tax base. The minister said, "That's why we took that power away from you, because we didn't want you to do bad things in the system. We didn't want you to spend money where it wasn't necessary." So we're saying, hold on a moment. Swimming pools were, I think, important in Toronto. I know that in Durham you don't have any swimming pools, but in Toronto kiddies swim, men and women swim, old people swim, for a variety of different reasons. In Toronto we swim.

*Interjection.*

**Mr Marchese:** I know that in Durham you don't, but please, Minister, when you come to your position as minister and you take the power away from the Toronto board of education to be able to fund those pools, once you centralize funding, they don't have any money any more, they can't fund those pools. The minister says that's not true.

*Interjection.*

**Mr Marchese:** Yes, you did and you can fund them, you're just not wise in spending your money.

*Interjection.*

**Mr Marchese:** Hold on a moment. You don't give money for pools, so how can the Toronto board have money for pools if there is no money for pools? But the minister is not to be dissuaded from it. She says, "No, you just didn't spend your money right." Minister, nowhere in that budget line of yours does it say, "Here's some money for pools," because we took the power away from the board of education to be able to raise its money to continue paying for them. There's no line. So I say to the minister, I just hope that Ernie Eves, when he comes with his big heart, is going to say what Flaherty is not saying, "You're going to get money, Toronto, for those pools because we think they're important."

**Mr Michael Gravelle (Thunder Bay-Superior North):** On a point of order, Mr Speaker: I don't think we have a quorum.

**The Deputy Speaker:** Would the clerk please check for a quorum.

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

*The Deputy Speaker ordered the bells rung.*

**Clerk Assistant:** A quorum is now present, Speaker.

**The Deputy Speaker:** The member for Trinity-Spadina may continue.

**Mr Marchese:** I hope I didn't hurt—

**Mr Wettlaufer:** On a point of order, Mr Speaker: I'm just wondering if it's a point of order to mention that there were only two Liberals in the House—

**The Deputy Speaker:** Take your seat. The member for Trinity-Spadina may continue.

**Mr Marchese:** The member for Kitchener Centre ought to remember that the obligation is on the government to keep members here for a quorum.

So, with respect to those pools, they're on their own. Poor Mayor Mel. Mayor Mel said the other day that the Toronto board hasn't done enough to convince the government, to get more money, and I thought to myself, what should the Toronto board do that they haven't done? I'm sure they've prayed, and they're still praying. I'm sure they came begging, and they're still begging. They've fought and screamed against this government, pleaded in every which way. What more can they do?

Mel, help us. The board has been on its knees for years going to this government and saying, "Help us." Mel, they need you. Wherever you are, they need you. They need your help because you know you don't have the money to keep those pools open. You know that. If you take that burden on, you're stuck. Why? Because you're going to have to jack up the property taxes and you know your folks are not going to be happy about doing that. Mel, they need you. The income tax base is a better place to get money than the property tax base. Please, the Toronto board has done what it can, what it could, but it's simply not enough. They haven't been able to persuade this government. But Ernie Eves is coming.

*Interjection.*

**Mr Marchese:** Yes, the big heart. He's going to come back to this place and show us how big his heart is, and then the pools will be funded and young and old, men and women, will be able to swim in those pools in Toronto.

Speaker, is my time running out? We'll come back to it tomorrow.

**The Deputy Speaker:** The member's time has run out, only for this afternoon, though. You may continue when this bill is next called. It now being 6 of the clock, this House will stand adjourned until 6:45 this evening.

*The House adjourned at 1800.*

*Evening meeting reported in volume B.*



**LEGISLATIVE ASSEMBLY OF ONTARIO**  
**ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO**

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Clerk / Greffier: Claude L. DesRosiers

Clerk Assistant / Greffière adjointe: Deborah Deller

Clerks at the Table / Greffiers parlementaires: Todd Decker, Lisa Freedman

Sergeant-at-Arms / Sergent d'armes: Dennis Clark

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Barrie-Simcoe-Bradford	Tascona, Joseph N. (PC)	Hamilton Mountain	Bountrogianni, Marie (L)
Beaches-East York	Prue, Michael (ND)	Hamilton West / -Ouest	Christopherson, David (ND)
Bramalea-Gore-Malton- Springdale	Gill, Raminder (PC)	Hastings-Frontenac- Lennox and Addington	Dombrowsky, Leona (L)
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Bruce-Grey-Owen Sound	Murdoch, Bill (PC)	Kitchener Centre / -Centre	Wettlaufer, Wayne (PC)
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Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
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Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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Galt, Steve Gilchrist, John Hastings,  
John R. O'Toole, Jerry J. Ouellette, Ernie Parsons  
Clerk / Greffière: Tonia Grannum

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