



Legislative Assembly
of Ontario

First Session, 40th Parliament

Assemblée législative
de l'Ontario

Première session, 40^e législature

Official Report of Debates (Hansard)

Tuesday 29 May 2012

Journal des débats (Hansard)

Mardi 29 mai 2012

**Standing Committee on
Social Policy**

Accepting Schools Act, 2012

Anti-Bullying Act, 2012

**Comité permanent de
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Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
SOCIAL POLICY**

**COMITÉ PERMANENT DE
LA POLITIQUE SOCIALE**

Tuesday 29 May 2012

Mardi 29 mai 2012

The committee met at 1601 in committee room 1.

ACCEPTING SCHOOLS ACT, 2012

LOI DE 2012 POUR
DES ÉCOLES TOLÉRANTES

ANTI-BULLYING ACT, 2012

LOI DE 2012 SUR LA LUTTE
CONTRE L'INTIMIDATION

Consideration of the following bills:

Bill 13, An Act to amend the Education Act with respect to bullying and other matters / Projet de loi 13, Loi modifiant la Loi sur l'éducation en ce qui a trait à l'intimidation et à d'autres questions.

Bill 14, An Act to designate Bullying Awareness and Prevention Week in Schools and to provide for bullying prevention curricula, policies and administrative accountability in schools / Projet de loi 14, Loi désignant la Semaine de la sensibilisation à l'intimidation et de la prévention dans les écoles et prévoyant des programmes-cadres, des politiques et une responsabilité administrative à l'égard de la prévention de l'intimidation dans les écoles.

The Chair (Mr. Ernie Hardeman): Good afternoon. I thank the members of the committee for being here. This afternoon, we're going to resume the clause-by-clause consideration of Bill 13.

For everybody to know where we're going to start from, it will be resolution number 14 in section 3. We concluded 13 yesterday afternoon, and so today will be 14. Number 14 is a government motion, so we'll turn it over to the government to present the motion.

Ms. Tracy MacCharles: Thank you, Chair. I move that subsections 169.1(2.1) and (2.2) of the Education Act, as set out in subsection 3(2) of the bill, be amended by,

(a) adding "and staff, and parents and guardians of its pupils" in subsection (2.1) after "pupils";

(b) striking out "from pupils" in subsection (2.2); and

(c) striking out "pupil" at the end of subsection (2.2) and substituting "person".

The Chair (Mr. Ernie Hardeman): You've heard the motion. Discussion?

Any questions or comments on the amendment? Seeing none, I'll put the question. All those in favour of the amendment? Opposed? The motion's carried.

That concludes all the amendments in section 3.

Shall section 3, as amended, carry? Discussion?

Interjections: Carried.

The Chair (Mr. Ernie Hardeman): Carried, even ahead of the discussion.

Section 3, carried.

Section 3.1: There were two amendments to it, but there are no amendments left to be discussed in it.

Shall section 3.1, as amended, carry? Carried.

Section 3.2 has no amendments. The only amendment that was in it was withdrawn.

Shall section 3.2 carry?

Interjections: Carried.

The Chair (Mr. Ernie Hardeman): Take your "carried" back. It was a totally new section and it didn't get in at all, so it will not exist in the bill.

Mr. Bob Delaney: Un-carried.

The Chair (Mr. Ernie Hardeman): Un-carried.

Section 4: There are three amendments in section 4. The first one is number 18, and the NDP.

Ms. Cheri DiNovo: I move that paragraph 2 of section 300.0.1 of the Education Act, as set out in section 4 of the bill, be amended by adding "transphobia or biphobia" at the end.

The Chair (Mr. Ernie Hardeman): You've heard the motion. Discussion? No discussion?

All those in favour of the motion?

Mr. Bob Delaney: Can we have a recorded vote, please?

The Chair (Mr. Ernie Hardeman): A recorded vote has been requested.

Ayes

Damerla, Delaney, DiNovo, MacCharles, Tabuns, Wong.

The Chair (Mr. Ernie Hardeman): The motion's carried.

The second one is government motion number 19. Ms. MacCharles? No? Mr. Delaney? Ms. MacCharles? Mr. Delaney?

Mr. Bob Delaney: Hold on.

The Chair (Mr. Ernie Hardeman): Well, the light keeps changing.

Mr. Bob Delaney: Yes. I believe, Chair, that this one is withdrawn.

Mr. Peter Tabuns: Redundant.

Mr. Bob Delaney: Yes.

The Chair (Mr. Ernie Hardeman): Okay, 18 and 19 are the same. So I guess the government is then out of order.

The next one is the New Democrats at number 20.

Mr. Peter Tabuns: Withdrawn, Mr. Chair.

The Chair (Mr. Ernie Hardeman): Withdrawn. That's all the amendments in section 4.

Shall section 4, as amended, carry? The motion is carried.

Section 5 has no amendments in it. Any discussion on section 5? If not, shall section 5 carry? Section 5, carried.

Section 6, motion 21, a New Democratic motion on section 6.

Mr. Peter Tabuns: It's now redundant because of a previously passed motion and is withdrawn.

The Chair (Mr. Ernie Hardeman): Okay, so 21 is out. The other two amendments were carried.

Shall section 6, as amended, carry?

Ms. Lisa MacLeod: Chair?

The Chair (Mr. Ernie Hardeman): Yes?

Ms. Lisa MacLeod: We have a motion for 6.3. Number 27.

The Chair (Mr. Ernie Hardeman): That's a different section.

Ms. Lisa MacLeod: Okay.

Ms. Dipika Damerla: What number?

The Chair (Mr. Ernie Hardeman): This is section 6. The next one is section 6.1.

Interjection.

The Chair (Mr. Ernie Hardeman): Section 6.1 is numbers 24 and 25 motions. One was carried and the other is withdrawn. They were both passed yesterday but the section is not complete yet, so the question we're putting now is, shall section 6.1, as amended, carry? The motion is carried.

Section 6.2 has been withdrawn.

We're now at 6.3, PC motion 27.

Ms. Lisa MacLeod: I move that the bill be amended by adding the following section:

"6.3. The act is amended by adding the following section:

"Teacher supervision or monitoring to prevent bullying

"300.7. A principal may assign a teacher to supervise or monitor any pupil of the school for the purpose of preventing bullying."

The rationale, Chair, is quite clear. We heard from the principals' council that they need the authority to assign teachers to supervise or to monitor students in school during recess or at lunch in order to prevent incidences of bullying and to keep students safe.

Presently, teachers' collective bargaining agreements restrict a principal's ability to assign teachers to super-

viser or monitor students. Since 2003, the amount of time teachers are required to supervise students has been dramatically reduced. This specific amendment, as I said, was requested by principals.

Chair, I know they mentioned it here, but we also heard from a number of parent delegations that were equally as concerned that the supervision time had gone down and that there needed to be a lot more flexibility on the part of the principal to make those assignments.

In addition, Chair, it has been well known that my caucus has supported increased reporting, tracking and investigation of incidences of bullying. All of our amendments yesterday, with the exception of cyberbullying, were voted down, and we believe that this bill is now watered down. The government could redeem itself today if they were to support this motion on 6.3 on teacher supervision or monitoring to prevent bullying. We think that that is a key way to combat bullying in Ontario schools and to keep kids safe, so that there is always an adult either in the hallway or on the playground. I can't reiterate enough how important that was to many of the anti-bullying coalitions when they appeared before committee.

1610

The Chair (Mr. Ernie Hardeman): Thank you very much. Any further discussion? Mr. Delaney.

Mr. Bob Delaney: Again, I understand the point that Ms. MacLeod is trying to make. It's actually the wording here that leaves us with a major problem: "to supervise or monitor any pupil of the school for the purpose of preventing bullying." It's very broad and is very open to interpretation. Almost inevitably, such a clause would be applied differently across boards and schools and almost certainly different from day to day and student to student.

As written, the motion appears to require teachers, or allow the principal to require teachers, to undertake surveillance of students—again, I'm not sure; it may or may not be the intent—but to do things that are not within their job description. I'm a little worried about, from the vantage point of the student—you know, does the student then have to be worried about a teacher who may or may not be assigned to supervise or monitor that pupil or another pupil? It's the broadness that suggests to me that while I understand what the member is trying to do, it just seems to be unworkable in practice. As such, I'm afraid I can't support it.

The Chair (Mr. Ernie Hardeman): Further—yes, Ms. MacLeod.

Ms. Lisa MacLeod: I'd just like to—further debate. I'd like to add that what we have heard consistently from anti-bullying advocates and parents is that they want more accountability. They don't feel, for example, that that is presently being done in our education system. They're also very concerned that without more supervision and monitoring in our schools, this problem will continue to worsen. So the government has an opportunity, I believe, to take a firm stand to protect all students and ensure that there is appropriate supervision, based on the guidance and advice of the principal in the

school, to ensure that our students are safe and, more than anything, to prevent instances of bullying.

This comes up all the time, that a key component of protecting students and keeping them safe is to ensure that there is adult supervision. It's quite a deterrent. It also ensures that if there is an incident, the appropriate response is done; and when we talk about, and which is absent from the government bill, the need for restorative justice or other programs, that those are in place and they're followed through immediately so that we're able to ensure that those students get the response that they need and their parents are notified. This is a key component of that transparency and accountability piece of Bill 14, and which we heard at committee is one of the recommendations.

You know, I have a real problem with the amount of presenters who have appeared before committee having their voices effectively ignored. This was a key issue for a lot of people, ensuring that an adult person in the school community would be available, preventing any further instances of this.

Anyway, I put that out there. I'll be seeking a recorded vote on this, and I'm hopeful that my colleagues will endorse this.

The Chair (Mr. Ernie Hardeman): Further discussion? A recorded vote has been requested.

Ayes

MacLeod, McKenna.

Nays

Damerla, Delaney, DiNovo, MacCharles, Tabuns, Wong.

The Chair (Mr. Ernie Hardeman): The motion is lost.

Shall section—oh, we don't need to vote on the section; there is no section left with that amendment not there.

Ms. Lisa MacLeod: Darn. Let's have a vote anyway.

Mr. Bob Delaney: That's a non-vote.

Ms. Lisa MacLeod: Chair, I do notice that we're close on the clock for the vote.

The Chair (Mr. Ernie Hardeman): How close are we?

Interjections.

Ms. Lisa MacLeod: I don't think we can. I have a lot to say on this one.

The Chair (Mr. Ernie Hardeman): Well, we've got a little more time. We can do one more.

Ms. Lisa MacLeod: Okay. Subsection 7(2), Chair.

The Chair (Mr. Ernie Hardeman): Section 7. The first motion is a PC motion.

Ms. Lisa MacLeod: I move that subsection 7(2) of the bill be amended by adding the following subsection to section 301 of the Education Act:

“Same

“(3.2) A board shall not include in an agreement described in subsection (3.1) any requirement that would adversely affect any right or privilege guaranteed by section 2 or 15 of the Canadian Charter of Rights and Freedoms.”

The purpose of this motion is to reaffirm the right and freedom of Canadians to gather for religious purposes and not to be discriminated against for doing so. This motion is being brought forward to address the concern of religious groups that appeared before committee that believe Bill 13 would prevent them from using or renting school space at night or on weekends. We're bringing this amendment forward because this is of considerable concern to many of the faith-based communities. Particularly, I have a high-growth community, Chair, as you well know, that has a very large agricultural community but also a very high-growth area, one of the fastest-growing communities in all of Ontario. As a result, it has brought in a great deal of people practising various faiths and they are not able to get their mosque or their synagogue or their church built, either due to lack of funds at the time or simply because they are new and they're scouting for land.

In any event, I've been in these large suburban rural ridings. You're often invited to community events, and from time to time I visit these folks, whether it's their 10th anniversary or a notable member of the community has been invited to speak and you go, and it occurs to me, having had some discussions from these folks who have contacted us, that they're nervous that the Saturday hall rental or the Sunday hall rental that they have done consistently for many years now is in jeopardy as a result of Bill 13.

It's a concern that I have too, because we do have, of course, the Charter of Rights and Freedoms that was brought in by Pierre Elliott Trudeau when there was the repatriation of the Canadian Constitution, and we have a number of rights laid out there that are the foundation of how this country is governed and how people in our country are protected with their own freedoms and liberties.

I would ask my colleagues to consider supporting this motion and this subsection because, quite frankly, the Canadian Charter of Rights and Freedoms is that foundational document for all Ontarians and all Canadians, and I would find it very difficult to accept if this committee were to, yet again, vote against rights prescribed in the Charter of Rights and Freedoms. Of course, yesterday one of the PC motions that was put forward to uphold the Charter of Rights and Freedoms was struck down or blocked by the Liberals, and it's very clear to us that this is important to a number of people in our communities, faith-based or otherwise. I think it would send a very strong signal if my colleagues were to support this motion.

The Chair (Mr. Ernie Hardeman): Okay. Further debate? Yes, Mr. Delaney?

Mr. Bob Delaney: Thank you, Chair. The thing about the proposal here is that the provincial code of conduct already sets out standards of behaviour for all members

of the school community, and in fact, the code helps to ensure that all members of the school community are treated with the respect and the dignity proposed by this amendment, that everyone's ideas and opinions are respected, and that all members of the community follow all applicable laws. I don't wish to pronounce editorial judgement on it, but that ground proposed by the amendment seems already to have been covered. I would just like to conclude by saying that by specifying only sections 2 and 15 of the charter, the motion would promote religious freedoms and freedoms of expression of thought or belief over other rights in the charter, which is not its intention, but it is its effect. We do know that the Ontario Human Rights Commission points out that there is no hierarchy of rights and in fact that no right is absolute. So as it's, first of all, covered in the provincial code of conduct and, secondly, doesn't appear to be workable in practice, the government will reluctantly say no to this one.

The Chair (Mr. Ernie Hardeman): Any further debate on this one?

Mr. Peter Tabuns: I understand the reason that the member has brought forward the amendment in the first place. We all sat through the hearings. We heard the presentations. Many people, concerned about ensuring that their place of worship would continue to be their place of worship, expressed concerns, fears.

The simple reality is that the Charter of Rights and Freedoms is in effect whether this is in the text of the law or not. I just want it to be noted on the record that we recognize that the Charter of Rights and Freedoms applies, that those engaged in worship will continue to engage in worship whether this law is passed or not. For that reason, although I understand the principle in the amendment, I see it as redundant to what has to be done today.

The Chair (Mr. Ernie Hardeman): I'm going to have to cut the debate off there. We will come back, and if there's further debate on this one, we'll have that, and if not, we'll vote on it when we return. So we stand recessed until the vote is complete.

The committee recessed from 1621 to 1634.

The Chair (Mr. Ernie Hardeman): We're back, and I think we were debating resolution number 28. Ms. McKenna?

Mrs. Jane McKenna: If all that you have in your life is your word, I feel that I have totally let so many people down who came in here to speak for these deputations. I think we had 90 in total; I think that's where we were at. I not only did not sleep last night, just because this is the first time around, but I'm still dumbfounded today, because if we can't uphold the Charter of Rights and do what the people have asked us to do, then what is the purpose of what we're doing? I'm not naive to think that—we have a process here, but what I thought we were doing here together by amending 14 and 13 has been totally different than what my expectations were, so I'd just like to say that. Thank you.

Ms. Lisa MacLeod: Just quickly, Chair, to wrap up.

The Chair (Mr. Ernie Hardeman): Further comments? Yes, Ms. MacLeod.

Ms. Lisa MacLeod: Thanks very much, Chair, and I do appreciate the comments from the other members of the committee.

I think, and to Mr. Tabuns's point that he believes this is redundant, there are other parts of this legislation that others feel may be redundant as well. However, there is a great deal of fear from those who are presently renting school auditoriums or gyms who are concerned that that won't apply to them any longer. I simply think that we should in good faith here reaffirm the right and freedom for Canadians to gather for religious purposes and so that they aren't discriminated.

This has come up so often, and I don't understand why those deputants—many of them had reasonable requests—have to be ignored. This is a base example of why there has been so much controversy and divisiveness around the bill: It appears that those church-going people or mosque-going people or synagogue-going people are not going to be able to attend their religious service. They're not all lucky like I am to be able to go to the Presbyterian church in Manotick that has been there since 1926 and to be able to participate in a service.

I can think of the south Nepean Muslim community right now, who rent public space because at this point in time they're still raising money for a mosque in Barrhaven in my community, and I think if they needed to rent space, I would want to make sure that their right to practise their religion was there. The same thing—I know that the Sequoia church and the Gathering, one in Barrhaven and one in Riverside South, depend on renting, in some cases, Catholic schools in my community so that they can continue on with their services.

I think it ought to be known that in some of our communities outside of Toronto—I think I'm probably the only person here from outside of the GTA or the Golden Horseshoe, with exception of you, Chair—

Ms. Tracy MacCharles: I'm from Durham.

Ms. Lisa MacLeod: Okay. Our schools in our communities are often community hubs, the first place people go to rent, because there aren't any other facilities. And if there seems to be—I'll say this. I think there's actually a chill as a result of this bill with those religious communities, that they feel they won't be able to access these types of public facilities if this bill passes as it is.

So we're simply, in our caucus, just asking for some acknowledgement of that concern and to reaffirm that the rights and freedoms of those folks wouldn't be adversely affected. Let's remember, these people are going to rent facilities on a Saturday or a Sunday, when typically students wouldn't be there. Many of these community organizations, these churches that I have encountered in my community, have given an awful lot back to the community as well, whether that's to a local food bank or to a children's charitable organization, and may need the facility for that purpose. I think the chill that's being cast as a result of this bill on this policy speaks to the need for us to acknowledge that there are Ontarians of many faiths

who do require us to at least protect their charter rights and freedoms. I'm simply surprised that the foundational document of the repatriated Constitution will be ignored by this committee. As a result, Chair, I'll be seeking a recorded vote on this amendment.

1640

The Chair (Mr. Ernie Hardeman): Thank you very much. Any further debate? Yes, Ms. DiNovo?

Ms. Cheri DiNovo: Yes, I just wanted to respond to some of my colleague's concerns on behalf of the New Democratic Party. I know that there was some misinformation certainly that was going around religious communities and that we heard in some of the testimony that came before us, but I just wanted to reassure those groups that, again, they are covered by the Charter of Rights and Freedoms, that this will not affect their worship. I say that as a United Church minister of many, many years, as part of the largest Protestant denomination in Canada.

So I wanted to send that reassurance out to my colleagues in the religious world as well and just say again that setting out two pieces of the charter, I think in fact—I'm not sure that this wouldn't be *ultra vires*. I don't think we can even do this, but it certainly isn't necessary in this instance. Thanks, Mr. Chair.

The Chair (Mr. Ernie Hardeman): Thank you very much. Any further discussion?

Ms. Dipika Damerla: Chair, I'd just like to be on record as saying that I definitely support the Charter of Rights and Freedoms, including the freedom of religion. So I want to assure everybody that definitely my support is there for this, but I do believe that this particular amendment is redundant because the fact is, all of our laws are covered by the Charter of Rights and Freedoms, so it's really redundant. I just want that read in.

The Chair (Mr. Ernie Hardeman): Thank you. Any further debate?

Mrs. Jane McKenna: I guess my question, listening to Ms. DiNovo, is, if they are, then what's the problem with putting it in? I'm confused with that. I know I'm new at this, but if it is there and it's—because you can't leave anything to chance. So if it is there and that's what it is, why aren't we putting it in, I guess is my question.

The Chair (Mr. Ernie Hardeman): Ms. DiNovo?

Ms. Cheri DiNovo: Well, it's redundant by definition, but also it's more than that, Mr. Chair. It highlights, as was pointed out by Mr. Delaney, two sections of the Canadian Charter of Rights and Freedoms and not the rest of it. So, in that section, it elevates two parts of the charter and not the rest of it, which I would say isn't only redundant but is probably—I think the term is "*ultra vires*." It's probably outside of our jurisdiction to do.

The Chair (Mr. Ernie Hardeman): Okay? Any further debate?

Mr. Bob Delaney: Chair, I want to thank everybody for their contributions on this one. I guess what I hope is the concluding comment: You either have a charter or you don't, and if you have a charter, it either covers everyone all the time or it doesn't, and if it does, there's no point in trying to supersede it.

The Chair (Mr. Ernie Hardeman): Any further discussion?

Ms. Lisa MacLeod: Yes, Chair, just two quick comments. The first one is, if there's concern that only sections 2 and 15 of the Charter of Rights and Freedoms are being included, then perhaps a friendly amendment is in order, if I can get the Liberal and NDP support: "A board shall not include in an agreement described in subsection (3.1) any requirement that would adversely affect any right or privilege guaranteed by any section of the Charter of Rights and Freedoms." I would be happy to amend my own amendment.

The Chair (Mr. Ernie Hardeman): An amendment to this amendment would be out of order. That would have had to have been done the last—as it was put in.

Ms. Lisa MacLeod: I see. Well, just the final point. We did have the Human Rights Commissioner of Ontario come in, who had suggested that, number one, the Human Rights Code of Ontario was the highest law of the land—she was the arbiter of the highest law of the land—that bullying qualified as harassment under the code, and that all groups are protected under the code, including many of those in the Charter of Rights and Freedoms, yet we're seeming to proceed on another matter.

I find the government's argument here is quite lacking. I think the matter that they suggest it's redundant is a cop-out. It has been suggested by many of the faith-based groups that appeared here that there is going to be a chill in renting public facilities. I'm not confident with just a wink and a nod from the Liberal government that they're going to be able to continue to rent those facilities.

For example, regardless of which religion it is, the fact is they're actually a group that wants to rent a community space, which is a school, which provides revenue to the board. At a time of financial austerity, you'd think we'd be trying to make ways in order to maintain that revenue stream, not to exclude it. What simply concerns my colleagues and I is denying, or the possibility of denying, one group that has previously enjoyed our Charter of Rights and Freedoms from continuing to enjoy those charter rights and freedoms.

We already have one minister of the crown suggesting that this legislation could go to court. If that is indeed the case and this government is sort of throwing out any attempt to reaffirm rights and freedoms under the charter, I'd be very concerned. But this is certainly something that has come up in Ontario across many of our communities, and it's one that I think needs to be addressed.

Again, I implore my colleagues, I beg of them, to consider enfranchising these groups and not casting a chill on the potential to rent those facilities but create a welcoming environment for people of all faiths, particularly, as I said, in my community, the Jewish community and the Muslim community as well as the Pentecostal community, who don't have those places of worship that extend into 100 or so years.

Chair, I would be seeking at this point in time, if possible, a recorded vote on this matter.

The Chair (Mr. Ernie Hardeman): Okay. If there's no further debate, then this would be the time to put the question. A recorded vote has been requested.

Ayes

MacLeod, McKenna.

Nays

Damerla, Delaney, DiNovo, MacCharles, Tabuns, Wong.

The Chair (Mr. Ernie Hardeman): The amendment is lost.

The next amendment is NDP number 29.

Mr. Peter Tabuns: I move that subsection 301(6) of the Education Act, as set out in subsection 7(3) of the bill, be amended by striking out the portion before clause (a) and substituting the following:

“Same, governing discipline

“(6) The minister shall establish policies and guidelines with respect to disciplining pupils, which must include policies and guidelines respecting,”

Chair, I simply amend this by changing “may” to “shall.”

The Chair (Mr. Ernie Hardeman): You've heard the amendment. Discussion? Yes, Ms. MacLeod?

Ms. Lisa MacLeod: Chair, I appreciate where the NDP are going with this. It's as signified by many of those deputants who did appear before committee. They had suggested that we should remove the word “may” from the document and do it towards “shall.” I just simply want it on the record that our caucus believes that throughout this document there needs to be more accountability and ownership by the government on this matter. I appreciate where the New Democrats are coming from on this. I think it's important, and we look forward to the vote on this.

The Chair (Mr. Ernie Hardeman): Any further discussion?

If not, all those in favour? All those opposed? The motion is carried.

The next amendment is amendment number 30, the New Democratic Party.

Ms. Cheri DiNovo: I move that subclause 301(6)(a)(i) of the Education Act, as set out in subsection 7(3) of the bill, be amended by adding “transphobia or biphobia” at the end.

This again is in line with the other amendments that we've tabled, in the New Democratic Party, to make this bill more inclusive.

The Chair (Mr. Ernie Hardeman): You've heard the amendment. Any discussion?

Ms. Lisa MacLeod: Just a quick point of order, Chair—can I have a quick point of order? We're now at 10 to 5, and how are we proceeding at 5 p.m.? I think something was mentioned to us briefly yesterday about going—

The Chair (Mr. Ernie Hardeman): I believe that at 5 o'clock, all the motions that have not been dealt with will be put to the committee.

Mr. Peter Tabuns: One after the other.

Ms. Lisa MacLeod: So we're just going straight vote by vote?

The Chair (Mr. Ernie Hardeman): There will be no further debate on the amendments.

Ms. Lisa MacLeod: There's no further debate?

The Chair (Mr. Ernie Hardeman): No.

Ms. Lisa MacLeod: Okay. No, I wasn't sure of that. As I said to my colleague Mr. Tabuns, I usually spend my time on the Legislative Assembly committee or government agencies, where we don't do a lot of clause-by-clause, so I just wanted to be very clear on that, Chair.

The Chair (Mr. Ernie Hardeman): We're now at amendment number 30.

Ms. Lisa MacLeod: Okay, we're on—

The Chair (Mr. Ernie Hardeman): Amendment number 30, the New Democratic motion that was just read. Any discussion on the motion? If not, all those in favour? Opposed. The motion's carried.

We have time for one more: government motion number 31.

Mr. Bob Delaney: Chair, I believe that 31 is now redundant and should be withdrawn.

The Chair (Mr. Ernie Hardeman): What was that? Withdrawn?

Mr. Bob Delaney: I believe that number 31 is now redundant and should be withdrawn.

The Chair (Mr. Ernie Hardeman): The next one is number 33. It's stood down.

Ms. Lisa MacLeod: Chair, can we deal with amendment 32? I believe we had that—or did we do that last night? My staff member just passed—thank you, you're the best.

The Chair (Mr. Ernie Hardeman): Amendment 32 has been withdrawn.

Mr. Bob Delaney: You would have to un-withdraw it in order to re-withdraw it.

Ms. Lisa MacLeod: It was just passed to me.

The Chair (Mr. Ernie Hardeman): Motion 33 is the NDP. We've got time to read this one into the record, yes.

Mr. Peter Tabuns: I move that subsection 301(7.1) of the Education Act, as set out in subsection 7(4) of the bill, be amended by striking out the portion before clause (a) and substituting the following:

“Same, bullying

“(7.1) The minister shall establish policies and guidelines with respect to bullying prevention and intervention in schools, which must include policies and guidelines respecting,”

Again, Chair, I've changed “may” to “shall”—not I; the NDP has changed “may” to “shall.” I'd say this is consistent with positions that the Conservative Party has put forward and I think it strengthens the bill.

The Chair (Mr. Ernie Hardeman): Any further debate on that? The change you made to “shall” not—

Mrs. Jane McKenna: We're going to 100% support that because we believe 100% in what you're saying there. But I'm just confused again, so I guess I'm going to be known as being confused. Why is it that when we've tried to change it ourselves, it didn't go through—the “may” to “shall” yesterday?

The Chair (Mr. Ernie Hardeman): The changes that are being done are done by motions that come forward—

Mrs. Jane McKenna: Yes, I know, but it's odd to me.

The Chair (Mr. Ernie Hardeman): —and I deal with them as they go and as they get voted on. Right now, we're voting on number 33.

Ms. Lisa MacLeod: Chair, I just think that there's a level of frustration here, that we're putting forward amendments and then they're being watered down or called redundant. Then other folks will say that they're putting this in the spirit of what we had said, and that just simply isn't the case. I think we'd like that on the record. We'd just like to put this to an immediate vote so that we can attend the vote in the House.

The Chair (Mr. Ernie Hardeman): I can deal with the debate and I can deal with the process, but I can't deal with frustration.

Any further debate on motion number 33? If not, we'll call the question. All those in favour? Opposed? The motion's carried.

With that, it's time to recess for the vote.

The committee recessed from 1654 to 1705.

The Chair (Mr. Ernie Hardeman): We have now passed the hour of 5 o'clock. Pursuant to the order of the House dated Thursday, May 3, 2012, I am required to interrupt the proceedings and shall, without further debate or amendment, put every question necessary to dispose of all remaining sections of Bill 13 and any amendments thereto. From this point forward, those amendments which have not yet been moved shall be deemed to have been moved, and any division required shall be deferred until all remaining questions have been put and taken in succession, with one 20-minute waiting period allowed. Does everyone understand that?

Interjections.

The Chair (Mr. Ernie Hardeman): We have to start on motion number 34.

Mr. Peter Tabuns: Withdrawn.

The Chair (Mr. Ernie Hardeman): Motion number 36.

Mr. Peter Tabuns: Withdrawn.

The Chair (Mr. Ernie Hardeman): Shall section 7, as amended, carry? Carried.

There are no amendments in section 8. Shall section 8 carry? Carried.

The first motion in section 9 is 39, moved by Ms. MacLeod.

Ms. Lisa MacLeod: Section 9 of the bill, subsection—

The Chair (Mr. Ernie Hardeman): No, I get to read it.

“I move that section 303.1 of the Education Act, as set out in section 9 of the bill, be struck out and the following substituted:

“Board support for certain pupil activities and organizations

“(303.1) Every board shall support pupils who want to establish and lead activities or organizations that promote a safe and welcoming learning environment for others.”

You've heard the motion. All those in favour? Opposed? The motion is lost.

Motion number 40, moved by Ms. MacLeod:

“I move that clause 303.1(d) of the Education Act, as set out in section 9 of the bill, be struck out and the following substituted:

“(d) activities or organizations that promote the awareness and understanding of, and respect for, people who face discrimination based on any ground prohibited by the Human Rights Code.”

You've heard the motion. All those in favour? Opposed? The motion is lost.

Number 41, moved by Ms. MacLeod:

“I move that section 303.1 of the Education Act, as set out in section 9 of the bill, be amended by adding ‘secondary school’ before ‘pupils’ in the portion before clause (a).”

You've heard the motion. All those in favour? Opposed? The motion is lost.

Ms. Lisa MacLeod: Chair, I would like to withdraw this motion, 42.

The Chair (Mr. Ernie Hardeman): The next motion is the government motion 43, moved by Mr. Delaney:

“I move that section 303.1 of the Education Act, as set out in section 9 of the bill, be amended by striking out the portion before clause (a) and substituting the following:

“Board support for certain pupil activities and organizations

“(303.1) Every board shall support pupils who want to establish and lead activities and organizations that promote a safe and inclusive learning environment, the acceptance of and respect for others and the creation of a positive school climate, including,”

You've heard the motion. All those in favour?

1710

Mr. Bob Delaney: Can we have a recorded vote?

The Chair (Mr. Ernie Hardeman): A recorded vote? We have to leave the recorded vote until the end of the process.

The next one is 44 and it's moved by Mr. Tabuns:

“I move that section 303.1 of the Education Act, as set out in section 9 of the bill, be amended by adding the following subsection:

“Same, gay-straight alliance

“(2) For greater certainty, neither the board nor the principal shall refuse to allow a pupil to use the name gay-straight alliance or a similar name for an organization described in clause (1)(d).”

You've heard the motion. All those in favour? Opposed? The motion is carried.

Motion 45 is an NDP motion moved by Mr. Tabuns:

“I move that section 303.1 of the Education Act, as set out in section 9 of the bill, be amended by adding the following subsection:

“Same, interpretation

“(3) Nothing in this section shall be interpreted to require a board to support the establishment of an activity or organization in a school unless there is at least one pupil who wants to establish and lead it.”

You’ve heard the motion. All those in favour?

Mr. Bob Delaney: May we have a recorded vote?

The Chair (Mr. Ernie Hardeman): Recorded vote requested.

The next one is 46, moved by Mr. Tabuns.

Mr. Peter Tabuns: It’s withdrawn.

The Chair (Mr. Ernie Hardeman): Motion 46 has been withdrawn.

Motion 47 is a government motion moved by Mr. Delaney:

“I move that section 303.1 of the Education Act, as set out in section 9 of the bill, be amended by adding the following subsections:

“Same, gay-straight alliance

“(2) For greater certainty, neither the board nor the principal shall refuse to allow a pupil to use name gay-straight alliance or a similar name for an organization described in clause (1)(d).

“Inclusive and accepting name

“(3) The name of an activity or organization described in subsection (1) must be consistent with the promotion of a positive school climate that is inclusive and accepting of all pupils.

“Same

“(4) A board shall comply with this section in a way that does not adversely affect any right of a pupil guaranteed by the Canadian Charter of Rights and Freedoms.”

You’ve heard the motion. All those in favour?

Mr. Peter Tabuns: Mr. Chair, unless the clerk corrects me on this, subsection (2) has already been adopted in our resolution, so what is in order is (3) and (4).

The Chair (Mr. Ernie Hardeman): We can delete that, but at the end of the day, it will not make any difference. Once you’ve put the first one in, you put the second one, overlay it and the letters will line up exactly?

Mr. Peter Tabuns: Exactly.

The Chair (Mr. Ernie Hardeman): Thank you. But we appreciate the comment.

Did I call the vote, or is this a recorded vote?

Mr. Bob Delaney: Recorded vote.

The Chair (Mr. Ernie Hardeman): A recorded vote is requested for that one.

The next one is section 9.1. Shall subsection 9.1 carry, as amended? Carried.

Section 9.2, they’re all lost.

Section 10: The amendment is NDP amendment 53, moved by Mr. Tabuns:

“I move that paragraph 7.2 of subsection 310(1) of the Education Act, as set out in section 10 of the bill, be amended by adding ‘gender identity, gender expression’ after ‘sexual orientation’.”

You’ve heard the motion.

Mr. Bob Delaney: Recorded vote, please.

The Chair (Mr. Ernie Hardeman): Recorded vote requested.

Number 54 is also an NDP motion. It is moved by Mr. Tabuns. Section 10 of the bill, paragraph—

Mr. Peter Tabuns: Mr. Chair, I will withdraw that.

The Chair (Mr. Ernie Hardeman): Withdraw. Number 53.

Interjections: Number 54.

The Chair (Mr. Ernie Hardeman): That was 54. Oh, yes. You’re right.

Ms. Lisa MacLeod: Which section?

Mr. Peter Tabuns: That’s withdrawn, 54.

The Chair (Mr. Ernie Hardeman): Shall section 10.1 carry, as amended? Carried.

Section 10.2: NDP motion 57.

Mr. Peter Tabuns: Withdrawn.

The Chair (Mr. Ernie Hardeman): Shall section 10.2—

The Clerk of the Committee (Mr. Katch Koch): You don’t need to do anything with it. It’s withdrawn. The section doesn’t exist.

The Chair (Mr. Ernie Hardeman): The whole section disappears with no amendment in it.

Section 10.3: NDP, number 58.

Mr. Peter Tabuns: Withdrawn.

The Chair (Mr. Ernie Hardeman): It’s withdrawn. That’s also the only one in the section, so the section also disappears.

Section 11: There are no amendments. Shall section 11 carry? Carried.

Section 12: There are no amendments. Shall section 12 carry? Carried.

The preamble now: The NDP motion is number 60. Mr. Tabuns?

Mr. Peter Tabuns: Could that be Ms. DiNovo here on number 60?

The Chair (Mr. Ernie Hardeman): Ms. DiNovo? There’s nothing on the page. I can put whatever in you like.

Mr. Peter Tabuns: That’s great.

The Chair (Mr. Ernie Hardeman): Ms. DiNovo:

“I move that the preamble to the bill be amended by adding ‘gender identity, gender expression’ after ‘sexual orientation’ in the third paragraph.”

You’ve heard the motion.

Mr. Bob Delaney: Recorded vote.

The Chair (Mr. Ernie Hardeman): Recorded vote requested.

The next motion is NDP motion 61.

Mr. Peter Tabuns: Withdrawn.

The Chair (Mr. Ernie Hardeman): Withdrawn.

The next one is government motion number 62, moved by Mr. Delaney:

“I move that the English version of the sixth paragraph of the preamble to the bill be amended,

“(a) by striking out ‘transgendered’ and substituting ‘transgender’;

“(b) by striking out ‘intersexed’ and substituting ‘intersex’.”

All those in favour of the motion?

Mr. Bob Delaney: Recorded vote.

The Chair (Mr. Ernie Hardeman): Recorded vote requested.

Number 63 is an NDP motion moved by Ms. DiNovo:

“I move that the preamble to the bill be amended by adding ‘transphobia or biphobia’ after ‘homophobia’ at the end of the seventh paragraph.”

All those in favour of the motion?

Mr. Bob Delaney: Recorded vote.

The Chair (Mr. Ernie Hardeman): Recorded vote requested.

Number 64.

Mr. Bob Delaney: Chair, the government withdraws that motion.

The Chair (Mr. Ernie Hardeman): Number 65: The motion is moved by Mr. Delaney.

“I move that the preamble to the bill be amended by adding the following paragraph after the seventh paragraph:

““Acknowledge that an open and ongoing dialogue among the principal, school staff, parents and students is an important component in creating a positive school climate in which everyone feels safe and respected;””

You’ve heard the motion.

Mr. Bob Delaney: Recorded vote.

The Chair (Mr. Ernie Hardeman): Recorded vote requested.

We’re now going back to do all the recorded votes, and the clerk is going to tell me what they were. Just hold it for a moment. We will let the clerk itemize them here. I want to make sure we don’t miss one.

Mr. Bob Delaney: We’ve come this far. Let’s take the extra minute and get it right.

The Chair (Mr. Ernie Hardeman): I’m sure everyone on the committee understands: If you wish a 20-minute recess, there is only one according to the rules of the House. There’s only one 20-minute recess in all the recorded votes. You can request that at any point in time during the voting on them.

Ms. Lisa MacLeod: Chair, may I request a 20-minute recess?

The Chair (Mr. Ernie Hardeman): You can do that right now, and that will give the clerk an opportunity to put it all together.

We stand recessed for 20 minutes.

The committee recessed from 1722 to 1742.

The Chair (Mr. Ernie Hardeman): I call the committee back to order.

We will now go through the ones that requested a recorded vote, and the first one is motion number 43.

Ayes

Balkissoon, Damerla, Delaney, DiNovo, Sandals, Tabuns.

The Chair (Mr. Ernie Hardeman): Opposed? The motion is carried.

Number 45, NDP motion.

Ayes

Balkissoon, Damerla, Delaney, DiNovo, Sandals, Tabuns.

The Chair (Mr. Ernie Hardeman): Opposed? The motion is carried.

Number 47, government motion.

Ayes

Balkissoon, Damerla, Delaney, DiNovo, Sandals, Tabuns.

The Chair (Mr. Ernie Hardeman): The next question is, shall section 9, as amended, carry? The motion is carried.

The next one is 53, NDP motion on section 10.

Ayes

Balkissoon, Damerla, Delaney, DiNovo, Sandals, Tabuns.

The Chair (Mr. Ernie Hardeman): Opposed? The motion is carried.

Shall section 10, as amended, carry? Carried.

The next one is 60; it’s in the preamble. Number 60 is the New Democratic amendment.

Ayes

Balkissoon, Damerla, Delaney, DiNovo, Sandals, Tabuns.

The Chair (Mr. Ernie Hardeman): Opposed? The motion is carried.

Number 62 is a government motion.

Ayes

Balkissoon, Damerla, Delaney, DiNovo, Sandals, Tabuns.

The Chair (Mr. Ernie Hardeman): Opposed? The motion is carried.

The next one is 63, NDP motion.

Ayes

Balkissoon, Damerla, Delaney, DiNovo, Sandals, Tabuns.

The Chair (Mr. Ernie Hardeman): Opposed? The motion is carried.

Number 65 is a government motion.

Ayes

Balkissoon, Damerla, Delaney, DiNovo, Sandals, Tabuns.

The Chair (Mr. Ernie Hardeman): Opposed? The motion is carried.

Shall the preamble, as amended, carry? Carried.

Shall the title of the bill carry?

Ms. Lisa MacLeod: No.

The Chair (Mr. Ernie Hardeman): All those in favour say—

Ms. Lisa MacLeod: Recorded vote, Chair.

Ayes

Balkissoon, Damerla, Delaney, DiNovo, Sandals, Tabuns.

Nays

MacLeod, McKenna.

The Chair (Mr. Ernie Hardeman): Carried.

Shall Bill 13, as amended, carry?

Ms. Lisa MacLeod: Recorded vote.

Ayes

Balkissoon, Damerla, Delaney, DiNovo, Sandals, Tabuns.

Nays

MacLeod, McKenna.

The Chair (Mr. Ernie Hardeman): Carried.

Shall I report the bill, as amended, to the House?

Ms. Lisa MacLeod: No.

Ayes

Balkissoon, Damerla, Delaney, DiNovo, Sandals, Tabuns.

The Chair (Mr. Ernie Hardeman): Opposed? The motion is carried.

Thank you very much. The bill is completed.

There being no further business of this committee, we stand adjourned.

The committee adjourned at 1748.

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