



**Legislative Assembly
of Ontario**

First Session, 37th Parliament

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**Official Report
of Debates
(Hansard)**

Monday 19 June 2000

**Journal
des débats
(Hansard)**

Lundi 19 juin 2000

Speaker
Honourable Gary Carr

Clerk
Claude L. DesRosiers

Président
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LEGISLATIVE ASSEMBLY
OF ONTARIO

Monday 19 June 2000

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Lundi 19 juin 2000

The House met at 1845.

ORDERS OF THE DAY

EDUCATION ACCOUNTABILITY ACT, 2000

LOI DE 2000 SUR LA RESPONSABILITÉ
EN ÉDUCATION

Mrs Ecker moved third reading of the following bill:

Bill 74, An Act to amend the Education Act to increase education quality, to improve the accountability of school boards to students, parents and taxpayers and to enhance students' school experience / Projet de loi 74, Loi modifiant la Loi sur l'éducation pour rehausser la qualité de l'éducation, accroître la responsabilité des conseils scolaires devant les élèves, les parents et les contribuables et enrichir l'expérience scolaire des élèves.

Hon Janet Ecker (Minister of Education): Before I begin my remarks, I'd like to ask for unanimous consent to split the time equally between the three caucuses, if that's the wish of the House.

The Deputy Speaker (Mr Bert Johnson): Is it agreed that the time will be split between the three caucuses? It is agreed.

Hon Mrs Ecker: Mr Speaker, I'd also like to let you know that I'll be splitting our time with two caucus colleagues, the member for Barrie-Simcoe-Bradford and the member for Northumberland.

I rise today to talk about the Education Accountability Act. The purpose of this act is to strengthen the accountability of publicly funded school boards, very much as part of Ontario's plan to continue improving the quality of education for our students. Our goal is to make sure that our education system is preparing our students for success in a changing and competitive world. This is another step to do that, because we believe very firmly that giving our students an excellent education, a full, enriching school experience, is not a luxury; it's an absolute necessity for our students. This is another step to help make that happen.

Our goal here is not only higher educational standards, something we very much want to achieve and parents support, but also to make sure we're helping our students to meet those educational standards. That's why we are doing things like having a regular testing program to make sure we are indeed meeting those standards to

identify problems so that we can fix them to make sure our students are learning what they need to learn.

One of the other pieces of this bill is to ensure that all of the partners in our education system are accountable for putting our students first, because I believe very firmly that accountability is a very key building block for a stronger and more responsive education system. We know that parents expect not only the provincial government but also the school boards and the teachers to be accountable and to act responsibly to improve the quality of education for their children and for our students. Bill 74 very much responds to what we've heard from parents in this regard.

As I've said in this House before, when we were talking about this legislation, there are four key areas that this legislation addresses.

The first one is to ensure that school boards are actually meeting the provincial standard we set two years ago on instructional time, for the amount of time that secondary teachers spend performing key teaching duties.

The second issue is to ensure that we're bringing down average class size yet again because, despite the fact there have been improvements in this area, we recognize that more needs to be done. So Bill 74 is very important for bringing down class sizes yet again.

The third component of the bill is to make sure that boards are meeting other province-wide quality standards and that they're fulfilling their legal, educational and financial responsibilities in order to do that.

The fourth issue, of course, is the area of co-instructional activities, or what some parents might call extra-curricular activities. As I said, in this legislation we term those activities "co-instructional" because they range not simply from coaching the soccer team but also things like parent-teacher interviews, staff meetings, Remembrance Day ceremonies, graduation ceremonies, all of those activities outside of the classroom that add very much to the educational experience of our students. We have termed them in this legislation "co-instructional" activities. Parents and students see them as part of education, and many, many teachers also see them very much as part of the job and, through their commitment, through their caring for their students, have been providing these activities over many years.

1850

Parents agree, the government agrees and many teachers certainly by their actions have agreed that these services, these extracurricular, co-instructional activities, are not extra but very much part of a student's education.

Unfortunately, in the last two years we've seen too many instances where these important co-instructional activities have been withdrawn completely or in part or they have been threatened whenever there has been a dispute between a union and a school board or a union and the provincial government.

We've had examples in Ottawa-Carleton, for example, where parents and students went without sporting and other activities, which were cancelled during one fall season. In Norfolk, parent volunteers actually had to go to court to win permission to take the area's championship volleyball team to the regional playoffs in 1998. They actually had to go to court—think about it—to have their students have an opportunity at a championship volleyball game.

I know many members are familiar with the experience we've seen in Durham region, where for two years students have been denied many extracurricular, co-instructional activities because of these work-to-rule situations. While Durham is very much the worst example, it unfortunately has not been the only example of where these activities have been withdrawn or put under threat. Parents were very clear that they did not consider this an acceptable situation. They did not think their students should be used as bargaining chips in a fight between a union and the board or a union and the government. I've said for many months to those involved in the sector that parents consider this to be an unsustainable situation, that it would have to be addressed and that if they did not find a solution to address it, I would have to respond to those parents' concerns and I would have to come in with a way to make sure these activities were indeed continued to be provided to our students.

We have done this with this legislation. We have put this forward. Of course, there is great controversy, great argument. Now the unions are saying they do not want disruption in the fall. Well, neither do we. We are not interested in disruption in the fall. We've said that we will pass this section of the legislation but we will not proclaim it. We will not bring it into effect, as it were, unless these activities are withdrawn, unless we experience yet again what too many students and parents have gone through in the past two years. Doing it this way we think actually provides an insurance policy for our students and our parents to make sure they do not have to go through some of the withdrawal activities too many students have experienced in the last couple of years.

I should point out that should we need to proclaim these sections of the legislation dealing with extra-curricular or co-instructional activities, there are important changes that we've made.

Interjections.

Hon Mrs Ecker: Be careful there, member for Trinity-Spadina. You're going to get in trouble over there tonight.

There are two important changes we've made that will improve this section, should we need to proclaim it at a later date. The first one is that, as I've said many times publicly before, the issue around extracurricular, co-

instructional activities has been an issue that we've seen in the secondary panel, not the elementary panel. The legislation proposes to split that, if you will, so that if we continue to have difficulties in the secondary panel, we'll be able to deal with that without any undue disruption to the elementary panel. I think that's a very important amendment we have put forward, which was accepted by committee.

The second important amendment is that on the clause which talks about the principal having the authority to assign these duties, co-instructional activities, to teachers, the unions had turned that somehow or other into, the legislation was requiring that teachers be on call seven days a week, 24 hours a day, which was simply not the case. But we've provided additional wording in this, which the committee accepted, to ensure that the intent of that section of the legislation is very clear.

As I said, we certainly hope we will not have to have that authority in place, but at the same time we believe the future of our students' access to co-instructional activities is too important to gamble with, and we think this provides an insurance policy for our students on this.

The second area I want to touch on tonight a little bit is the instructional time standard that is set in this legislation. First of all, this was something we set two years ago; it's not new. We based it on the national average, on what teachers in other provinces were doing in the secondary panel, because we thought that was an appropriate benchmark. It works out to 1,250 minutes for a secondary teacher, which translates into four hours and 10 minutes per day. That is instructional time. I should note too how that compares to the elementary panel. The instructional time standard for elementary teachers is 1,300 minutes a week, so it's more than the secondary panel workload. Again, both of those were pegged to the national average.

Even though we set that two years ago, even when we said very clearly it was the workload standard that we felt was appropriate—and something I'd been saying for many months to the education sector, that we were serious about that, that we expected that standard as well as other province-wide standards to be observed—what we saw unfortunately was that in too many agreements too many school boards and unions came up with agreements that did not comply with that requirement. In the consultations I did, school boards, for example, said that in order to help them in the collective bargaining process we had to be clear in legislation what that workload standard was. We also had to be very clear in our wording so there wouldn't be any misinterpretation, so it would not be unfairly applied from board to board, community to community. That was certainly a message we heard very clearly.

I was very clear that this was an expectation that we as the government had, so this legislation, Bill 74, would indeed provide the clarity we were asked for and which we articulated in this legislation as 6.67 eligible courses during the school year. It's a complex formula. I don't think we need to get into it tonight, but it very much

reflects the way courses and education are organized within the school boards and does not change the standard of four hours and 10 minutes that we set two years ago. We are just explaining it in legislation in a different way, much more clearly, so that it will be fairly applied.

The other thing that I should point out, because I know there has been much misinformation about this, is that it does recognize that many activities—for example, remediation—can be considered as part of instructional time. It does indeed require and recognize that in how it is interpreted. So that's a very important standard that we are setting for the system province-wide, and it is outlined in Bill 74.

The other piece I mentioned was class size. We've heard from both teachers and parents that class size for them is very much a quality indicator. They believe that smaller classes mean their children will do better and will have a better education. We agree. As I said, we set out to put an average size, a cap on those classes two years ago in legislation, but despite the fact that many boards actually were able to report that they had brought their average class size down, we also heard very clearly that more needed to be done. So Bill 74 proposes to bring down the board-wide average class size, both in the elementary and in the secondary panel, which we think is important. We've already put out the financial resources that school boards will require to do that this fall; it's \$263 million, which we have already allocated for them to put this change in place, should this legislation be passed.

The other advantage, the other good-news story about these additional resources and the smaller class size—one of the things we've heard from our critics in the unions was that somehow or other the instructional time, the workload standard for classroom time, was going to result in thousands of teachers losing their jobs. That's certainly not what we want to see happen. So by bringing class size down, by having smaller classes, we therefore need more teachers. By putting the money out to make that happen, we should ensure that we will be offsetting any potential impact on jobs that the union has expressed concerns about. Actually, as a matter of fact, we are anticipating that we may well need close to 3,000 more teachers to meet the lower class size standard with the resources we've put out to actually make that happen.

I hope we can put to rest this continual myth that somehow or other this is going to result in thousands and thousands of teachers losing their jobs, because that is not indeed the case nor is it what this government would actually require.

1900

Mr Rosario Marchese (Trinity-Spadina): You're good, Janet.

Hon Mrs Ecker: The member for Trinity-Spadina is supporting us again. It always makes me nervous when he does that, but I do welcome the positive comments he makes.

I would like to say that one of the other things we're seeing is that there is an incredible increase in the number of young people who want to become teachers. There has been a 200% increase from the last several years of people who see the teaching profession as a wonderful career choice, and I couldn't agree more. What we have done recently to try to take advantage of that talent, that energy and that willingness to get into the teaching profession is to increase the number of spots in teachers' college so we can have more teachers graduating. We have a \$26-million investment that my colleague and good friend the Minister of Colleges and Universities, Dianne Cunningham, and I announced recently. This will create an additional 3,500 new spaces.

Because the money flows over four years, it's going to actually mean that we're going to have some 6,000 more teachers in our schools than we would have had if we hadn't made that change. So it's very much taking advantage of the talent that wants to get into the teaching profession and also making sure that we indeed have those new teachers there to keep class sizes down and to make sure that our students are getting what they need in the classroom.

The other important piece in this legislation has to do with the province's ability to make sure that we can uphold the province-wide education quality standards that we've set. This very much answers to our accountability as a provincial government. As you know, we have, as a provincial government, the legal and constitutional responsibility for setting province-wide standards. We need to ensure that we can be accountable to the voters of Ontario for the commitments that we have made in this regard. At the same time, parents have said very clearly that they want school boards to also be held accountable for meeting province-wide quality educational standards. So this legislation, Bill 74, does indeed give us the ability to ensure that those standards are observed.

For example, if it's alleged that a school board is not meeting the class size, for example—and this is something that sometimes teachers and parents have expressed concerns about—this would enable the Minister of Education to listen to those concerns and to have an investigation to determine if that is indeed the case and if those allegations are indeed true. If a school board is found to be not meeting that standard, it does give the minister or the provincial government the ability to take steps to fix that problem and make sure that those province-wide quality standards are indeed observed.

One of the other things I should mention, because it has concerned me greatly in my travels as I've met—for example, I was in eastern Ontario on Friday and met with representatives of the school community in one of the boards there. Some of the trustees were expressing concern. They've heard from some of the unions that somehow or other Bill 74 is taking away their freedom of speech. Nothing could be further from the truth. There is nothing in this legislation that interferes with their democratic rights to express their viewpoints or political comments. They certainly can do that.

But what Bill 74 does require—it's the same rule that I and my provincial colleagues and even those across the way have. We have to abide by the law; we have to meet many standards, whether they're municipal, provincial or federal; we have to obey those laws. Bill 74 simply requires that trustees indeed obey those laws as well, and it has nothing to do with their rights as citizens or as individuals in terms of free speech.

Bill 74 is another step in setting province-wide quality education standards. I believe it signals our continuing commitment to achieve the promise of education reform that was very much part of our commitments to the voters of Ontario in 1995 and again in 1999. Parents have asked that we be accountable for delivering quality education, and I believe we must be accountable for the standards that we set. Parents have also told us that they want school boards to be accountable for delivering the benefits of Ontario's education reforms to their children. Bill 74 does indeed respond to those requests. It keeps this province firmly on the path towards the quality education that we all want for Ontario's children. I would really invite and hope that the honourable members across the way would share our concern about making sure that would happen and would vote to support this legislation.

Mr Gerard Kennedy (Parkdale-High Park): It is indeed a qualified pleasure to be able to rise here tonight. We have another example tonight, in the timing of this debate, of a government afraid of its own legislation. We have a Premier and a minister afraid to put this legislation in front of the public, in front of the people who sent them here in the first place. Why are they afraid? They're afraid to do what they sometimes in the past wanted to associate themselves with, relate to what people's concerns are, because they know what's in this bill. They know what they are trying to perpetrate on the public of Ontario and they are having none of the accountability that would go with facing down the public in hearings or in meetings or in debates.

No one from the other side of the House will defend Bill 74. They made sure to set up 10 hours—10 hours in total—for the entire province. So for each of these members—the 59 members opposite—they deemed that approximately 10 minutes per riding was all that this bill required. That's all that their responsibilities representing the people, the children in their riding, the two million children across the province, required to have a say on this particular piece of legislation.

I think the instructive thing is, this government is running away from this bill. It started off the legislative session saying, "This is our centrepiece," and then pretty soon decided to hide it away, decided they were too afraid to discuss its implications. Why would this government not want to debate Bill 74? Why would they switch the debate from tomorrow night to tonight? Why would they only offer 10 hours of hearings? Why would they cut off debate in the minimum amount of hours and minutes necessary? Because it's a lazy bill. It reflects a government at the height, not of its power but of its arrogance, a government that has taken on a certain kind

of cast, that thinks it can sit here in their plush chairs at Queen's Park and push buttons that control what happens elsewhere in the province.

This is a centralist, Soviet-style idea, that this government sits here in its splendid, splendid arrogance and believes that somehow they are going to be able to tell what's happening better in a classroom than a teacher, a school and indeed an entire community. This bill should be voted on with a motion of this minister and these members and this Premier thumbing their noses at the people of Ontario, because what they're saying is: "We know better. We not only don't have to listen to you, we're going to take away any vestiges of power that school boards or other elected officials might even have had." This is a government choking on its own power and arrogance.

Why? Part of the reason became the inability to manage—a government that didn't know how to hit a fly with a fly swatter, and used dynamite. They had problems in Durham region, represented by the Minister of Education, another part of it represented by the member for Durham, who is the chair of the education committee of cabinet. They found themselves with a problem. What did they do? Did they try and solve that problem? Did they bring their powers to bear to try and solve the problem in Durham? They didn't. Instead, they took the staffing formula in Durham region and exported it to the rest of the province.

That still remains. We have heard the minister timidly address this bill a couple of times now—never in public; in this House a few times—and she has never, ever answered the direct challenge to produce the names of the schools where she thinks people are not providing extracurricular activities outside the Durham area. If you were to get the briefing, the tiny little bit of information this government was prepared to give—when the assistant deputy minister of this ministry was asked, "Do you have a study, an analysis, a report, anything to show problems with extracurricular activity in Ontario?" the answer was no. There's nothing. There's nothing to prove the need for this bill.

1910

Why, then, do we have this bill before the House? We have this bill because this, in the splendid arrogance of this government, is a bill that purports to create a problem and then wants us to buy the remedy. That's how out of touch this government has become. They actually believe they can get away with that kind of ethical and centralist gymnastics.

The government of the day would now see itself in a position to inflict on the schools the formula that did not work in the last two and three years, that almost everybody agrees did not work in Durham region. It is now coming to a neighbourhood school near you, courtesy of a greedy government, a government that is simply not comfortable with having taken a huge amount of money out of education but wants to take more.

Again, this government is afraid to defend its record. It has cut 29%. It has defunded education by \$1.6 billion

since its inception. That's how much less it has put in from provincial property tax than when it came into office, on a straight-up comparison basis. That money isn't there.

We have heard, in a rare occurrence, the minister try to say, "We want to inflict our standards on the whole province." Indeed she does want to inflict standards: lower standards, fewer teachers and more students. Lower standards: That's what this government represents. What's happening across the country, across the continent? Governments are investing in public education. This government stands—

The Deputy Speaker: Order. There's too much talking. We would like to have you for the rest of the evening. There are some Speakers who give people a last warning. Don't expect it this evening.

Mr Kennedy: Mr Speaker, I hope the additional seconds, in your discretion, may be added on. We want to make the most of the time, to make sure this government doesn't believe, even as it slinks in here tonight to try to get away with this legislation, that people out there aren't paying attention, because they are, unfortunately for this government. Nor should it think it somehow can afford to hoodwink the public of Ontario, to make them believe that somehow their daughter's or granddaughter's or grandson's or children's future is going to be better because this government wants to send a \$200 tax rebate rather than educate their kids. I would put to you that there are not many people in this province these days who believe any more in the free lunch this government has been selling for the last five years. They know instead that somebody is going to pay. They look and see other jurisdictions increasing their commitment to public education.

It came to the point in California where they wandered down this Byzantine path before and made a mess of their school system. They find themselves instead offering no taxes as one possible incentive to get back the teachers they've lost, because they no longer have the underpinnings of a quality public education system, the exact route this government would like to go.

This is a government that would put the needs of special-needs kids behind a \$200 tax rebate, that would put the needs of individual students in the classroom getting texts—we see from the elementary school report survey that was done by parents around the province that 66% of children are now sharing class textbooks, up about 10% from a few years ago. More likely now than ever before in elementary schools there isn't going to be a principal there. Instead, it's going to be a part-time person looking after the safety, security, discipline and, most important, the learning in the school. That's the legacy of this government, and that's the legacy it again tries to run away from tonight. But the reality is that its standards mean lower quality. There is no high-quality standard on the part of this government. It wants to inflict fewer teachers with more students to dilute the effect of the learning experience in Ontario.

You see the opposite direction being taken in private schools, where they are spending more, not less money,

where they don't trifle with those kinds of ratios of teachers and where they don't turn education on its head in order to obtain savings of \$130 million. This government alone, in its splendid isolation and arrogance, believes this should be done.

This is a government that is foisting on this province an outlook of disrespect and avoiding responsibility. Last Monday this government, in the lightning-fast amendments they saw fit to support for this bill, would not put in place the same measures for each of them as they were purporting to put in place for teachers and trustees. What kind of arrogant contradiction do we see from the members opposite, poised to vote for this bill, splendid in unison, in harmony for a bill that can't be made to sing on tune?

Instead, this government would put to the trustees draconian measures to make them do its will. This minister and this government, and anyone sitting in that chair with this particular government, would bring upon itself, aggrandize, the power to fire board employees, to exercise penalties that no minister of the crown anywhere in Canada has over those kinds of employees and over elected officials at another level of government. They didn't need it. I think people will recognize that this is the sign—in the private sector it is usually a cowardly, poor employer who has to rely on power to force people to do what he wants. It's the resort of people who don't have the courage of their convictions, and that is what we see here tonight: the last resort, the final resort of people who absolutely don't believe in what they're doing. Otherwise, they would have sat down and tried to persuade the public. Instead, we find ourselves in a shortened debate. Instead, they would have seen themselves unafraid of sitting down and talking to the educators of this province about the kind of conditions they want in the classroom. But this is not a government that sees a value in that. Instead, they dish out the disrespect and they dodge the responsibility. That's the hallmark of what they think they can get away with.

A few minutes ago we heard a minister talk about an increase in teaching applications. What the minister failed to mention—of late we always tend get half of the story—was that that was after applications nose-dived 31% in the first few years of this government. Teachers are not flocking to schools because this government is restoring confidence; it's because of the above-average number of retirements that are taking place as we lose some of the best teachers we have in this province, and it's taking place at rates far above what other provinces have seen with similar incentives. It's because this government has made it its business to undermine the teaching profession. It celebrates the idea that it can attack teachers. This government sees fit to attack on an unwarranted and sustained basis the very same teachers individual parents put their children in the trust of each and every day.

There's a response, and I am sure the response will be coming from a public that is becoming more and more aware of the tired, sad, lazy tricks of this government.

But there will be other responses as well, and I want to read one of them. It is from Kevin Rachman. This gentleman is a teacher. He is 30 years old and is teaching at Alexander MacKenzie secondary school in Richmond Hill. He has been teaching for three years and has had two excellent performance appraisals. He's enthusiastic and highly involved in his school, he's done everything he can for his students, he knocks himself out to provide a good learning environment—and he's quitting.

He's quitting education in Ontario because of this government. He is deciding that despite the fact that he enjoys what he is trying to do—he's a professional with a graduate degree in education—his expertise and abilities are constantly disregarded. He has submitted his resignation for the end of this contract year to the York region board of education. He is saying to his principal that he remains committed to the children, but he does not believe the agenda this government is putting forward allows him in good conscience to work within that system that he believes, of conviction and now of unfortunate action, will deprive Ontario secondary students of a truly effective education. This is the consequence of the bill this lazy government wants to pass tonight.

This government would take the easy way out. There are other methods, other ways and other means to address the so-called problems. This minister could have dealt with problems in Durham region. This government could have decided to discuss with teachers how to create a positive learning environment. This government could have decided not to suck so much money out. It could have postponed some of its Christmas bonuses around the province. It could have stood off some of the politics of the way it's conducted the education system with its erasable textbooks. But instead we have people like Kevin Rachman having to resign because of the arrogance of this government pushing through Bill 74 and reducing the learning experience in this province.

Hon Frank Klees (Minister without Portfolio): On a point of order, Mr Speaker: I think it's important to note that anyone who is truly dedicated to children will not resign to make a political point. I think the member should note that in his remarks.

The Deputy Speaker: That is not a point of order. The Chair recognizes the member for Parkdale-High Park.

Mr Kennedy: Mr Speaker, I refer to the time on the clock and I ask for your fair-minded indulgence in making sure that time is not stolen from this caucus.

It is absolutely important that this government be brought to terms for its inability to debate this bill. We find, for example, that in certain parts of the province not only the Minister of Education won't debate this bill but individual MPPs won't show up at local meetings. The members for Peterborough, Northumberland, Haliburton-Victoria-Brock and Durham cancelled public appearances. That's how afraid this government is to actually debate this bill. They see themselves in semi-public forums and they won't even make it there. That is the hallmark of a government that is afraid of this particular

bill, and it should be afraid. In their cowardly resort to extraordinary power, in their resort to executive fiat—it's a power that is unchecked. You read the bill and it uses words like "concerns of the minister." It doesn't speak to an objective process, it doesn't say the interests of children will come first; it just says that if the minister has concerns, he or she can act in an untoward fashion by firing people, by exacting penalties on trustees.

1920

When we look at what they purport to do to teachers, we had in their noblesse oblige this minister come forward to us and say, "We will not use the power I want to take on to myself." They are saying essentially to people concerned about education in this province: "Trust us. Trust the people who have stripped \$1.6 billion. Trust the people who have attacked teachers gratuitously for their own particular political gain. Trust the people who have, time and time again, put the interests of children second."

Minister, you will not have that trust. This government will not have that trust. You can pass this bill tonight, but you will not have your way with bringing down public education in this province.

Mr Doug Galt (Northumberland): It was interesting to listen to the member from Parkdale-High Park talk about some MPPs who cancelled a meeting or didn't show up or whatever his exact wording was. I'd like to bring to his attention that that particular meeting had to do with the funding formula. Everything in that meeting had to do with funding—nothing, absolutely nothing to do with Bill 74. The meeting was brought to Toronto, where we had some of the ministry staff to explain to the trustees about the funding formula, rather than the MPPs meeting and being a third-party go-between carrying information. I think, before you stand up in this House and spread those kind of facts, you should have the true facts ahead of time. I expect you read that in the newspaper, in the media, and maybe next time you should get your information accurate before you get up in this House and start spouting off.

I'm certainly pleased to be able to respond on Bill 74, now that I got that off my chest and explained it to him. I'd like to talk a little bit about some of the myths we've read about in the press and heard from the unions, the typical union rhetoric that has been going on. One was: "There's no problem in the education system. Everything's OK. Just leave it to us and we'll cruise through." Well, we've been cruising since I was on the school board back in the late 1970s, and I can tell you that parents thought then that there were some problems with the educational system and they wanted some changes made. Lo and behold, since 1995 changes have been made, and certainly things are going in a much-improved direction.

What was going on since Bill 160 in particular was that most boards were negotiating away instructional time. It was not the way it was laid out in Bill 160, and that was one of the unfortunate things. But the unions thought what they were doing was just marvellous and

there was no problem, when in fact there was a very, very significant problem out there.

They were also advising their teachers, their union members, to withdraw co-instructional activities, which was absolutely wrong and not the thing that should be going on. They were using it as a bargaining chip in their labour negotiations.

Interjection.

Mr Galt: I can hear the NDP member from Trinity-Spadina spouting off about how that's the right thing. Maybe he doesn't have any concern for the students. We do. Maybe the opposition is only worried about their union reps, but I can tell you this government is worried about the students and their concerns.

The children were being held as hostages in bargaining ploys, and that is absolutely dead wrong. We believe that the students should come first.

Then it goes on, "will not force teachers to do additional activities outside the classroom." I think about the original design of this bill that was going to be put in place where first the board would develop a policy on extracurricular activity and then the local school, the school council in concert with the principal, would design what they would do in that school, and then the principal and vice-principal would implement it. With this bill, as it is now after second reading and out for hearings, we're not going to proclaim this particular portion, and we can break it into one level or the another, either secondary or elementary. Only if they misbehave will it be proclaimed and be used. I think, after what's been going on in the province of Ontario, this is only fair.

I think it what was absolutely hilarious to hear the comments from the unions saying they'd be on call seven days a week, 24 hours a day. I can't imagine their being on call. I know what being on call is like as a veterinarian in large-animal practice. It means you are by that telephone 24 hours a day, you are there seven days a week, and if you go out on a call, you have to have somebody there covering you on that phone while you're out. That's being on call 24 hours a day, seven days a week.

What's in the legislation, if the union would take time to read it, is simply the fact that they might be required to do something on a Saturday, they might be required to do something after 3 o'clock, not that they would be on call. I don't think the member for Trinity-Spadina has any idea what being on call is like. All we're saying is, there may be some extracurricular or co-instructional activities that might be necessary. Things like parent-teacher interviews: Do you think they're going to be at 2 in the morning? Things like going to staff meetings: Are they going to be at four in the morning? Supervising school functions: I can't quite imagine a volleyball game on Sunday morning at 3. And writing reference letters for students. These, to me, are basically things a teacher would be doing, and I know we have a tremendous number of very committed teachers and my hat is off to them. The large percentage are very committed teachers and they want to do this kind of work. I think it's just

unfortunate that we're at this state and have to bring this kind of legislation in.

If the unions hadn't responded the way they did, we would not be at this point in time. I can hear it from the Liberals as well as the NDP. I can understand it coming from the NDP, because they get a lot of their support from union dues—They go directly into the NDP coffers to support their party—but to hear the Liberals joining in with the NDP, it sounds much like an unholy alliance to me, where they worked together back in the 1980s and they're still working together, having the same union philosophy.

I, for one, really don't want to see another year where there are cancelled graduation ceremonies, where letters of support for scholarships are not written, where there are cancelled band practices and where there's a removal of students' ability to participate in school athletics. This kind of thing is absolutely not acceptable.

You know, I've heard the opposition say over and over again that this is a problem in the minister's riding, that it's just in the riding of Durham. I can tell you there have been a number of boards since 1998 that have been caught in this kind of situation. Co-instructional activities have been withdrawn from quite a few boards.

Mr Dominic Agostino (Hamilton East): Name names.

Mr Galt: OK. For example, sporting and other activities were cancelled in the fall of 1999 by the Ottawa-Carleton District School Board. That's one example. In 1998, also, the parent volunteers in Norfolk had to go to court to win permission to take the area's championship volleyball team to the regional playoffs. That was reported in the Brantford Expositor. How about—

The Deputy Speaker: Order. If you put your hand up—we're talking education—it's hard to know if you want to speak, but in any case you can't.

The Chair recognizes the member for Northumberland.

1930

Mr Galt: When he put his hand up, I just noticed one finger. I think we know what his problem was.

The athletic association in the Avon Maitland District School Board indicated that high school sports could be suspended in Huron and Perth counties, and right in my own riding, at the separate board, similar extracurricular activities have been withdrawn. The opposition wanted to know a few examples. I thought they'd appreciate knowing about those particular ones.

Also, there's a myth that teachers will be unable to give students individual attention. Well, let me tell you about some of the things we brought in to help with this particular activity. These include some \$64 million for the teacher advisory program, some \$25 million for remedial programs for students who need extra help in math and languages and also some \$5 million in addition for funding to help boards offer summer programs for students preparing to enter grade 9. We've also brought in some \$70 million for school-based programs to assist children in kindergarten to grade 3 to build their reading

and other skills, and also another \$70 million to help in the early identification of learning problems and other exceptionalities. That gives you a few examples.

There's another myth that Bill 74 will take all decision-making away from parents, teachers and local school boards and move it to Queen's Park. This is fearmongering absolutely at its worst—typical of the NDP and the Liberals and the kinds of things they join in with the unions on and sound off and go door to door with. But there's no question the unions have used co-instructional activities as a bargain chip. Bill 160 is going to close some of those loopholes.

I go back to some of the things I heard—similar fearmongering—one from the chair of our public board making the comment that if the bill went through—I believe it's Bill 160; it's either that or 104—“Boy, they wouldn't even have the power to buy a toothbrush.” We see what went through and we see the kind of powers they still have, and there are going to be similar powers with the boards following this, except there will be some limitations.

It's going to prevent a lot of the boards from breaking the law and will keep them in line, as it really should. It's going to ensure that there's a process in place where boards of education must consult with parents before deciding to close a school. That's something I brought in when I was on the board back in 1978, the Northumberland board at that time. It's going to establish school councils that will have meaningful input into the ability to influence decisions that will impact the children and the local schools. Also, in the proposed code of conduct we've included a provision for the majority of parents to decide on the introduction of school uniforms or the taking of the oath of citizenship. These are some of the things that we have been doing.

Just to move along, I wanted to talk a bit about class size in the next five minutes or so. Back in 1993, as I'm sure the member from Trinity-Spadina will recall, there was a disturbing trend to increase the average class size at all levels in our school system. At that time I remember the parents and teachers were very concerned about this, but that was part of negotiations that were going on and so they were giving the union more dollars for salaries but giving less and less to the students and having larger and larger class sizes. That was the kind of thing we were going through.

What did our government do in 1998-99? We brought in a limit to these class sizes. We looked at what the average was and said, “Hey, no further; 25 students max for the elementary panel and 22 students max in the secondary panel.” That was the maximum average class size, of course. A lot said, “That's way too many.” But I also hear comments being made out there that there is no scientific evidence to show what's gained by having smaller or larger class sizes, but it's a general feeling that if you have a smaller class size the students will get more from it. We're actually making an extra step in reducing this class size with this particular bill.

Also, in the 2000 provincial budget we announced that we will be providing an additional \$101 million annually

to school boards to reduce average class sizes at the elementary level. We also announced on May 10, 2000, that we're committing another \$162 million to reduce the maximum average class size at the secondary level. If approved, Bill 74 would require that school boards ensure, on a board-wide basis, that their average class size be no greater than 24 pupils to each teacher at the primary level—that would include junior kindergarten, grade 3 etc—and 24.5 for the full elementary panel, and then looking at the secondary panel maximum average class size being 21.

With this legislation, the government is really reducing class size. We believe it's going to benefit students and there's going to be a need for more teachers. It's estimated that in Ontario we'll need 2,800 more teachers. That's why we recently announced an investment of some \$26.25 million to create an additional 3,500 new spaces in teacher education programs over the next four years. This will graduate some 6,000 extra teachers over the next four years. I think this is pretty exciting. It's pretty exciting for anyone who wants to go into the teaching profession. We're looking at an increase of some 40% for those applying to teachers' colleges.

It's exciting some of the compliances that have been brought into place: the funding formula in particular, where classroom spending has been defined and has been protected. I think this is good news.

In winding up, I just want to make some mention of these classifications, that school boards must spend money allocated to the classroom only in the classroom. It's about time there was a limitation there. Funding from special education grants must be spent to meet the needs of students with special needs. Funding from the school board administration and governance grants represents the maximum a board may spend in this area. Just reflecting on that headquarters that's been built in Peterborough for our board, wow, millions and millions of dollars for a very fancy place, and this will limit that kind of foolishness in the future. The fourth one is that funding from the pupil accommodation grant for school renewal and new pupil places must be spent on repairs, renovations and providing new school spaces for pupils.

I have spoken on second reading, on a time allocation motion for Bill 74. I for one enthusiastically support this particular motion and look forward to it passing third reading, hopefully the vote later this evening or, if deferred, tomorrow. Bill 74 is going to be of great benefit to the Kawartha Pine Ridge District School Board and the separate board in my riding.

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

Mr Marchese: I thought the Liberals were going to go up next.

Interjections.

Mr Marchese: Wayne Wettlaufer, the member from Kitchener Centre, was coming by. He had an accident and I thought, “Oh, my God, did some non-Tory have a fight with him?” There's so much violence these days because of their policies, I was worried. He said no, it

wasn't any human being who did that. He said he had an accident with the lawn mower. I said: "Oh, my God, even inanimate objects are angry at this government. Even the elements are fighting back." Imagine the lawn mower being angry at Wayne and striking back with some serious ferocity. I've got to tell you, even inanimate objects are fighting back. That's how serious the state of affairs is in this province. I'm worried, Speaker. I have a Latin expression for you, Speaker: *Gubernatio bona fructum parit*.

Interjections.

Mr Marchese: Monsieur Tascona, this means, "Good government brings forth fruit." Would that good government were here, because we don't have good government in this place, in this building, in this province. *Gubernatio bona fructum parit*. It's a Latin expression, Speaker. Don't worry about it. I translated it. We don't have good government. That's why we have bad fruit coming out of this government. There's no good fruit at all.

1940

You listen to the minister, you listen to the other members and every other word is "union": unions this, unions that, union bosses here, union bosses there. The poor teachers; man, are they in trouble. They never talk about teachers, except every now and then to say, "We love you, but we hate unions." I say to myself, what have these unions done? What is it that you people do? What do unions do that is so bad that these people have to, at every other word, say, "It's those unions"?

I've got to tell you I would be unhappy to be Earl Manners. They go after Earl Manners all the time. It's on their lips. They're drooling with satisfaction every time they say, "Earl Manners, the union boss." The unions, union boss, bosses' unions—what have they done that is so bad? I don't know, except and unless you want to leave an imprint on the public that unions are bad. Don't say anything about what they do and don't do, because you don't have to explain it. Unions are bad. Isn't that wonderful? Isn't this minister great? With what sinister silkiness she speaks. She's always so silky, always so first cold-pressed olive oil as she makes her statements.

Interjection.

Mr Marchese: I love olive oil. Are you kidding? The first cold-pressed is beautiful, but not in this House. You see the minister and the other members clothed in cold-pressed olive oil. Honest to God, they should use some cheaper oil so people could see through it, because I've got to tell you, cold-pressed olive oil is the best in your salad, with your pasta, even just pasta and olive oil. That would be just great, but not in this place.

Interjection.

Mr Marchese: Greek olive oil is great. I wouldn't go as far as saying Greek olive oil is better than Italian, no. Dominic, would you agree with that? We Greek Canadians and Italians say cold-pressed olive oil is good, but not in this place.

You heard them talk about the fact that they had hearings—two hours in Barrie and a whole long day in Ottawa, 9 o'clock to 5 o'clock. It must have been

exhausting for the Tory members to sit through that one. The poor Tories haven't sat through too many hearings. When they had a whole day in Ottawa, man, were they tired. They said, "My God, are we going to do this again?" They were happy, delighted, that they don't do this too often. But a whole day in Ottawa—man, was democracy just at its height there. They obviously must have listened because they came back into the Legislature and said, "We went through the hearings and we listened to the teachers as they were angry." And parents too, by the way—parents were really upset—trustees too, and the teachers.

They said: "We listened to you. You know what we said in the bill about extracurricular activity? We're just not going to implement it." It will be there as if in suspended animation, like a fine sharp guillotine ready to be applied at the call of the moment when the minister decides that some teacher in some board or some school in some board somewhere in Ontario decides, "We're not going to do extracurricular activity." The minister will say, "The guillotine goes down," and not just for the school but for the entire Ontario board system.

We went out for a full day in Ottawa and, boy, they listened so intently that they decided not to implement that section that would force oblige teachers to do extracurricular activity. They simply decided, "Because we heard from the teachers, we're just not going to implement it unless and if teachers misbehave." Isn't that a wonderful way to listen? I thought it was remarkable. What skills the Tories have. They go out, they listen and they say: "OK, we're going to keep it in the bill. It's not gone; it's there, suspended, waiting to be used at the beck and call of the minister." Isn't that power? Isn't that delicious power that you have in your hands to use any time you want? I think it's delicious.

Bill 81, the bill that forces—oh, the teachers have been clamouring for it. You know that power the teachers have been wanting and desiring and screaming for, the one that says, "We want to suspend students," the bill that the teachers have been screaming about that they love? We didn't get any hearings for that. Don't you love that, David, Monsieur Tilson, mon ami? No hearings on that, but I thought you guys were happy to take that out on the road so you could say to the public, "Look, we listened," so you could say to the teachers, "We listened, because you were screaming for it, you wanted this power." So I say to the minister, name one teacher who said that. Of course, you can't even name one, because it's all mythical, this thing about, "We went out and talked to teachers." Please.

Ninety-nine per cent of the teachers consulted around Bill 74 said, "We are opposed to the bill." So I say, how many teachers could this minister know who said, "We want Bill 74; we want Bill 81," where no teacher across Ontario is asking for it, except maybe a few who didn't respond? We don't know whether they want it or not, necessarily.

I've got to tell you, this is not democracy. David, come on. Surely in your caucus you must be saying,

“This is wrong; we’ve got to have hearings.” Joe Tascona—no, it’s the wrong guy, because he’s one of the stalwarts. He’s always here in the House speaking on behalf of the government, defending the Premier.

Premier, welcome. It’s so good to have you here in the House to listen to the debate on Bill 74. I am honoured, because this is an important issue for the Premier. As you know, he was a former teacher, so he’s interested in improving the quality of education.

I tell you, they cane teachers left and right. They line them up and they cane them with a big, long stick from here to the Speaker. It’s a long distance. Then they say: “We love teachers. We don’t have anything against teachers; we love them.”

I don’t think that’s true. I don’t think David Tilson loves teachers. Do you?

Mr David Tilson (Dufferin-Peel-Wellington-Grey): I do.

Interjection: We all do.

Mr Marchese: You do too?

Interjection: Yes.

Mr Marchese: You all do? Doug, you too, from Northumberland? You love them too?

I ask you, Speaker, how could they love teachers and yet cane them from here to kingdom come? I don’t get it.

It seems awfully contradictory to me. But to hear Doug from Northumberland—you heard him earlier on, right, your buddy? He said: “Students come first. Changes need to be made. We’re concerned about quality.” So I say to myself, what aspects of this bill—there are three components—have anything to do with quality?

Let me go through them for your benefit, good Ontario citizens, because the Tories don’t listen. I understand; that’s a given. It’s me and you watching. That’s the debate.

Three things that they’re doing with this bill. First—

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): Four.

Mr Marchese: Four? Joe Tascona, you should have spoken before so I could have picked up the fourth one.

Here’s the first: “We will oblige teachers to do extra-curricular activity. But we changed that because we listened to you, and we won’t apply it until you misbehave.” OK. That’s the first part. Remember, this is the first part that obliges teachers to do the extracurricular activities even though they’ve been doing it for, what, 50 years or so? Volunteering: 99% of the boards, as Mike Harris, the Premier, agreed with me when I asked him that question. Even though 99% of the boards agree they’re doing it voluntarily, Mike says, “Not good enough, because even if 1%, one school, is not doing it, we’ve got to force all teachers to do it.”

They backed away and they said—they didn’t back away, by the way. They didn’t blink. The power is there, but that’s the first part, extracurricular activity.

The second part is, “We are going to oblige teachers, because we changed the definition of instructional time, to teach a bit longer.”

Mr Tascona: No change.

Mr Marchese: What, Joe? No change? Come on. Let me explain it to you. They used to teach six periods; now they’re obliged to teach 6.67. Mathematically, it’s simple: 6.67 is greater than six, is it not?

Mr John O’Toole (Durham): Read the bill.

Mr Marchese: John O’Toole: “Read the bill.” I’m going to explain it to you too. Hold on.

Six periods is smaller than 6.67. I know the good citizens of Ontario, even the taxpayers, will agree with me. These are the taxpayers, your friends and buddies. Even they will agree with me that 6.67 is a larger number, and what does that require of teachers? It requires them—

Interjection.

Mr Marchese: I know, Marilyn. You’re so unhappy that I’m exposing these things. Let’s be patient. Let’s go through it.

They are requiring, through their redefinition of instructional time—because it’s a matter of revolution here. As soon as they see that they haven’t fixed the problem, they refix it and they introduce another bill. Whatever you have to do, this government does, right?

So they have changed the definition of instructional time and they’re going to require teachers to teach just a little more. It’s not too much to ask of a teacher, to teach a little more, is it? If we can work hard as politicians—my God, we work hard, right?—they should work harder too, right? So we have so many students, so many teachers, requiring teachers to teach more students, meaning that about 2,000 teachers are fired.

1950

The minister said in response to questions from the opposition, “Where does it say that in the bill?” The minister wouldn’t be that non-intelligent to say, “We’re firing 2,000 people,” would she? No minister is going to say, as they did in Nova Scotia, “We’re firing so many teachers.” In Nova Scotia they had the intestinal fortitude to say out loud, in the open, “We’re firing teachers.” But here in this province we don’t fire teachers; we simply redefine teaching time, redefine instructional time. The minister, quite humorously, with a sinister silkiness, says, “Where does it say in the bill that we’re firing?” You’re firing close to 2,000 teachers, and then the minister says, “Are you against reducing class size?” I don’t see the connection, but that’s what she always answers in response to these questions. She says, “We’re reducing class size,” even though class size at the elementary level has gone up, and at the secondary level we are losing so many teachers that fewer teachers are teaching more students at the moment, under your guidance and tutelage, and it’s going to get worse with Bill 74. You’re going to stress out our teaching profession in ways we’ve never seen before.

The teaching profession is an important profession, I would dare say, in terms of the contribution they make to our future money managers; you know, the ones who go and make millions moving money around. They produce the future capitalists of this world, but God, I’ve got to tell you they won’t be able to write any more. Do you

remember the complaint we had from universities that students come to university unprepared, have very few language skills; they can't write? I've got to tell you, Premier, you're going to make it worse. If teachers are required to teach more students—not more contact time individually, but more students—meaning they are occupied all of the time teaching, they will have no time to help individuals who need help. They're shut out.

Premier, let me tell you, because you were a teacher: You would know that when you force, as an example—

Interjection.

Mr Marchese: Work with me, Mike. Let me explain. When you force an English teacher, as one example of the profession, to teach longer, what are the implications of that? The implications are the following: A teacher who has no more time during the school day to have freedom of mind, a somewhat relaxed state of mind to be able to prepare a good lesson, to be able to deliver a good lesson, to be able to give assignments and mark them, that teacher is not going to be able to produce the kind of quality students that you desire. In fact, you're going to make the quality of education and the product of that educational system through that student much worse.

Mike, think of this: An English teacher has 120, 150 students and you give him an extra class to mark. What does that mean? If I am an English teacher and I assign an essay paper on, let's say, Othello or King Lear or some other Shakespearean play, any character you can think of, and this paper has to be about five pages long, 10 pages long—multiply that one paper times 150 students. Joe Tascona, you're a lawyer; you understand these things. Multiply that.

Interjections.

The Deputy Speaker: Order. We have too much talking. If you have something, you address it through the Chair, and I wanted to mention that to the member as well.

Mr Marchese: So think of that: An assignment, just one, five pages long—not even 10, because that would be too mathematically impossible for some of you to conceive of, I imagine. Five pages, 150 students—how long do you think it would take to mark those papers?

My point is that if you give them yet another class, it's going to make it impossible for teachers to give written assignments. If you have to mark a paper, mark it with comments to show where the error is so that you can help the student—not just given an A or an A+ or a B+ or a B, but rather to correct and to suggest ways of improving the paper—if teachers are required to do that, as is the case, and you give them more students, those teachers are going to think twice about giving more assignments to mark.

You say we need more contact time, but the more students you give that teacher, as opposed to fewer students, the more that teacher will be burdened with so much extra work that the teacher might decide, for his or her own sanity, not to give so many assignments. If the teacher decides that for his or her own sanity she cannot give so many assignments that she has to mark, the

students don't get to practise writing. If they don't get to practise writing, they won't know how to write.

Hon Michael D. Harris (Premier): You think so little of our marvellous teachers.

Mr Marchese: Oh no, Mike. I think very highly of them, mon ami Monsieur Harris. I think very highly of them. That's why I'm raising the concern.

Hon Mr Harris: It doesn't sound like it.

Mr Marchese: But Mike, I'm telling you, teachers are fixing your problems and have been fixing your problems since you came into office—day in and day out, caning them from one end of the House to the other. They have been dedicated to fixing every one of your so-called initiatives. I suggest to you, Mike—the Premier, Monsieur Harris—they might stop doing it.

Ms Marilyn Mushinski (Scarborough Centre): Show some respect.

Mr Marchese: I am.

They might suggest that they are too tired to do it. I think a lot of teachers will feel that way. Don't you want our teachers to be able to have the relaxation of mind?

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): They have it.

Mr Marchese: They don't. You've taken the heart out of education. You've sucked the energy and the desire out of the educational profession to the extent that you may not get the product you so desperately want and so desperately need, that we as a society desperately need.

There's only so much you can ask a teacher to do before that teacher decides, "I am tired." How many e-mails have I received from teachers saying, "I love my job," and how many e-mails do we get from teachers saying: "But I'm losing that love. You're sucking the energy and the desire right out of me"? The Premier says, have I so little faith in the teachers? No. I have a great deal of faith in them. It is they who suck out and drain whatever love and respect they have for the profession.

They have, through the hearings, determined that perhaps they might divide the elementary from the secondary panel because this bill brought both panels, elementary and secondary, under the tutelage of this bill. In order to divide the two federations—

Applause.

Mr Marchese: Speaker, they're either clapping for you or they're clapping because Bert went away; I'm not sure which.

So they decided to divide and conquer once again. They said—and this is where the minister is good. She's good, I've got to tell you. Unless you have other advisers who are equally good, God bless, because Tom Long is no longer there, and I'm worried. By the way, to side-track, I'm really worried. Ever since Tom Long got into that campaign, you guys have been getting into trouble day in and day out. Please bring him back. Walkerton might not have happened if he were here, or this attack on you guys might have been curtailed by at least a couple of weeks if he were here. Bring him back. You guys can't afford to lose him. Mike, I'm worried for you guys. Bring Tom Long back. If he wins, you are in big,

big trouble, I've got to tell you. It was just a side remark. I was worried for you folks and I thought, ever since Tom Long got into that campaign, that you guys have been getting into trouble. Jeez.

2000

Where was I? I was saying how the minister is. You are good, Minister. She said, "How do we create some dissension within the midst of the unions?" Don't forget, don't say "federations," because it's not good; say "unions." Elementary unions, secondary unions, divide and conquer, make sure the elementary people are happy that the minister listened to what they had to say so they're not siding with the secondary panel, so that you make sure that in the event there's some trouble with the secondary level, you don't have to apply the same measures to the elementary level, so you keep them all happy. That's brilliant. That's really good. So she listened to somebody, obviously. One of the elementary federations must have been very effective in talking to this minister, and it worked, right? Divide and conquer—beautiful.

I was asking you a question today, you remember, Minister, on the Boy Scouts? I said, "My God, they have billions of dollars to give to the corporate sectors". Five whole billion bucks, big bucks, a whole lot of zeros, right? Five billion bucks to the corporate sector, yet we can't find any money for education, for health, for social services. We can't find any money. We found one billion bucks to give away, 200 bucks to each working individual so we could buy their vote. I say it's too cheap. I urge you, taxpayers of Ontario, don't sell your souls for 200 bucks; it's not enough.

Hon John R. Baird (Minister of Community and Social Services, minister responsible for francophone affairs): How much?

Mr Marchese: I could be bought off for \$100,000, I think.

I've got to tell you, some guy on the radio station—I do a CHIN program—said, "If I was given \$200,000, I would be bought off easily. But 200 bucks is a lollipop. Please, you're embarrassing me, right?" He said: "You think you can buy me off with a lollipop? Sorry, 200 bucks is not good enough; \$200,000, maybe we could talk." That's what he said. The point is that he was exposing you guys?

OK, so one billion to give away, just to buy a few votes. And by the way, Mike, you did a good job making sure they get the cheque in the mail. It's good. You send the cheque in the mail, so when someone who is making about \$25,000 or \$30,000 receives that 200 bucks he says, "It's 200 bucks; better in my pocket than the Tories' pockets."

Hon Mrs Ecker: Are you going to give yours back?

Mr Marchese: No, that's not the case I make. Minister, stick around. Don't go away. I'm going to make this point for you. Don't leave. I need you here. I say to you, Minister, and I say this to the Premier, who is here today, you should have used that \$1 billion you have given back to your taxpayers to reduce the debt. Your

taxpayers want the debt to be reduced and I say to you: Reduce the debt. Don't try to buy them off with 200 bucks.

That's what they're asking of you. But you don't have that kind of fortitude to be able to do that. You want to be able to play the game. "Yes, we'll deal with the debt later. At the moment, we've got to buy your vote for 200 bucks." Taxpayers, this is how they deal with you. Aren't you somewhat ticked off that they'd buy you off so easily with 200 bucks? I would be, as a taxpayer. I would say to Mike: "Reduce the debt, Mike. Please don't try to play with me for 200 bucks. You ain't going to buy my vote with that." That's what I expect of the taxpayer, because I think some of the taxpayers out there are smart, ought to be too smart to be able to play into this game. You've got to say to Mike, "We're not playing this game." But they are, I guess; they're trying.

Then I think of this government that says: "We're here as the non-government coming to fix government. We're here to fix things." I was thinking of Mr Andersen's consulting firm the other day. The corporate sector loves these guys. You know why? Because they can suckle so well from the bosom of the Ontario purse. See them suckling until they get fat, suckling from the bosom of the Ontario purse that the Premier and the minister so willingly give away. They give our money away to the private sector as if there were no tomorrow. Oh, but you mustn't tell the folks that they're wasting money. Oh, no siree. Other governments waste money, but not this government. So they have a fine little deal with Andersen Consulting.

By the way, these guys are Americans. Do you know how much Arthur Andersen takes home across the Buffalo border every day? Half a million bucks. That comes to \$180 million, right, John? I could be wrong. Give or take? Can you picture Mr Andersen with a briefcase full of money, half a million dollars a day, walking across the border with a big, heavy suitcase of Canadian money, right, that they take from Canada—Ontario—and walk across the border with every day? Half a million dollars a day—Andersen Consulting.

It's not good to be a socialist, suffering so much all the time, right? I want to be one of those consulting firms suckling from the public purse. I want to do that. I am sick and tired of the poverty in Ontario. I'm sick of it. I want to be able to just suckle so easily from Mike Harris's Ontario bosom there as they just keep it coming—

Hon Mrs Ecker: Be careful where you're going with that.

Mr Marchese: —snorking at the public trough. Can you see those little piggies snorking from the public trough, half a million a day in a big suitcase, Canadian money going across the border to feed the American economy? It's lovely, it's so good. You can be rich in this province if you're one of those types of consultants. The richer you are, the more money you make. Do you remember that? The richer you are, the more money you make. All the working men and women understand that one. But you can do that in a Tory government.

Interjection.

Mr Marchese: Let me finish with this and I'll get to the Ontario Realty Corp.

Arthur Andersen, God bless him. Andersen Consulting hiked its fees up to 3% for staff billing hourly rates of \$105 to \$560. Man, oh man, wouldn't you love to pocket that kind of money every hour? I would.

The Provincial Auditor, Erik Peters, yesterday released a report charging that the problems with the deal persist and in some cases have been exacerbated even though the government conceded a year ago it was mis-managed and promised to renegotiate it. Enough of Andersen Consulting. The good taxpayers of Ontario and the good citizens of Ontario understand what I mean when I say that there are a whole lot of rich people snorking at the public trough every day, half a million a day, snorking and suckling from the public purse.

I am worried about Walkerton, as I am worried about the educational system. The two are very synonymous and I'm going to explain how. In Walkerton we have seen contamination of the water directly connected to this government even though Mike, mon ami—who is about to leave us because he's had enough of me; I understand—blamed it on the NDP government, then blamed it on the fact that perhaps the municipalities weren't doing their job. He said maybe they won't get the money if they don't do the infrastructure stuff. Then he said, "We're going to give you some money, but if you sue you're not going to get any more money," desperately trying to fix that problem. Now the Premier's saying, "Heck, we're not going to hire more people until this inquiry is over." This inquiry's going to be over three years from now, but I've got to tell you what Mike is going to do.

You can bet your boots Mike went to the civil servants, the deputy minister, the minister and everybody down and said to them: "You had better fix this problem before the inquiry is over. I don't want any more contaminated water, not just in Walkerton but any other surrounding community out there. You put the money in there and fix that problem." Don't you think Mike already did that, while all along saying: "We don't need any more staff. No, no, more staff wouldn't fix that problem?"

And he's saying the same thing in education. He's saying the quality of education has not been affected by the \$1.2 billion cuts they have made to the educational system.

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Now the minister, with her usual silkiness, says, "We haven't cut any money," and we say, oh yes you did. That's why you centralized financing, so you could squeeze education a little bit, squeeze until there is pain, while all along saying, "No, everything's dandy. Quality's good, the kids come first, there are more teachers than ever before, class sizes are down"—you know, the usual stuff.

Walkerton: We saw the immediate effects of the Walkerton disaster in terms of what it did to their water and how it's affected their community. We will see the

same thing in education, except it won't be so dramatic. You won't see it right away. You will see the quality drop, not this year and not next year, but you will see it dropping in time. Then people will be able to make the connection between your cuts and how water and our health are affected, how our educational system is affected, how our social services have been decimated to the extent that it's affecting the quality of our life. People need to experience the disaster before they can say, "Ha, now I see the connection of the cuts," but they can't see it until they're directly affected. But the good people in Walkerton have been directly affected. I tell you, they won't forget and surrounding communities won't forget and a lot of Ontarians won't forget.

You have been spared from dealing with the Ontario Realty Corp because of it.

Interjection.

Mr Marchese: Speaker, I'm trying to draw connections. They're all interconnected.

The Ontario Realty Corp: Here is another place where a number of private individuals—you know, the private sector—were suckling from the public purse, where they were making big bucks from this government, which so desperately wants to get rid of our land, our public land, and give it away dirt cheap so that the private owners can flip it and make millions of dollars. It's nice to be rich, because in this province under the Tories you can always get richer. It's lovely. It's good to be the private sector here.

You know who it's not good for? It's not good for welfare recipients, who've had a 22% drop in the income they used to get, whose quality of life has been seriously eroded because of it. It's not good for teachers, whose quality of life has been affected and infected since 1995. It's not good for labour or unions at all since this government came into power. It's not good for squeegee kids, I've got to tell you, not good for them. It's not good for poor people.

Wages have been going down. People have been working longer and harder for less. Stress has been going up and families can't cope any more. Families, you know you can't cope. If you are a working person, man, woman, husband and wife, partners, you can't cope with the stress any more. I see it in the public sector, where thousands of people have been laid off, doing more than ever before. You get home and you are required to work on that computer to finish the work you couldn't do from 8 am to 7 pm, so you have to rush home and finish the work on your computer. Good citizens, you know what I'm saying, and that's what they're requiring of teachers.

Instead of the working class, which includes teachers, saying, "We won't take it any more. We are all under stress, and it won't help to load fewer people with more stress because it's not going to help the quality of life for anyone in Ontario," instead of saying that, the brilliance of this government is to say, "You, working man, you work hard and teachers don't. You work hard, so you want to attack the teachers because they have the summer off."

That's what drives the politics of this government. What drives the politics of this government against teachers is that the Tories hope that a significant number of people out there still believe that teachers are not working hard enough. That's what's behind the 6.67 instructional time to get them to work more. As you save millions and millions of dollars by firing teachers, as you save doing that, you stress the people who remain behind to teach more students.

Poor teachers of this system. Do you know what I'm sad about? Good citizens, those of you who are teachers, 30% of you voted for this government again in 1999. Those of you who are watching who might be teachers, I say to you, you voted for this government again. Will you still continue to vote for them after all they've done? And will you, next time they attack somebody else in society, stand still and say nothing? Will you go back to your own homes and decide, "Somebody else is being attacked and we don't have to worry about that"? Will you witness the kind of pandemonium we had the other day, where people out there were protesting for the homeless and for those who lack housing? Were you saying that they are the problem, that it's not Mike Harris aggressing against the poor and the homeless, that it's not Mike Harris causing the violence against the poor and the homeless, that it's the very people who are desperately working on behalf of those who are victimized by this government who are the problem? Are you one of those who say they who support the homeless and the underhoused are the problem?

I hope you're not one of them. I hope you're able to make the connection between one victim and another. We are all victimized by the same government, so when you see this government going after welfare and when you see this government going after teachers and when you see this government going after squeegee kids and when you see this government going after judges because maybe they're not tough enough against some of those who misbehave in society—when you see that, make the connection. There is an agenda here. There is an agenda that victimizes a whole lot of people, and they're hoping to divide and conquer as they do that.

This government commits the damage and then worries about how to repair it later on. What is most insidious about this government is that they give no thought to the consequences of their bills because their bills are so desperately political that they don't care about the consequences. They will deal with the consequences later, hopefully, in their minds, after the next election. That's the way they operate. What we need to do, citizens of Ontario, those of you who are watching, teachers and non-teachers alike, is to become part of a resistance movement. You have to become part of a movement. We can't do this alone. You can't simply, watching the opposition deal with these problems, think that we can solve it for you. You have to be part of a movement to attack the Minister of Education and others as they bring about bills that are an aggression and a violation against teachers and students and parents and

trustees. You have to be part of a resistance movement. There is no other way to solve it.

They have squeezed boards through Bill 160, where boards were powerless after Bill 160. They took away the power they had to raise money. They're collecting the money now and trustees have no more flexibility to do anything to address their problems. They're all done centrally now. They're all done by the Minister of Education. Camera, zoom in on the minister; she's over there. Zoom in over there. She is running the show. Cameras, over there. She is running the show by herself. She's talking to the union boss; I can't believe it. She's talking to one of the union bosses; I can't believe it. They have centralized financing in the hands of the minister, in the hands of Queen's Park, in one woman's hands—it could be a man another day, but at the moment it's in her hands, centrally. Trustees are powerless. She's got all the power. It says so in the bill.

Bill 74 decapitates trustees. They are powerless. They have no more power to dissent, no more power to object, no more power to move motions saying they disagree with the minister, because Bill 74 says they can be fired, fined for the measly \$5,000 they make, or they can be let go, won't be able to run for five years, because she says so. Those who are democratically elected by the electorate, trustees elected by local people to worry about the educational system, have no more power. They can't dissent with anything connected to this bill. That's the most draconian part of the bill.

Three parts: The teachers will, by force, do extra-curricular activities, of which they now say, "Suspended until you misbehave, and then the guillotine goes down." It's worse than before. I suggest to you it's worse than before. I'd rather you impose it now than to have the fear. I'd rather you did that than to have the fear, than to keep me silent, than to keep me quiet, than to say, "You better behave or the guillotine comes down." I don't want to live with a guillotine on my head, and neither do the teachers. Instructional time: Fire 2,000 teachers while all along you say, "We're not firing anybody." Third, decapitate the heads of the trustees. They're all powerless now. They should all resign en masse. They are useless. They are the foil now to this government. They are there to do the bidding of this minister. They don't have any independent power any more.

Why would you, in all decency, you trustees—Tory and non-Tory alike—stay in the boards when you no longer have any power? Why would you? I would resign in mass protest as a way of sending a message to this government.

2020

Poor teachers; the bill says that a teachers' bargaining unit or members of that unit can be changed without teachers having a say. Think of that: The bargaining unit or members of that unit can be changed without teachers having a say; all of that power in the hands of the minister who's right here talking to the union boss. Good citizens of Ontario, good taxpayers, she is above the law. The law says she overrides the law, the law cannot override her. That's what the bill says.

Central control in the hands of one person while everybody else is a little puppet—the little trustees across Ontario, like little marionettes just dangled along by the central power of this one woman. Resign, trustees. Resign en masse across Ontario. She is using you as a foil. She is using you to do her bidding. It's against the law to protest. You cannot in all conscience remain as a trustee, because you can't serve the people any more. You've got to resign. You have to resign, in all good conscience.

Boy Scouts, Girl Guides, Toronto board of education—I asked this question today. I said to her, "It will cost the Boy Scouts and Girl Guides \$100,000 to pay for the use of the schools." All the while, all this long time, this board has said to them, "We are giving you reduced fees because we know all the good work that you do"—reduced fees for a long time. Now they've said: "In order to abide by her laws—Bill 160, the funding formula, Bill 74—in order to abide by all these laws, we cannot give reduced rates any more. We have to charge the rate that we charge everybody else because we don't have any money any more. They've squeezed us dry."

So they're going to have to charge the Boy Scouts and the Girl Guides levels of money they don't have. And so who will be there to do the good work? Who will fundraise for these people? Boards of education can't do it any more. Who will help them out? Parents are fundraising till they drop, and they're sick and tired of fixing your problems. Teachers are sick and tired of fixing your problems. They're not going to do it any more. And if they don't do it any more, the quality of education is going to go down.

Good citizens of Ontario, teachers are leaving by the hundreds every day in protest. Teachers who have 20, 30 years' experience are leaving early. They are taking that window and they're leaving because they are sick and tired of the minister, and they're sick and tired of the Premier and this government.

And you know what? The minister loves it. Because these people who are paid at the highest level will be gone. And so they say: "Oh, it's OK, we'll hire the young ones. We'll pay them half of the money. We save a whole bundle of money. We collect it; boards don't collect it any more. We collect it and we save. So if teachers leave, God bless, we'll have more money to take away from them, so we can give to the corporate sector five billion bucks they so desperately want." Because they haven't been doing well in the last five years. They've been dirt poor in the last five years. They've been going genuflecting to Mike Harris, saying, "Mike, please, we are desperately looking for more money because we haven't made enough profit; 23% is not enough." And so they came to Mike, and Mike said, "OK, we can help you out, we've got a few bucks"—five billion bucks.

Teachers are leaving by the hundreds. Principals have left since you took them out of the bargaining unit, and the ones who are left are so inexperienced. Some of them have only five, six, seven years of experience and are

taking the job of a principal. Good citizens, good taxpayers, good principals are leaving. There is no more experience, no one to manage our schools because they left under this government. They've left and they're leaving, and the ones who remain behind are so inexperienced they can't help the teachers out. Teachers are leaving the profession, and those who are young are leaving the profession because they're sick and tired of being punished by this government.

I have so many letters to read and not enough time. From a good teacher whose name is Marylou Tompkins—I apologize, Marylou Tompkins, I don't have the time to read your letter. I apologize to Julia Saunders; I don't have time to read your long letter as well and your denunciation of this government. I don't have time. They shut this place down. There are no more hearings. There is no longer any democracy. There's nothing left any longer. We are on our own. So those of you who are watching, you need to become part of a movement. You can't sit back at home and say, "Somebody else is going to do it for me." You can't. If you're not part of a resistance movement, we won't be able to change the direction of this government. These people are taking us to the gutter, to the compost heap. That's where they're taking us, and if you don't fight back, if we don't collectivize our energy—and I've got to tell you we have a lot of power. You have a lot of power if you fight back, but if you sit at home deciding somebody else is going to do the fighting for you, this government will continue to victimize you and the rest.

The quality of life will go down, and it's going down in a good economy. They are killing us in a good economy. Imagine what will happen in the next downturn when there is no more money and \$8 billion or \$12 billion is going to the corporate sector and to the income tax cuts that this government has instituted. When there is no more money, imagine what will happen. You've got to fight back. You've got to organize. You've got to become part of a resistance movement in order to resist the evil of this government. I say "evil" because it is that bad. Homelessness is bad, people without housing, people with mental illness and no support. It's going to the dogs, all under this government, all in a good economy. What will happen when the economy turns for the worse?

Mr Dalton McGuinty (Leader of the Opposition): I want to begin my remarks tonight by thanking my colleague Gerard Kennedy for the very hard work he's done in representing our interests in connection with Bill 74 and education matters generally, and for the work that he's done in organizing our Liberal opposition party hearings, which were instrumental in helping us to gain a still better understanding of the shortcomings of this bill and of the concerns that have been expressed by so many defenders and partners in public education who feel they have been shut out of this process.

Much has rightly been said by way of criticism about Bill 74 and about the many fatal flaws found within it. If you take the time just to scan it very quickly, the

language is so telling. I believe that the only way we can deliver quality education in Ontario, inside every classroom, inside every school, inside every community, is by means of a partnership, the partners being parents and teachers and trustees and of course the provincial government.

This really is more like a list of edicts together with punitive provisions. It talks about co-instructional activities. It talks about minimum teaching assignments. It talks about the ability to abrogate collective agreements. It talks about compliance with board obligations. It talks about investigations. It talks about complaints re contraventions, grounds for complaints. It talks about effects of complaints, appointment of investigators, powers of investigators.

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It talks about the minister's powers on reviewing reports. It talks about "minister to have access to all records," powers to enforce directions and orders, liability for non-compliance, personal liability and disqualification of members of boards, dismissal of officers or employees, no indemnification, and injunction against exercise of board powers.

This is found in policy affecting education in Ontario. When I was practising law, wording of this kind would be found inside the Criminal Code. Here we have it within a document which purports to alter in a fundamental way how we deliver publicly funded education in Ontario.

I talked earlier about a partnership, and if there was any semblance of a partnership remaining here in Ontario when it comes to delivering public education, Bill 74 then drives the stake into its heart. There is no partnership any more in education in Ontario, and our children will pay the price as a result.

The partnership I speak of is one that is founded on trust and respect. That's not to be found anywhere. Those values and those notions are not to be found anywhere, either explicitly or implicitly, in Bill 74.

On top of that, the partnership of which I speak exists because of a shared higher interest, among the partners, in our students. Because that partnership is lacking, as I said, we are short-changing our children, whose interests demand that we work together.

I can tell you as well that as a result of having had the opportunity to spend eight hours at the hearings in Ottawa and four hours at the opposition party hearings held here in Toronto, one of the things that you quickly conclude is that there is a terrible state of morale when it comes to our teachers today in Ontario.

You could think of the Ontario education delivery system, so to speak, although I hate to use that collection of words together, as a car or a vehicle. Public education is the car that we put our children in for 14 or 15 years of their life. It's not so much the car itself that's my concern here, it's not so much the various options this government keeps adding on to the car, it's not the varying colours of paint they want to slap on the exterior of the car; it's the tires I'm concerned about. That's where the

rubber meets the road. It's what education and schools and our classes rolling along.

The tires are wearing down. It doesn't matter what you do in terms of adding on new options or slapping on new coats of paint; the tires are what the car rolls on, and our teachers are the tires. Our teachers are wearing thin. They are tired; they are demoralized; they are close to the breaking point in terms of just how much more weight, how many further responsibilities they can carry on their shoulders and still do justice to their students.

I note with interest that some of the ministry staff are here, paying very close attention. I appreciate that; I want to let you know that.

It is remarkable, the number of teachers who spoke in terms of a calling and who spoke in terms of a vocation, a word which to probably many people seems rather outdated and old-fashioned. But I was continually impressed with and amazed at the number of teachers throughout our province who remain so committed to their jobs, who are so dedicated to their students.

At the same time, I was deeply disappointed and angered to witness the continuing corrosive effects of Mike Harris policies on our teachers. The combative approach brought by this government, the confrontational approach brought by this government is wearing our teachers down. It's eating away at their energy, at their drive and at their desire to get up every morning and go to work. I may be the leader of my party but, first and foremost, my greatest responsibility is as a parent. As a parent of four school-aged children, I want somebody in the front of my child's classroom who is committed, energetic, enthusiastic, feeling valued, feeling appreciated. I don't say that for the sake of the teachers; I say that for the sake of my kids. If the teachers are feeling good about themselves and appreciated and have the necessary tools to get the job done, including, by the way, the necessary time needed to get the job done, that's in the interests of my children and, I would dare to say, in the interests of all Ontario children.

I can recall one teacher in particular saying to me that Bill 74 isn't going to mean he'll have more time with his students. He said, "It means I'll have less time with more students." That's what Bill 74 is really all about, government spin notwithstanding. So I ask, how is it in my interests as a parent that it is a good thing for my kids' teachers to have less time to spend with them? How is it in the interests of Ontario children generally for their teachers to have less time, henceforth, to spend with them?

We have placed such a heavy burden on our public schools in this, the earlier part of the 21st century, with the hectic, even frantic, just-in-time lives that so many of us, as parents, lead. It's nothing less than essential that our teachers in our schools have time to talk to our kids between classes, have time to smile occasionally, have time to ferret out any problems, have time to talk to kids to get out of them what it is they're really trying to say. As a parent, I want teachers to do more than just teach. If that was what it was all about, then surely it would be so

much simpler. There's much more to being a teacher than just teaching. You need to have the necessary time and opportunities to relate to your students, to find out what is going on with them and to provide ongoing guidance and direction. I look to that from our schools. I look to that from our teachers.

Now that our teachers will have less time to spend with our children, what about those kids who need a little bit of extra help? What happens to them in this new, high-efficiency, just-in-time public education system now that teachers themselves have got to bring that frantic pace into everything they do at school? Teaching four out of four—if you can find time to go to the wash-room, that in and of itself is an accomplishment. But to take time between classes and to provide that guidance and direction and be able to deal with students in a spontaneous way, that won't be there.

To me, those aspects of this bill are the most troubling of all. We can spend all kinds of time talking about the individual components and the compliance measures and the punitive elements and aspects of this bill, but what really, really concerns me, as a parent, about Bill 74 is that my children's teachers will have less time to spend with them at a time when, ideally, I'd like them to have more time to spend with them.

For me, being a teacher is a lot more than just teaching. If that wasn't the case, then they could simply punch clocks day in, day out, and they could serve their time inside their classrooms on a daily basis and go home after that and not show up a minute before that. There is important, value-added time provided by our teachers between classes, before classes and after classes, and I think a responsible government would recognize that and allow for that kind of interaction to take place. Bill 74 takes us in the opposite direction.

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The minister is fond of telling us on a regular basis that there are all kinds of new teachers who are making application to enter into the profession and that we should take consolation in that knowledge. What she doesn't like to talk about are the dramatic losses we are experiencing in terms of the numbers of our experienced teachers. Again I speak in my capacity here as a parent. I want to have around my kids' schools some people who have served 20-plus years in education, 20-plus years in front of a classroom, teaching. That is not only in the interests of my children, it's in the interests of the other teachers who find themselves inside the same school.

There is no doubt in my mind that good people, dedicated people will continue to enrol in our faculties of education, doing so because they are motivated by a desire to teach and they genuinely care about young people. That will continue to happen. But we will also continue to lose more experienced teachers who feel they are not appreciated. What we will be doing with Bill 74 is seriously limiting the potential of our teachers at all levels of experience, at all ages, to do the best job they might possibly do. That's what Bill 74 is doing. It is hamstringing our teachers. It is driving a stake through

any notion of partnership when it comes to delivery of public education here in Ontario. Quite simply, it is not in the interests of our children.

I will recommend to government members that they take the time, sooner rather than later, to come out from under cover of the usual rhetoric and attack line, especially when it comes to teaching and teachers in Ontario, and find out exactly who those people are and what they do for us day in and day out. I take this opportunity to do something that I do too infrequently, and that's to thank Ontario teachers for what they do; thank them for withstanding the attacks, for getting up every morning, going to school, teaching their lessons and taking a genuine interest in my children and all Ontario children. The Mike Harris government has made it highly fashionable to attack teaching and teachers. That is highly regrettable.

I must tell you that I look forward to a time, under a Liberal government, when we can restore a true sense of partnership: the provincial government, teachers, parents and trustees working together, not motivated by self-interest or the interests of any one member of that partnership, but working always in the better interests of our children.

I will, at the earliest possible opportunity upon forming the government in Ontario, throw Bill 74 into the garbage can, where it belongs. I look forward to that day. I say with conviction to all those partners in Ontario who are genuinely committed to public education—and we are all here, I would guess, products of that system—I look forward to the day when we can work together, not in each other's interests but rather in the interests of our children. In the interim, we will continue to fight for a healthy, vibrant, viable exciting system of public education in which all partners feel valued and remain committed to our children.

Mr Tascona: I'm pleased to join in the third reading debate with respect to Bill 74. I look at the bill a little bit differently than the Leader of the Opposition. I think what the Leader of the Opposition has essentially said is: "Trust us. We're going to repeal Bill 74." He didn't mention he was also going to repeal Bill 160, he's going to repeal all the education amendments that have been brought forth. He's saying to parents out there, "Trust us. We're going to start it all over if you put us into office. We're going to start it all over and get rid of all the standards with respect to education," all the standards that all the parents in this province want from this government in terms of standardized report cards, standardized testing, a funding formula where every student has the same amount of educational dollars that everyone else in the province would have, standards with respect to classroom sizes, standards with respect to instructional time, because he wants to focus on teachers and their unions.

I didn't hear too much about parents and their role in their children's education. I didn't hear too much about what the students could gain from the educational system that Mr McGuinty was proposing. What he wants us to

do is to trust him. He says: "We're going to forge a partnership. We're going to be able to bring about this partnership." At the same time, he doesn't bring forth the plan, because he has no plan. It's the typical Liberal rhetoric that we listen to from Chrétien and the federal Liberals: "Trust us. When you put us into power, we're going to deal with the GST. We're going to repeal it." They didn't repeal the GST. "We're going to make sure we're not going to get into any free trade agreements. We're going to make sure we're protecting you with respect to a North American free trade agreement." What did he do? Basically, they brought it in. They didn't do anything with respect to that. When you look at the federal Liberals and you look at the provincial Liberals, they want us to trust them. They think they're the people who have all the answers and they think they're on the side of righteousness because, quite frankly, they're Liberals.

When you listen to Mr McGuinty, the Liberal opposition leader, he talks about an automobile and that tires make an automobile go. I know a little bit about automobiles. It's an engine that makes an automobile go. It's not the tires. The bottom line is that the foundation of this system in this province is based on parents and students and the teachers who make this system go. I'm not going to focus on trustees like the Liberal opposition leader. I'm not going to focus on the trade unions as he likes to do. I'm going to focus on what this bill is about. There are a lot of myths, there is a lot of misinformation out there and there's a lot of rhetoric coming across from the other side. I want to focus on what we're dealing with here. He says, "Oh, children will have less time with their teachers." He says it in such a sincere way, I think he's been studying Bill Clinton about sincerity. We know how much sincerity we have with Bill Clinton.

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I have children in the school system. I'm a parent and I like the direction this government's taking my children and the standards they're trying to set. I believe in testing. I want some accountability in the system.

In terms of children with less time with their teachers, we're trying to reduce the class size, and we have done that. We've reduced it in the elementary sector. We've reduced it to 24 students from junior kindergarten to grade 3, we have set it to 24.5 students on average in grades 4 to 8, and we've reduced it to 21 in the secondary school panel. The fundamental reason why we had to do that is that the school boards and the trustees and the teachers' unions—the true partnership that the Liberal opposition leader recognizes, not parents and students—were increasing classroom size in exchange for compensation. Well, we put a stop to that, so teachers can have more time with their students.

There's a lot of other myths. I was at the same hearings that the Liberal opposition leader was. He was there all day with Mr Kennedy, listening to what was happening. What I heard was a lot of rhetoric from teachers who appeared in front of the hearings, that they were going to go to the United States. They wanted to

teach in the United States. All we've ever heard are criticisms about the United States system, but they want to go. Well, I say to them, in the system we have put in place we're seeing more people interested in getting into our teachers' college. We have a 40% increase in applications for teachers' college for the coming year. It's anticipated that close to 7,000 new teachers will graduate from the faculties of education this spring, and between the year 2000 and the spring of 2003 we anticipate the faculty of education will graduate an additional 18,900 teachers. So there is a strong interest in the teaching profession in this province.

I think that was typical rhetoric we heard the other day with respect to teachers wanting to go to the United States. Quite frankly, the United States has a system in place. We have a free country, we have free trade, and if someone wants to teach in the United States, they can teach there. If Americans want to come up here and teach, I imagine they would want to teach in our system. So I think what we're hearing about teachers taking jobs in the United States is a lot of rhetoric, because the fact is it's not happening. That's just typical rhetoric.

Another thing I want to address is misinformation set out there in terms of spending that has been put in place with respect to our education system. Bill 74 does not contain any provisions which would result in the reduction of funding to school boards. In fact, the exact opposite is true. The 2000 Ontario budget announced \$101 million to reduce average class sizes in junior kindergarten through grade 3. In introducing Bill 74, the Minister of Education, Janet Ecker, announced a further commitment of \$162 million to reduce secondary average class sizes from 22 to 21. We have standardized class sizes.

With respect to instructional time, we have a situation where what we're asking secondary school teachers is to teach to the average in the country. The elementary panel teachers are already doing that. I had a conversation tonight with retired teacher in the elementary system. He said to me, "I taught elementary, I taught secondary, and quite frankly, it's much more difficult to teach elementary."

Why would you not want your secondary school teachers to teach the same amount as they do in the rest of the country? In fact, we had grade 13; we were the only jurisdiction in North America that had grade 13.

When you're dealing with secondary school teachers, there's no doubt that the standard that's expected in terms of this bill is 4 hours and 10 minutes a day, which is being measured in terms of the classroom complement of 6.5 with remedial instruction of 0.17 making it 6.67 classes. That's bringing them up to the standard across the country. That is a standard that I think everyone respects. The more time that the teacher can be with their students, the better the students will be. I challenge the opposition to bring out some statistics, or whatever they want to bring out, that that's the wrong approach.

We want teachers to be in the classroom. We want more money to go into the classroom. That's why one

other aspect of the bill, the third aspect of the bill, is dealing with compliance. What we're asking trustees and school boards to do is to ensure that they adhere to the standards we have put in place with respect to classroom time and instructional time and in dealing with our funding formula. That's the plan we put in place to bring accountability to taxpayers and to bring in a process in which they have some say in the system.

The Liberal opposition leader says: "We're going to just get rid of that at the wave of a hand. We're going to get rid of it. Why? Because we love teachers' unions and we want to make sure we can start all over again. We want to start all over again. Just put me in." Well, what we've heard from parents is that they want standards across the province to make sure they know that their children have a quality education and that they're being tested, to make sure they know they're getting an education. That is something we know teachers play a pivotal role in.

I'm a Rotarian in the city of Barrie, and we have an award we give out to recognize quality teaching. It's a Teacher of the Year award, which this past week went to a worthy recipient by the name of Kit Davis. She taught 32 years at King Edward Elementary School, and we recognize that. She was a tremendous teacher: 32 years of dedicated service. I can tell you, she loves the teaching profession and she loves her students and she doesn't have any time for the nonsense going on in this House with respect to misinformation.

Bill 74 is not going to limit the potential of teachers. Such nonsense. I cannot believe the Liberal opposition leader would be saying that. I was at the same hearings that he was in Ottawa and, quite frankly, all I ever heard him talk about was coaching, his theory about leadership and his theory about motivation. If I look to a leader in terms of motivation and leadership, I look to Vince Lombardi. I think he can tell Mr McGuinty a lot about leadership and motivation.

Mr Agostino: I thought Harris was your leader.

Mr Tascona: He is the Premier of this province, Mr Agostino, and I think he's providing great leadership with respect to this bill. In terms of sports coaching, Mr McGuinty, you're going to have to learn something about what's going on in the real world, because it's much more than motivation, it's much more than just showing leadership. I can quote a credo from Vince Lombardi, when I was reading about his life: What separates great coaches from just average coaches is that the great coaches, just like this government, know exactly where they want to go; they have a plan.

This is where this government's going with respect to our education reforms. We, very simply, want to make sure that we have a quality education for students. We want to make sure we have standards across the province with respect to funding, in terms of classroom time and in terms of instructional time; standardized report cards; testing. We have a plan, and it's a fair plan. My riding has benefited tremendously, and the member for Simcoe North can attest to that, with respect to a fair funding formula.

I can understand the Liberal opposition leader having a little bit of problem with that, because the city of Ottawa was self-funded with respect to their education system, and the same with the city of Toronto. I can understand the members. They didn't need to rely on any dollars other than their own tax base. We're not that fortunate across the rest of the province. That's why I like the funding formula that's in place, because that provides equalized funding across the province for every student. That's the way it should be.

When we talk about the reforms, just last week we passed Bill 81, the Safe Schools Act, dealing with a safe environment for students to learn and for teachers to teach. How can you have difficulties with that, with respect to a safe school environment and making sure that across every school board there's a provincial code of conduct to deal with the type of activity that can detrimentally impact a learning environment?

2100

I can stand up here as a parent and I can look the Liberal opposition leader in the eye and I can look the Liberal opposition critic in the eye, because I am proud of the reforms we have brought in. I am proud of our minister in terms of the hard work she has done. I am not prepared, like any other parent in this province—parents do not want to start over with respect to educational standards and the quality initiatives that we have taken. They do not want a leader who just stands up and says: "Trust me, I'm a Liberal. I'm going to repeal everything because that's what is the best thing for you." Parents want something better.

Mrs Sandra Pupatello (Windsor West): I regret that we don't all have more time to speak to this bill. It has an enormous impact on the schools in my riding.

On Monday we had our own forum, our own hearings on this bill at the Windsor board of education because the government refuses to come to Windsor to hold hearings, which is most unfortunate. Our school boards in Windsor have had significant cuts to their budgets, even though we as school boards in our area have more children at risk than most places in Ontario.

While I listen to members opposite I often wonder if they would get their head out of the sand. If they would do a little bit of travelling around Ontario to see how some of the schools are suffering under their new school funding formula, they would then understand that it's not so rosy, that your own political staffers are not giving you accurate information, that we in fact do have classrooms without enough textbooks. When I talk to people in my riding when we're out and about, whether it's at events over weekends, when I talk to parents, here's what parents say to me: They tell me that they cannot believe how stressful it is for their children in the classroom today, especially for the grade 3s, for example, in preparation for their tests, and that these young kids are undergoing more and more stress because the teachers are only preparing for the tests and these kids think they're going to fail.

Then I hear from parents about the voluminous amount of homework these young children are bringing

home in grades 1, 2 and 3. Maybe that's the way of the world. Maybe someone up there says it is appropriate for a six-year-old to be spending an hour or two hours a night on homework at home. What I say to these parents is that it's totally inappropriate for six-year-olds to be doing this level. What it tells me is that the Ministry of Education has so ill prepared school boards for the curriculum change, that they've provided textbooks—first, not enough of them, and second, not in the right time frame—that they've changed curriculum across the board, that they've introduced such massive change so quickly, all in the same school year, that our teachers are frazzled and our students are frazzled. Our parents don't know how to respond and they're all asking questions: "Who's in charge here?" That's what they want to know.

I ask the parents, who know their children best, just one thing, "Is the school system better today than it was before the government took office?" Not a parent I have met has said the answer is yes. Every single one of them has more questions than answers. Every time they take the time to go to a public meeting, to send a letter to the government, all they get back is a bunch of gibberish that never addresses the issue. Their real concern is that their children are doing better today than they would have before this government took office, and the answer to that is no.

I tell the government that they should slow down, that they shouldn't make the kind of changes they're making at this speed, that they ought to be funding at more appropriate levels, that they ought to take the time to listen to parents and see what they truly have to say.

One of the best presenters on Monday evening in Windsor was from the Windsor Council of Home and School Associations. They spoke about how deeply concerned they were about what our schools will be like when this bill is implemented. The whole item of extra-curricular activity—it was just made a big joke that the day we did our hearings the minister came out and held a press conference as though that weren't really the case any more, that they weren't really dealing with that issue. The truth is that that issue is still very much alive in Ontario. The last time I was principal for a day at my old high school, Kennedy, those teachers as a group, as bad as it's been in the last five years, I have never seen them more demoralized than I have seen them in the last several months. That is going to have an effect on their teaching ability, whether they like it or not, and I fear for what the students are going to be able to get out of the school.

I remember well when those students were right here; the student leadership came here to speak to the government. They came back and they said: "I don't believe what this government is doing to us. They're not doing this for the good of the students."

On that note, I applaud the people of Windsor who take the time to speak out against this bill and I urge the government to reconsider and to not pass Bill 74.

Mr Ernie Parsons (Prince Edward-Hastings): Our leader, Dalton McGuinty, hit it bang on when he said this

bill should be repealed. It is a deceptively named, bad bill.

I'd like to first talk about the democratic aspects of it. The earliest form of democracy in Canada, particularly in Ontario, was elected school boards. Now we have in this bill an individual, the minister, with the effrontery to say that he or she can remove elected officials. People who have been elected by their community and voting as their community directed them to can be removed from office and fined. Even worse, they can be disenfranchised for five years. What gall to say that a citizen of Ontario does not have a right to stand for election by their peers and to be elected to a public office.

This is absolutely unbelievable to me. It is easy to stand back and say, "Well, it's only school boards," because this government has bashed school boards year after year after year. But if it can work for school boards, it can work for elected councils. There is absolutely no end to the centralization of power that can take place with this.

I suggest that there is considerably less accountability, rather than more. School board trustees can be confronted or talked to in their driveway or in the grocery store or at work or anywhere in their community. Try to get hold of the minister if you're a parent and you have a concern. In the school board to the west of me, Kawartha Pine Ridge, the public wanted a meeting with their elected MPPs, who refused to attend. They said, "There's nothing that we think will be productive out of that." If that's accountability, I think that's a pretty good example of what we're going to face in the future—absolutely no opportunity for the parent.

When a school board has its powers taken away, then we see that although the rhetoric may give them power, the parent councils, which influence the school board, have lost virtually all of their influence. We see the continued concentration of power in Toronto.

A lot of work has gone into this. We've seen careful, calculated moves over the last five years to give no credibility to teachers, to give no credibility to school boards. But if we go back to the parents who spoke to the Royal Commission on Learning some time ago, they said, without exception, that their school is a good school, and that is because of the teachers, because of the school boards. No one disputes the quality of the teachers we have in this province, other than the artificial crisis we've seen created.

Visit a school. If you're a non-parent in this province, visit a school and you will see that it is not broken. The graduates coming out of all of our universities and colleges in Ontario are a reflection of our secondary and our elementary system, with dedicated, caring staff who have made them successful. It is beneath the dignity, I believe, of this government to do what they're doing to demean the teachers in this province. This is a bad bill. It simply should not go forward.

Mr Michael Bryant (St Paul's): I rise today as the son and the brother of two great teachers, raised in a family where teachers received the respect they so richly

deserve, the respect that has historically been allocated to teachers, this profession in our society. In other times and in other societies and other cultures, the teacher is literally given the role of the elder, the wise men and women vested with the critical task of caring for our children, of teaching our children, of spending more time with our children, in many cases, than their parents are able to spend with them from Monday through Friday. They have that responsibility, and as such, this calling, this vocation, has received the kind of respect and support from governments past that they deserve.

You would think that's the support that would be provided by this government. Instead, to where does this government turn the bazooka of its political arsenal? On teachers, of all professions, on the ones who are teaching our kids, and we know the price to be paid is with the families, is with the kids. With all due respect, only a half-wit would think it would be politically wise or, from a public policy perspective, wise to play the politics of friends and enemies with teachers, when in fact the group that would pay the price for it would be the kids. This has to be the most monstrous moment of Machiavellian manipulation undertaken by this government, all in an effort to steal mindlessly from the pages of Thatcher and Gingrich and borrow directly from Mike Murphy, all in an effort to say, "My enemy's enemy must be my friend, and therefore maybe there's a vote in this."

2110

Our teachers deserve the kind of support and respect from government that would accord someone who is sitting in the front of the classroom and playing the role of a role model, literally, within our society—but instead this government has decided that they will be the casualty of their politics of friends and enemies.

I'll say this: This bill is a monstrosity. It's a bill that violates the societal place in which the people in my riding put teachers, and I can tell you the people of St Paul's do not support this bill. I've heard that loud and clear from them from the moment that this bill hit the airwaves. I look forward to the day when Premier McGuinty and Minister Kennedy will take the helm of public education and steer it in the direction that a responsible government would steer it, instead of creating a crisis and playing the game of friends and enemies that this government plays with this bill.

M^{me} Claudette Boyer (Ottawa-Vanier) : Je me lève en Chambre ce soir pour me joindre aux milliers d'Ontariens et d'Ontariennes qui pour une multitude de raisons s'opposent au projet de loi 74.

This government introduced Bill 74 in an attempt to make Ontarians forget about the \$1.6 billion it has cut out of education spending. But Ontarians know better. The uproar and opposition to this bill have been overwhelming. This government has attempted to reduce debate on this issue by limiting public hearings to Barrie and Ottawa and refusing to travel across Ontario to discuss this important matter with all Ontarians.

Malgré, ou peut-être à cause d'un manque de, par exemple, consultations publiques sur le projet de loi, la

population ontarienne s'est fait une opinion, et ce n'est sûrement pas ce que le gouvernement Harris attendait.

Il faut souligner que parmi les amendements à ce projet de loi, il n'y a pas eu de modification aux articles ayant trait à l'augmentation du temps d'enseignement et à la capacité de la ministre d'enquêter sur un conseil scolaire ou d'en prendre le contrôle. Nous savons que les dispositions forçant les enseignants et les enseignantes à s'associer à des activités parascolaires font toujours partie du projet de loi. Le seul amendement est que le gouvernement a promis de ne pas mettre en oeuvre cet aspect de la loi à moins que les enseignants et les enseignantes ne se retirent de ces activités dans le cadre de moyens de pression pour condition de travail.

Le gouvernement mine profondément l'enthousiasme avec lequel les enseignants et les enseignantes exercent leur profession auprès des élèves. C'est une mesure punitive qui balaie d'un seul coup la bonne volonté avec laquelle nos enseignants et nos enseignantes organisent et encadrent depuis des années une multitude d'activités parascolaires.

Due to the government's mishandling of the education file, Ontario is rapidly becoming known as one of the worst jurisdictions to work in as a teacher. This government will tell us that the opposition to this bill is coming from pampered teachers who refuse to work beyond the hours for which they are paid. They will tell us that opposition to this bill is coming from union bosses, who refuse to let government work on behalf of the taxpayers to ensure quality of education. Ontarians, however, are not fooled. Opposition to this bill is as widespread as it is intensive. Ontarians indeed want positive improvement to the quality of their education system. Teachers are indeed open to positive changes with regard to their jobs.

But Bill 74 simply offers nothing of what the Ontario education system needs. This provincial government is using our children as bargaining chips. With her new amendments, the Minister of Education is trying to divert attention from the fact that Bill 74 still means that teachers have less time to spend with more students and even less time, if any, for extracurricular activities.

Nos classes sont surpeuplées et comptent souvent 30 élèves ou plus. Dans nos petites écoles, on retrouve de plus en plus de classes doubles, de classes triples, partout on manque de manuels scolaires, et on ne dispose pas des ressources nécessaires.

Please, I urge this government to start spending its time and resources on improving our education system, not on destroying it. Please stop picking on teachers. Give them the credit they deserve.

Mr James J. Bradley (St Catharines): I am hopeful that someone over there in this government will have a conscience and that this bill will be withdrawn at the very last minute. I even wonder whether the Minister of Education supports the legislation; having the knowledge she has of the education system, whether she supports it. I know for sure the member for Leeds-Grenville doesn't support this bill because he was a progressive in education in years gone by.

Pursuant to the order of the House dated May 31, 2000, I am now required to put the question.

Ms Ecker has moved third reading of Bill 74. Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

Call in the members. It will be a five-minute bill.

Interjection.

The Acting Speaker: I have actually two letters from whips deferring the vote till tomorrow afternoon during routine proceedings, when we deal with deferred votes.

TECHNICAL STANDARDS AND SAFETY ACT, 1999

LOI DE 1999 SUR LES NORMES TECHNIQUES ET LA SÉCURITÉ

Resuming the debate adjourned on June 15, 2000, on the motion for third reading of Bill 42, An Act to enhance public safety and to improve competitiveness by ensuring compliance with modernized technical standards in various industries / Projet de loi 42, Loi visant à accroître la sécurité publique et à améliorer la compétitivité en assurant l'observation de normes techniques modernisées dans plusieurs industries.

Ms Shelley Martel (Nickel Belt): I'm pleased to have an opportunity to participate in the debate this evening on Bill 42. I want to begin by talking to the folks out there about what the alleged purpose is according to the ministry. If you go to Bill 42 under the explanatory note, it says the following under purpose: "The purpose of the bill is to enhance public safety in Ontario with respect to the operation of amusement devices, boilers and pressure vessels and elevating devices, the hydrocarbon fuels sector, the activities of operating engineers and the upholstered and stuffed articles sector." It goes on to say that the bill consolidates many of the elements that are found in those seven statutes into one, which then becomes this Bill 42.

That's about it with respect to how the bill is going to enhance public safety. There certainly aren't any details given there or elsewhere in the explanatory notes with respect to what concrete actions the government is going to take with this bill to enhance, indeed to protect, public safety.

Then I thought that perhaps it would say something a little more intelligent on the government's Web site. I went to the news release that the Ministry of Consumer and Commercial Relations put out on December 20, when they announced this bill. There was a bit more information given there. It said in the backgrounder: "The recently introduced Technical Standards and Safety Act is intended to enhance public safety in Ontario. The proposed legislation calls for the consolidation of seven statutes." I won't read them again. They were already in the purpose clause.

This is a new paragraph: "This legislation would allow technical industries operating in Ontario to quickly take advantage of ... innovations in" public safety "and technology as they become available. Details regarding the day-to-day administration by the government's administrative authority, the Technical Standards and Safety Authority (TSSA), would be contained in the regulations.

"Currently, administrative details and industry specific safety codes are contained in the legislation and in a variety of director's orders and other documents."

2120

Again, in terms of what concrete actions the government was going to take to guarantee public safety, to ensure public safety, to enhance public safety with respect to any of those seven statutes and any of those seven industries, there was nothing to be found. The government did say, however, that it was introducing this legislation after two years of comprehensive review of these existing pieces of legislation. You take from that, I guess, that the government has done a lot of homework and is going to get it right with this bill. But in reviewing some of the information about the bill, I am left to say that I don't think so. I just don't think that's the way it's going to be and I don't think it was intended to be that way.

If you want to get a good idea of understanding the problems with Bill 42, you really need to go back to its predecessor, which was a bill that was passed by the Harris government in 1996. The long title appears as follows, "An Act to provide for the delegation of the administration of certain designated statutes to designated administrative authorities and to provide for certain limitation periods in those statutes." The short title of the bill was the Safety and Consumer Statutes Administration Act, and it was given royal assent on June 27, 1996.

That bill, which you really have to deem as the predecessor for Bill 42, did a number of things, but what it really did in total was to allow the government to off-load its ministerial and administrative responsibilities on to a third party and, in doing that, to really diminish the role that government has in making sure it's accountable for protection and safety standards and off-loading that on to a third party which, as we will come to in my remarks, we discover really has no accountability at all and is not accountable to any of the officers of this Legislature, for example, that other agencies, boards and commissions of this government are. What the government did in 1996, in off-loading its administrative responsibilities on to a third party, was in effect to off-load all of its accountability, all of the protection it could and should be affording to the public with respect to public safety, on to a third party.

That act did a couple of things, and I think it's worth pointing out what those things are so you can see what the problems are with Bill 42. First of all, if you look at the purpose, the purpose there was to facilitate the administration of designated acts by delegating to

designated administrative authorities certain powers and duties related to the administration of those acts. The bill then goes on to define administrative authorities and designated legislation. The administrative authorities refer to not-for-profit corporations which were established under this bill. There are now five of them in existence in the province to take on these responsibilities. The designated legislation meant legislation that was already incorporated as an act in this Legislature that was off-loaded on to those agencies. They began to assume the role and the responsibility for the same, instead of government and government officials doing that.

The result was that the government handed over in 1996 its administration of seven safety-related statutes to a newly created private, not-for-profit corporation, which was then called the Ontario Technical Standards and Safety Authority. That authority was created in 1997, not long after the bill was passed. That particular authority is responsible for the day-to-day inspection of elevators, boilers, underground facilities to store gasoline etc. It is responsible for the administration of services of all areas that used to be regulated by consumer and commercial relations with respect to safety standards.

The delegation of that responsibility from government to this authority was established through what is called an administrative agreement that was signed by both parties under the bill in 1996. The authority had its functions, its staff and all the assets of the technical standards branch of the Ministry of Consumer and Commercial Relations transferred to it in May 1997. The authority, which continues to have a lot of power under Bill 42, is managed and administered by a board of directors. They come primarily from the industries they are regulating; the staff as well as a number of statutory directors and officers for the purpose of administering the legislation that has been delegated to it. But none of these employees are crown employees.

Under section 12, the authority was also given the ability to set and collect fees, and I'll get to that later on because that has some very significant ramifications, one for a constituent I'll talk about later on. It also can set administrative penalties and any costs or other charges which are related to the administration of the legislation that's been delegated to it.

Also under section 12—and this is really important in terms of a consequence—the money that this delegated authority has the power to set in terms of fees and then collect in carrying out its responsibilities is not public money, does not come back to the crown, does not come back to the consolidated revenue fund. Instead, the authority itself may use that money to carry out its activities in accordance with its objectives, or for any other purpose reasonably related to its object.

This is what the government put in place in 1996 through its act, and we are dealing with the outcome of that bill as we deal with the new bill here this evening.

A number of problems have been identified with that bill which carry through with this particular piece of legislation. And they have not been addressed, despite

whatever kind of comprehensive review has gone on by this government in the last two years—far from it.

Bill 42, far from enhancing any kind of public safety, by repealing the seven statutes that are listed and consolidating them into a new act, in fact really removes any of the standards—safety standards, in particular—which have been in place in those existing statutes and replaces them by giving some authority to the Lieutenant Governor, indeed the cabinet, to set those same standards by regulation. That means, Mr Speaker, and you would know how this place operates, that any public scrutiny that we used to have with respect to what was actually in legislation is now removed, because cabinet of course can deal with regulations at a cabinet meeting and there is no public input and no public scrutiny and no need for public consultation. None of that has to occur. It can be done by cabinet at one of their weekly meetings, and that's the be-all and end-all of it. Then it's published in the Gazette when it's all over.

So we've got public scrutiny taken away from what really should be substantive standards with respect to public safety, and frankly, you see through that a general weakening of those safety measures because they're not in a piece of legislation any more; they're in regulations. So the authority they used to have is taken away, is detracted from in some measure, because they don't have the authority of law any more; they are mere regulations.

So we've got two problems with respect to Bill 42. Many of the standards that were in place in the seven acts that I mentioned earlier are removed, and the Lieutenant Governor, through cabinet, then has the ability to set those standards behind closed doors, without public influence, without public consultation etc.

I think it is really worthwhile for members who haven't had a chance to look at the bill to take a look at the review of the predecessor bill, the 1996 law, that was done by the Canadian Institute for Environmental Law and Policy, to understand why the public should continue to be concerned about the authority itself and what it does and what it's expected to do under Bill 42.

There are a number of concerns that I want to raise with respect to what the problems are. First is the notion that we should transfer administrative functions away from government, out of government altogether, to private, not-for-profit, delegated administrative functions. This was really given to us by a Conservative government in Alberta in 1990 that moved forward on this. I'm assuming this government took their lead from that. There are a couple of really serious weaknesses in that model. First of all, in the Alberta model, the one Ontario implemented, the government failed from the beginning to give the authority any clear policy direction with respect to what its mandate was, what it was expected to do. Not only wasn't that clearly outlined in the act itself that established the authority, but it didn't appear anywhere within the administrative agreement that was also signed by the government and the new authority. So we have a dearth of what the policy direction, the mandate, should be of that authority. As a result, you

have an authority now that defines its own course, sets its own mandate. They mix regulatory regimes with promotion of the industries they are supposed to regulate, and they try to do that at the same time, so there's an inherent conflict of interest in their mandate.

2130

Second, there is an absence of any reference whatsoever to the protection of the environment in the role of the authority, despite the fact that it undertakes some very important environmental protection and regulation; for example, the Gasoline Handling Act, storage of tanks underground etc—completely devoid of any reference to environmental protection despite the important role that this authority is supposed to play with respect to those items.

In terms of the weakness in the model, the authority itself, because it was never given any clear direction in terms of its policy mandate, has actually gone ahead and engaged itself in a number of policy directions. It has developed standards which are far beyond those envisioned in the administrative mandate the government transferred to it in 1996, and the result is that you have to question who in fact is developing policy. Is it the government of the day or is it a delegated authority that isn't really accountable back to the government or to any officers of this assembly? Who's monitoring the standards development? Who can give direction to this authority when the government itself has given up so much of its ability to direct through the changes in 1996 in the act and through the absence of any clear direction in the administrative agreement that was signed with the authority?

There are also weaknesses in the structure of the authority itself. If I go to the board of directors, as I said earlier, the majority of board members are nominated from the sectors they are supposed to regulate, and the result is a potential or a perceived conflict of interest, because these directors have a dual role. They have a role as representatives from a particular regulated sector, and they also have an obligation as a director of a private, not-for-profit corporation that's supposed to oversee those regulated sectors. So from the beginning there is a problem about conflict of interest that has not been resolved in the act—it was never resolved in the act—because both the act and the administrative agreement that established the authority said nothing about potential conflict of itself. The problem is further exacerbated because neither the act nor the administrative agreement, nor even the bylaws of the authority, give any advice, give any direction to those same directors about how they're supposed to deal with situations where economic issues that involve employers from their sector come before the authority. There is no advice given on how they are supposed to deal with those things when the same employers they are supposed to regulate come before them with economic problems that flow directly from the authority and its rules and regulations.

There are some general weaknesses which have been identified that I want to review. First, the authority, as a

private organization, escapes the oversight of the Ombudsman and of the privacy commissioner. It escapes the oversight of the requirements of the Audit Act and the Lobbyists Registration Act. So you have a situation resulting whereby an accountability framework for an authority that's supposed to be undertaking administrative functions delegated to it by this government is not accountable to any of the same officers of this government that other agencies should be accountable to—the Ombudsman or the privacy commissioner. Individuals who are trying to work under that act and who are affected by the authority don't have the same protections that other individuals would have, because those protections would be applied normally, and not only applied but monitored and commented upon publicly in this assembly by other officers of the assembly. That doesn't happen with this authority.

Second, the authority was given the power to increase fees, to apply penalties etc, and what has happened, which is another weakness of the structure the government has put in place, is that it is certainly true that the authority has substantially increased its fees, but that has not translated into an increase in the front-line staff necessary to undertake the activities which have been delegated to it. On the contrary, the substantial increase in revenues that have come from fees and penalties has gone into managerial and professional staff which now have to provide administrative and legal advice that was previously provided by ministry staff. We see a huge increase in fees that has been carried out by the authority with the approval of the minister because that was required in the 1996 act, but that money has not gone into front-line staff to increase consumer protection. Instead it has gone into some of those professional services that used to be provided by the ministry and no longer are.

Given this very negative review of the previous bill, why should the public now be worried about Bill 42? Frankly, there are two reasons for that. The first is that we see in Bill 42 that most of the substantive standards that are within the existing seven statutes that are being repealed are in fact going to be dealt with by regulation. What is in the act will be taken out and what will be developed as safety standards will primarily be developed by the Lieutenant Governor or by cabinet behind closed doors. I don't think that's a position we want to find ourselves in. There's nothing in that that will protect or enhance public safety.

The second problem that flows is that because this government agency really is not accountable to any of the other officers of this assembly—ie, the Ombudsman, the privacy commissioner etc—as we move to ensure that even more of the standards are done by regulation, we have even less accountability in what this authority does and who it is responsible to. If its provisions in terms of safety standards aren't even set in the act but are done by regulation and there's not even any protection now with respect to who they are accountable to, how much will we diminish, will we weaken, will we take away from public safety?

Frankly, given the importance of public safety, given what this authority is supposed to regulate—underground storage tanks for gasoline, amusement rides etc—the government should be looking at ways to increase accountability, not decrease it, not take it away from public scrutiny. We really are moving even further down the road, from a point where in 1996 the government delegated its authority to essentially a third party to the point where now the government takes out of legislation at least the standards that should provide some protection, and will do that behind closed doors.

I have a constituent who wrote to me, who wrote to all members. Just looking at the fees I mentioned earlier, the fees for the rides that he provides went from \$25 for small children's rides to \$50 for major rides, to \$120 an hour per inspector per ride. That's one of the changes the authority made, effectively putting this gentleman out of business because he could no longer afford the inspections that were being done by the authority.

This bill is all about government off-loading even more of its responsibility on to a third party which is unaccountable to the public, which will certainly do nothing for public safety, and we can't support it.

The Deputy Speaker (Mr Bert Johnson): Comments and questions?

Hon Frank Klees (Minister without Portfolio): I listened with great interest to the member from Nickel Belt as she referred to what is wrong with this bill. I can't help but say that her remarks draw very clearly the distinction between the approach of her party to government and ours. We certainly believe and presume that members of an industry will act maturely and responsibly in administering the affairs of their industry, and we look forward to continuing to work with them in partnership on ensuring that public safety is not only maintained but enhanced.

She refers to the fact that simply because these standards will now be in regulations as opposed to legislation, somehow this now becomes removed from the government, that somehow accountability will no longer be there, that somehow, because these regulations are in a different place than they were before, they will not be adhered to. I suggest to you that simply is not the case. There's been a great deal of consultation with the industry over this approach. We have evidence in a number of other areas where the industry takes a meaningful role and an active role in administering their standards and their regulations that it does work.

2140

Again, what I think is being taken exception to is the fact that this will be more efficient, more effective, and perhaps that there is a more meaningful role for the industry to play. There's a benefit to the taxpayer because it will be more efficient. It will cost the government less to administer and be more effective because the industry—

The Deputy Speaker: The member's time has expired.

Mr Dominic Agostino (Hamilton East): I want to commend the member from Nickel Belt for outlining

many of the difficulties and faults with this legislation that is in front of us. Listening to the government whip, I hear a lot of the same things we heard in the early days as they were making massive cuts to the Ministry of the Environment. As they made these cuts and then went to self-monitoring, self-compliance, self-regulation, they kept telling us, "Well, industries are going to be able to monitor themselves, but they'll simply report to us at the end of the year on what's happening." We heard the same buzzwords: "more for less," "more efficient," "more effective delivery." These are the same buzzwords that the government was using really not only in the early days but in the last five years as they made massive cuts to the Ministry of the Environment.

Of course we saw how the cuts impacted in a real way in Ontario in the last month or so with Walkerton. I will get into that later, but we also saw over the years the deterioration of air quality in Ontario as this government has stood aside and has done nothing in the last five years and said to industry: "You monitor yourself. You make sure you're a good boy and behave. Don't worry, everything will be fine. Just let us know how you're doing." We've seen devastating effects. We know 1,500 Ontarians die every year as a result of poor air quality, but this government figures that if a company keeps its own records, keeps track of its emissions and then tells the government they're doing a great job, it's good enough.

You're moving dangerously. Again, you're moving in a very dangerous direction in issues of public safety, in issues of the safety of Ontarians. It's a very dangerous step and risk that you're taking, a gamble, as you took with the environment, which we lost badly, unfortunately, in this province. It's a gamble you're taking here with many issues of safety, whether it's amusement rides or it's elevators, many areas where the public looks to government and expects that the government is going to ensure that particular item that they use is safe and is not going to kill or injure them. They look to government for that comfort. They look to their government for that assurance. You're frankly getting out of the business here and turning it over to the private sector, whose only real concern is the bottom line.

Ms Frances Lankin (Beaches-East York): I'm in complete agreement with the comments of the member from Nickel Belt. I've got to say to the member from Oak Ridges in terms of his response to her that it's either incredible naiveté or blind loyalty to the party line.

I want to talk about one of the sections here in particular, one of the industries, that being the elevator industry. As people in Ontario have seen, we want to feel safe to drink our water. You also want to feel safe when you step on an elevator. You want to believe the cables aren't frayed. You want to believe the gears are working. You don't want that horrifying nightmare of stories we've heard in other jurisdictions where there is self-regulation, where elevators plummet to the ground and people are killed.

What I want to say to you is very serious. In this province, all of the major elevator companies, all of that

industry, have been involved for years in the development of the code and the standards. I want to tell you what has happened under your new agency. There are, what, four or five big elevator companies—Montgomery, Otis, Dover, two or three more; five or six in total. One of them in particular brought a great deal of pressure on the TSSA when they were getting code violations and other directions written up by the inspectors. The management in the TSSA went to one of those inspectors and said: “We don’t want you to write directives any more when you find problems with the elevator. Just come and we’ll talk quietly to the company. No directives.” It was referred to as Operation Clean Sheet inside the agency. The inspector, bless him, a loyal public servant for years who carried that ethic with him into the agency, said: “No way. It’s my job to do that.” Then the manager said: “Well, only write absolute code violations, no warning directives.” The inspector, bless him, said, “No way.” But that pressure came from the board of directors and the representative of the industry on the board. You’ve got to recognize that without government intervention and oversight, that will happen in private industry regulation. It’s not a panacea. You don’t have the right safeguards in this legislation. That means public safety is at risk.

Mr Raminder Gill (Bramalea-Gore-Malton-Springdale): I think we should congratulate Minister Runciman on a fine job with this legislation. I hope everyone here tonight will join in passing the bill and getting Ontario ready for the 21st century.

The third party is here in full force. I wonder why, but anyway I leave it to their imagination; usually there is only one member here.

Competition speeding up the pace of business: Bill 42 provides a flexible regulatory structure which can adapt without endangering Ontario citizens.

Mr Gilles Bisson (Timmins-James Bay): We all came here to listen to you.

Mr Gill: Thank you very much; I appreciate that. Mr Bisson is here as well tonight.

Globalization demands that regulations be standardized across as many political boundaries as is reasonably possible. Governments have trouble with this, for many reasons. The Technical Standards and Safety Authority has great flexibility to work with other jurisdictions and with organizations like the Canadian Standards Association—CSA—and the ISO and the regulators in other provinces. They will be able to work together in harmonizing and eliminating interprovincial regulatory differences across Canada.

We’ve gone out. We’ve consulted. I think that is the difficulty the opposition is having, because they never consult, especially when you look at—

Interjection.

Mr Gill: The member opposite is laughing and joking. I’m going to refer him back to the Rae days, the so-called social contract days, where they came and said, “All the contracts are finished”—no consultation. Somebody asked them, “What does ‘social contract’ mean?” “We

don’t know but we’ll figure it out next day.” That is what the opposition is talking about.

The Deputy Speaker: The member for Nickel Belt has two minutes to reply.

Ms Martel: I’d like to thank the members from Oak Ridges, Hamilton East, Beaches-East York and Bramalea-Gore-Malton-Springdale for their comments, especially the comment from the last member who talked about consultation and had his own chief government whip laughing because it’s so outrageous to suggest that this government consults with anyone about anything, unless it’s with their own friends.

However, the chief government whip is quite correct: Your party and ours have very different views with respect to the role of government in enhancing public safety. We think government has an important role to play in enhancing public safety, and I fail to see where your government makes that case, either in the bill that was introduced in 1996 or with this current bill, because there’s nothing in Bill 42—not a single thing—that says the government is going to take some new direction to enhance public safety in Ontario. There’s nothing.

The bill is all about taking out standards that are now protected in seven statutes and off-loading them into regulations so that cabinet, by the back door, behind closed doors, without public scrutiny and without accountability, can do whatever it wants with respect to standards. Under that process, there is no opportunity for public consultation or public input or public scrutiny. I’m sure that’s the way you want it, because you’re not interested in hearing from the public about these standards.

Do you know who’s going to end up writing the standards? It’s going to be the authority itself, the same authority that has on its board a majority of members who are representatives directly from the industries they’re supposed to regulate. Talk about a conflict of interest. I can’t understand why it doesn’t bother the chief government whip that the same authority is not accountable whatsoever to any of the other members of this assembly in terms of the Ombudsman, the Information and Privacy Commissioner etc. What kind of outfit is this?

The Deputy Speaker: Further debate?

Mr Gerard Kennedy (Parkdale-High Park): It’s a pleasure to share my time with the member for Hamilton East and the member for Ottawa Centre.

It is my duty and honour to address Bill 42 tonight because it has echoes of the original bill that brought about this experiment by this government in self-regulation. This government believes it has something of an approach; one of the members opposite said they have an approach, and this is part of it. Is it an approach or is it simply a mindless trend? Is the government opposite built on the idea that somehow everything they can conceive of needs to be done in the private interest? Is this idea that they show in other areas, that they need their central government to keep control only over a handful of things they see as important, this overweening faith in what can happen in the private sector, that there’s

no role for government any more as a referee, really just the evolution of this government into a corporatist approach, something totally alien to most of the people in their communities? That's exactly what they show in evidence in other things.

2150

When you see this government at work and see what they're talking about, they would, for example, sell this mindless trend they've caught themselves up in as somehow relating to efficiency, relating to a better deal for taxpayers. But instead—

Hon Mr Klees: Precisely.

Mr Kennedy: The government House leader says, "Precisely." Well, it was precisely \$7 million that the government threw away three years ago when they downloaded these things in the first place. It did not save the government money. They actually gave away a profit centre that the government ran effectively in the public interest when they downloaded elevators, amusement devices and other things, and made sure from the beginning that the government would lose out.

Now the question we're faced with, tonight, three years later, is, will the public lose out? Has this government abandoned any notion of public service having a centrality to government, this idea that somehow there is an ability to create entities that will hold certain public values, that will look after them, that will have that as their only job, that will not find themselves conflicted by other competing requirements? That is something abandoned by this government. From time to time, this government holds itself up—or has held; there isn't quite the same energy there any more, but at one time they put themselves forward and said, "We have a new approach."

What is their new approach? It is things that have been tried and have failed in other jurisdictions almost right down the line. When we look at exactly what they're talking about here, they have given away money to industry, they have given up on the idea that they could make things better, that with their industry and imagination and tenacity they would somehow find a way to keep people safe?

They gave up on that. What we have in this bill tonight is a total abandonment of that. They no longer need to represent the public interest; they wash their hands of how people, every day, riding up and down elevators, taking their children to amusement devices, will have protection. It will not be because of the active involvement of this government. They see that as a positive value; they see that as something that depends—

Interjection.

Mr Kennedy: The member over there is commenting to the effect of, "You know that's not true." It is true. It is no longer the case that the government is actually in control of the board of this organization. Who is? Who is making sure that elevators run in a manner that is in keeping with the public interest, of safety, first and foremost, paramount? The same companies that install and operate those elevators; they have the majority.

Interjection: They know the business.

Mr Kennedy: One of the members says, "They know the business." They know their business. Who knows the public's business? Only for some small part of what those various industries need to be doing do they need to conduct the public interest. That public interest, though, has to take precedence. It has to be the primary interest, the exclusive excellence they're striving for, because without that somebody is going to get caught in an accident, somebody is not going to be provided for. This is not new thinking. These are old, tired, disproven approaches. What did they do in California? They tried to self-regulate things like travel agencies. They tried to put things like real estate into private hands, into the hands of those same experts lauded by the members opposite as they wash their hands. It's less trouble for them, after all, than to be concerned with how to make those things work.

What happened in jurisdictions like California and Oregon the moment things started to go bad, the moment that people, as we heard earlier from the member for Nickel Belt and as others of us have been made aware, started to go out of business because fees were too high for certain sectors or it was kind of angled in the interests of some of the larger operators who paid more of the fees, or you found yourself in a situation where there was a general downturn affecting that sector? What then occurred? A generalized pressure to back off, to not look after the standards, to not have enough money in the kitty, to not provide for the things that needed to be done.

There isn't malice on the part of those people. There probably isn't a company we have operating in Ontario today that wants to injure people. But that's a far cry and a far difference from making absolutely sure that at every turn the public interest is regarded and looked after. The people of Ontario do not need to be reminded, because it's been on their front pages every day these past number of weeks.

What happens if a government is mindless about its preoccupation, isn't able to discern, to show judgment, to have in its own estimation a plan for the safety of the people of Ontario? We see instead the kind of scrambling, the kind of almost incomprehensible lack of taking responsibility, and yet this would set the government at several removes from the kinds of things that several people have already referenced. The government found itself unable to fulfill the public interest in the environment when it came to the issue of safety of water.

We are told on the surface of this that this is just a repackaging, just putting things in order, just rearranging the deck chairs. It is a continuation of an approach that has limited merit and that has cost the public some \$7 million in terms of the operation of the Ministry of Consumer and Commercial Relations, which has itself been brought under question, under a shadow, because of an incident that happened in Ottawa to a young gentleman, Jerome Charron, and the remarks that were made and covered in a coroner's report that should loom very heavy for everyone in this House today.

Do we find ourselves simply in a fashion, in a political trend that does not permit the public interest to get full

and due scrutiny? Is that what we're about here today? Has the government done due diligence? Has it generated reports? There have been reports done and those reports draw grave questions about the potential and the existence of compromise within this technical structure, so-called, already.

Where is the government? Where are the people the average person looks to to make sure they're not locked out of the equation? Where are those people? They're the ones, at least in terms of the government side, who apparently favour a further backing off, that would see, somehow, instead of—somebody talked about mature and responsible industries taking care of things in an efficient and fair fashion, but not having, being unable to have the same kind of regard for the public interest that various administrations of various political outlooks have searched for and found at various times can be done and need to be done with the requisite amount of involvement from government. Yet now we have a government that would exempt itself, that would say: "We don't need to try. We're the government of lazy jurisdictional effort. We won't put forward the provincial government's role here. We'll pass it off to somebody else. We might blame it and we'll certainly with this bill insulate ourselves. We won't be responsible."

That's what this government is telling the public of Ontario in this so-called technical standards act, just as it did earlier tonight in terms of education: "We only want the bits that we want to control. We don't want to take any accountability." That's exactly the kind of government I think the people of Ontario soon understand is just an easy kind of government. Anybody can cream off the kinds of things in government that they don't think will draw the public's attention and that will perhaps allow for a certain amount more of tax cuts to happen, a few more of those \$200 bonus cheques, but it's a harder job, a more necessary job, a more difficult job to actually make the public interest work. This bill doesn't do that and that's why we're opposed to it.

2200

Mr Agostino: I'm certainly pleased to join the debate here this evening. My colleague from Parkdale-High Park spoke of the weaknesses within the legislation that affect various factors of the industries, industries that people look to, and to the government, to protect them and ensure that public safety is always the highest priority. When we look at accountability, there's got to be a line of responsibility somewhere with government to ensure there is public safety.

I can't help but draw the government's attention back to the tragedy of Walkerton. Let's remember how this started. Let's remember five years ago, when Mike Harris and the Common Sense Revolution and the neo-conservative zealots came to power. You decided you were going to slash and burn every ministry. You slashed and burned a higher proportion and percentage at the Ministry of the Environment. You cut in excess of 900 employees at the ministry and removed about 40% of the budget.

Then what happens is that all of a sudden you've got these regulations on the books, rules that are to be followed by industry, but you no longer have staff to enforce those rules. So what does the government do as we move towards self-regulation and self-monitoring? They all of a sudden get rid of all these protections, get rid of the rules that were there and say: "There's no problem any more, no problem. We don't have infractions in areas of environmental protection, in water. That's simply because we've wiped out the regulations, wiped out the accountability process and wiped out the staff to enforce it."

We saw that. We saw that five years ago. We saw it four years ago. You were warned time and time again that your dangerous, dangerous approach—the cuts you've made and the rules you've changed and the regulations you've changed in the amount of protection—was going to harm Ontarians. And you laughed it off, sloughed it off as simply, as the government whip said earlier, doing more for less, as usual, that you can be more efficient, more effective, can save taxpayers money. That was the approach you took in the environment. That is the approach that, in my view, led to the tragedy in Walkerton. It was that approach of getting out of the business of protecting the environment, down-loading to municipalities, not giving them the funding to carry out their responsibilities, and then changing the reporting mechanism, changing the rules that deal with water safety in this province. That is exactly what led to the Walkerton tragedy.

I'm astonished that after that tragedy, after what we have seen in this Legislature, day after day after day of damning evidence that points right to the Office of the Premier and to the office of the Minister of the Environment—who should have known, who were warned, were advised of an impending tragedy and chose to ignore it—after potentially 14 deaths in Walkerton, you would still carry on with such a bill that in many ways risks the same thing you risked earlier when you made those cuts and changes to the Ministry of the Environment.

You are again rolling the dice and gambling with the lives of Ontarians through this piece of legislation. You're really leaving it to luck now with the type of public safety protection which we have now seen fail miserably when it comes to water quality in Ontario, fail miserably when it comes to air quality in Ontario. You are now going to use that with elevators which people ride and use every day in this province with some sense of security, knowing that government should be looking after that and ensuring everything is fine and safe. It should be the same thing with amusement rides at many of our parks across Ontario. I would have thought, with the backdrop of the tragedy of Walkerton, the backdrop of this tragedy really being laid on the lap of the government of Ontario because of their lack of action, that they would have had the sense to withdraw this type of legislation and understand that this is dangerous, understand that this is risky, understand that this is possibly putting Ontarians' lives in jeopardy by their actions.

This is a perfect example of where the lessons of Walkerton have been lost on this government, where they believe it's business as usual across Ontario. But I can tell you, every single debate for the next three years in this province has to be measured against the backdrop of what happened in Walkerton and the consequences of government decisions, the rash, irrational, ill-conceived government decisions which have led to possibly 14 Ontarians dying. Every single debate we have in this place has to be measured against that standard, a standard the government has brought upon itself, a standard that has led to tragedy in the province of Ontario. I don't want us standing here two or three years from now having to deal with another tragedy in one of these areas we're talking about tonight and once again come back to this moment and say to this government, "You had a chance to fix it, you had a chance to make it right, and you failed here as you failed the people of Walkerton."

Mr Richard Patten (Ottawa Centre): I'm pleased to participate in the discussion tonight. To review and summarize, my colleagues are essentially saying, where is the liability, where is the accountability, and where is that in relation to this particular government?

I would like to point out, as my colleagues already have, that in the last month or so I think most of us, in all honesty, have been shaken. It has certainly caused me to reconsider. I must tell you, I'm not totally one way or the other about whether it should all be government or should all be the private sector, but I think we have to very carefully look at the circumstances in which we do pass off to the private sector the conditions that are really, truly in the interests of the public we speak of.

Now, I believe this really is ideologically driven. I know the government members believe that maximizing the private sector's role in everything is the way to go. I suggest that when we consider the self-regulating aspects of businesses that have the potential to—or in fact do—impinge upon the environment, I don't think we're too proud of our record of environmental adherence to rules and regulations when I see work orders that are still at the ministry unable to be responded to.

More and more I hear that things should be in regulation. What that means when we talk about things being in regulation is that this is not done in public, is not done in the House. I'll give you an example. All of a sudden, I think it was last summer, one of our researchers saw a regulation enabling the police associations to raise money for political purposes, political activity. You don't really see the link until all of a sudden you see the True Blue program emerge from the police association here in Toronto, and then suddenly people say, "Where did this come from?" It came, I suppose, from the support of the Tory party and from the attendance of high police officials at various events and things of that nature, and asking for these kinds of powers to emulate and to show what indeed is happening in the United States of America. Everybody becomes politicized.

In the last minute and a half I have, I'd like to comment on one inquest going on at the moment, and

that's for Jerome Charron, a young man who was catapulted out of a bungee jump, literally within hundreds of yards of my home.

Interjection.

Mr Patten: It's not so funny. For weeks afterwards, I went by the place where this young man died, and in memoriam, people would place flowers and leave poems or little notes to the family. It's kind of a shuddering and shattering experience to see how this has affected the nearby community. The inquest going on right now is quite interesting. There are many, many questions emerging from that inquest. It seems to me that it would have been wise to wait until we see their findings, but just at this particular stage we might be able to learn the following: that there were poor training standards for inspectors; that there were no guidelines for inspectors; that there were no standards requiring that all rides be inspected prior to an exhibition; that there were no guidelines requiring exhibitions to conduct independent inspections of all rides prior to public use; that there was sloppy professional practice on the part of engineers; that there were no guidelines preventing inspectors who had certified a ride as "safe" from participating in an investigation into an accident.

What I'm saying is that we have just received a big lesson in this province. There are still investigations, inquiries, going on. I think we should hold this piece of legislation until such time as those inquiries are complete.

2210

The Deputy Speaker: I wanted to introduce and welcome Alexa McDonough, the leader of the federal New Democratic Party and member of Parliament, in the members' west gallery.

Questions and comments? The Chair recognizes the member for Broadview-Greenwood.

Ms Marilyn Churley (Broadview-Greenwood): Thank you, Mr Speaker. You beat me to the punch. I appreciate your introducing Alexa McDonough to the Legislature this evening. In fact, we just returned from a meeting in the riding of Broadview-Greenwood on how to save medicare, both from the federal Liberals in Ottawa and the Harris Tories here in Ontario. It ties in with this bill we're talking about tonight, because what we're seeing is the privatization here in Ontario of health care through the back door. We also had a guest, Christine Burdett, whom I introduced earlier today, from the Friends of Medicare in Alberta, where we're seeing the privatization of medicare through the front door. All in all, we have a big problem. We're losing our wonderful health care system, which is admired around the world, to privatization, which is going to hurt us all. There is going to be a two-tier system.

It ties in with the issue we're talking about today. Members will recall that it was I who brought this issue to the attention of the Legislature, partly because I had been the Minister of Consumer and Commercial Relations and also because I had looked into it and realized that what you're doing here—already you've completely

privatized our safety laws in the province and you're doing it in a complete accountability vacuum. I find it outrageous, absolutely outrageous.

Hon Robert W. Runciman (Minister of Consumer and Commercial Relations): You find everything outrageous.

Ms Churley: It is outrageous. We're talking about safety—safety. If you don't watch it and if you don't make sure—I made amendments in committee that at least would have made this new private entity accountable to the auditor, to the Ombudsman, to others, and they refused to go along with it. It truly is outrageous.

Mr John O'Toole (Durham): It's seldom I rise in the House to express my views on things. However, that being said, Bill 42, after two years of extensive public consultation with the industry people, the people who really know what is important with these seven bills coming together under one regulatory framework had pretty well common agreement. Mr Speaker, you would perhaps know, with Minister Runciman's due navigational skills, we had this in committee and public hearings. The Liberals flip-flopped. I hate to use that trivial expression, but they changed their mind, which they're given to do on occasion—pretty well every bill, actually. They supported this bill in committee. That should be on the record here, that they did support it.

This bill's primary focus of course is public safety with respect to the operation of amusement devices, boilers, pressure vessels, elevating devices, hydrocarbon fuels sector, the activities of operating engineers, upholstery and stuffed articles. They're combining all of these acts that exist today in a framework where it's more flexible to adapt and bring the regulations up to date without having to come back through the legislative process.

The minister is confident—I'm assured that the minister approves their business plan and has oversight at the end of the day over the functions of the TSSA. Really, what's important here is to keep the consumer in mind. Those industries that have advisory bodies to the ministry are satisfied after two years of consultation. Now we have the opposition unable to stand on their own feet. They're following, once again, the NDP lead.

Mr Dave Levac (Brant): I want to start by saying that the members from Parkdale-High Park and Ottawa Centre and Hamilton East were talking about safety. They were talking about ensuring that our public and the people who engage in any of the activities as a result of this bill are safe. What the government is trying to make us forget is that we want to hold the government of the day accountable for the safety of the people of Ontario. Keep the consumer in mind, members opposite. The consumer will not have any iota of concern whatsoever to save money if somebody gets killed falling off an amusement device. It's got nothing to do with keeping the consumer in mind if we have somebody fall down an elevator shaft. It's got nothing to do with those issues.

What the member opposite fails to recognize is that we've got people on this side of the House who are

concerned about the safety of the people of Ontario, just as we've been expressing safety and concern for the people of Walkerton. What we keep hearing from this government is—first it was the NDP government's fault. Now it's the feds' fault. "Oh, wait a minute, it can't be. Then it's the municipality's fault." What are we going to hear a couple of years from now? "I'm sorry about the problem. It's somebody else's fault."

We've got to start coming back to reality here. Government is here to respond to the needs of the people of Ontario and their safety.

I have letters from constituents in my riding. In response to my constituents' concern about the safety amusement park devices, they were saying: "Don't worry; 50% compliant in terms of their safety certification. You should feel protected that 50% of our inspectors have got certification." That's 50% of those inspectors who don't have a clue and don't have the certification to take care of those devices. Shame on you for not putting the safety of the people of Ontario in front.

Ms Martel: One of the principal concerns with this bill has to do about accountability: who the agency is accountable to. It's clear that the agency is not accountable to any of the officers that other agencies of this government would be accountable to. That's a serious concern. As a private organization, this authority escapes the normal application of the statutes that provide the foundation of the Legislature.

The member experienced a coughing episode.

The Deputy Speaker: Would you like to continue to respond, member for Beaches-East York?

Ms Lankin: If I may. Thank you very much.

To pick up on the issue of accountability, one of the things that we attempted to do in working with the government, if they were serious about accountability, was put forward a number of amendments. The member from Nickel Belt was going to highlight that in committee hearings the member from Broadview-Greenwood put forward a series of amendments, the first being one to affect the composition of the board of directors. Currently, the board of directors is made up predominantly by representatives of the industry, the industry the agency purports to regulate. We want to see that there is a different balance and that the public interest is protected there.

Second, we want to see that the board of directors and the agency comes under the authorities that other similar public agencies come under, like the Ombudsman's office, like the Provincial Auditor's office, like the Freedom of Information and Protection of Privacy Act, all of those protectorate offices that other public agencies come under in terms of accountability, which doesn't exist with this.

The bottom line of all of this: We can debate whether it's the right thing to move to a separate agency or not, but the government has taken that decision. Now what we're debating is making the accountability provision strong enough to protect public safety. The government should agree with that.

The Deputy Speaker: I just wanted to have the record show that the member for Beaches-East York completed the turn. I hope that the member from Nickel Belt gets over the catch in her throat.

The member for Parkdale-High Park has two minutes to respond.

Mr Kennedy: I appreciate the comments from the honourable members, all of which pointedly show a clear difference. We have a government caught in a mindless trend, unable to lift itself out of that to see what it is that the public—the average person out there is not an owner of an elevator company, doesn't have amusement devices as their principal requirement, but is affected by it in an everyday way. They see, instead, a government that won't stand up for them, won't, in some reasonable fashion, devise a way that the public interest doesn't have to be sold off to accommodate. That's essentially what the government sets itself up for. It's not just disappointment, not just some kind of heartache here. It is a government putting up the lack of its ability and saying to us, "We can't do this job."

In this bill, they've put themselves even further away, even at greater arm's length, from dealing with the actual requirements of what it is the public needs to keep elevators and amusement devices safe, even things like stuffed objects that have in them a safety component. It's not about their bottom line. It is not about a government's bottom line. To the extent it is, it's about a bottom line that we have yet to see register on the other side of the House: the safety and well-being of people held paramount above everything else. That's what you're asked to do with the power you have on behalf of the people of Ontario resident with you as a provincial jurisdiction. Instead, we have a consumer and commercial relations ministry that has not listened to any of the approaches, the alternatives, the amendments, the other things, because this government has been unable to put together a real package that would address the needs of Ontarians. Instead, we hear the various members opposite nattering about how they want to, once more, avoid accountability. We know that posture is not only untenable, we know it's dangerous.

2220

The Deputy Speaker: Further debate?

Mr Bisson: Thank you very much for the opportunity to debate Bill 42. I just want to say right up front, I am not going to be supporting this bill. Neither will any of the New Democratic members of our caucus, for a very simple reason: This bill is bad for safety. It's bad for the people of Ontario when it comes to making sure that things are safe when it comes to the issues that this particular bill regulates.

I think, unfortunately, Walkerton has told us something about the kinds of approaches this government is taking when it comes to how it deals with its responsibility to regulate and take its responsibility as a government to make sure that things are safe in the province of Ontario for the consumers and the public.

What this bill does is simply this: It builds on something that was started with the government in 1996.

Simply put, the province of Ontario had, up until 1996, the responsibility to enforce the regulations on a number of issues contained within the Ministry of Consumer and Corporate Relations and other ministries; in other words, the people who go out and inspect your elevators, your amusement rides, pressure vessels and all of those types of things that we have deemed necessary to be under inspection because history has told us people have died when government didn't take its responsibility. We needed to have regulations about how these things are maintained and to make sure they're kept in good repair. We also had to have qualified inspectors to go out and make sure that the laws we passed in this Legislature are being followed when it comes to the standards applied to these various devices that could be dangerous if not properly maintained.

The government transferred, back in 1996, all of those responsibilities on to the semi-private sector by throwing it into the TSSA, which is the Technical Standards and Safety Authority, and said to this quasi-private-sector operation: "You will now have the responsibility for doing all those things that we as a government used to do. You will regulate yourself when it comes to the inspection of all of these particular devices." Since 1996, the private sector has, in effect, been policing itself when it comes to inspection.

Just recently, as one of the examples that was raised by the member for Beaches-East York, there are cases where, since the TSSA has taken over, elevator inspectors were told by their managers not to write up infractions because the very people who run the industry and were on the TSSA board—they're the same members—were saying, "Oh, we don't want to do this because it's going to cost our bottom line," and you know that the bottom line is a lot more important than safety.

I want to relate this back to Walkerton. I think Walkerton is an example of the failed agenda of the Conservative government. These two issues are very directly related. The Tory government made a decision back in the mid-1990s to put into the private sector the water testing facilities of the province of Ontario. They decided to get rid of environmental regulation and legislation. They said, "Too much environmental legislation and regulation gets in the way of business, gets in the way of doing things effectively." So they said, "What we want to do is to make sure we get rid of that." Then they got rid of all of the people who did the inspection within the Ministry of the Environment, and as a result, unfortunately, people have died in the community of Walkerton. Thousands have been ill. Why? Because the government failed to take its responsibility to make sure that the drinking water was safe. I say that's another example of the failed Tory agenda when it comes to this self-regulation, "private sector does me best" type of philosophy that they have.

They now take this particular idea and they've also applied it to the inspection of elevators, pressure vessels and a whole bunch of other pieces of equipment that, quite frankly, if not properly maintained and kept in good

working order, could potentially be lethal to the people who are using them.

The government, through Bill 42 and the legislation prior to that, by creating the TSSA, has in effect done what it did in Walkerton. They've put into the hands of the private sector the responsibility for inspecting what goes on with these particular devices. Then what they do is say, "We'll let the private sector themselves decide by being members of the board of the TSSA," people who are within those industries, people from the pressure vessels industry, the elevator industry etc in charge of this whole operation.

I say this is potentially lethal and I want to put on the record tonight, on June 19 at exactly 10:27 at night, that unfortunately people will die because of what this government is doing by way of this legislation and what they did before when they put it into the hands of the private sector.

I want to tell you why. The government across the way says, "Well, we've been inspecting elevators now for the last four years under the TSSA and we haven't had a problem." I come out of the maintenance industry. I speak with some authority on the issue. I'm an electrician by trade. Part of what I did when I worked in the mines as a maintenance electrician was to maintain equipment in the mine in good working order.

If a company decides that it's not going to have preventative maintenance, and it's going to let its program of preventative maintenance slowly deteriorate because it's trying to cut costs, you're not going to immediately see the effect the day after they start making the cuts to the maintenance department; of course not, because that equipment is kept to a standard almost as good as it was when it was new—I would argue in some cases even better because we worked out some of the glitches. The equipment, if we decide to not maintain it to the same standards, is not going to break down the next morning. It takes a number of months, depending on the equipment, and in other cases it takes a number of years. If you allow the maintenance to deteriorate, what ends up happening is that you start to have all kinds of snags with the equipment and eventually you end up with equipment in bad repair.

What's going to happen as a result of the government actions with regard to privatizing the inspection of all of these devices, and now taking out of the legislation all of the rules about how you maintain this stuff and what the standards are and putting it in regulations, which I'll talk about later, is that within a period of time you're going to have equipment that is slowly going into bad repair and unfortunately somebody in Ontario is going to walk into an elevator and something's going to fail and somebody will either get hurt or killed.

You'll see it happen with other pieces of equipment because—you shake your head across the way. You know what? I remember when we were in this Legislature and we talked about the privatization of water testing. I stood in this House along with others and said, "Somebody will die," and you guys went: "No, no. Nobody's going to die. This is all good. Regulation legis-

lation on the environment is bad. We have to make Ontario more competitive. You'll see, you're just fear-mongering." We've got seven people in the cemetery because of you guys, so don't shake your head to me. That's what happened. That's the record.

So I say to the government across the way, there is a cost to what you're doing. It won't be immediate, it won't be tomorrow, because as I said, once you stop maintaining equipment it doesn't break down all of a sudden the next day. But what happens over a period of time is you start to have—and I'll just use an elevator as one device because I know something about them, I'm an electrician by trade—maintenance people start to go in to maintain it, the people who own it don't enforce their maintenance programs to the degree that they should, the electrician or the engineer walks on site and says, "Look at this. I think this particular circuit has a problem. We need to change some of the limit switches," or whatever it might be, photocells. The person in charge says, "Well, listen, we don't have time to do this now. Let's do it later," and eventually things start to slip and it gets to the point where it doesn't get maintained.

I know, because I've seen what happens in companies when they get rid of their preventative maintenance programs. Eventually equipment starts to fail and, quite frankly, it gets dangerous to the plant, the people and the equipment itself.

Hon Mr Klees: That's the point of the inspectors.

Mr Bisson: I'm coming to the point about the inspectors, exactly. This is the point.

What you're doing by way of what you've done with the TSSA is you've basically taken all of the qualified personnel that we had in the ministries who were responsible for all of this inspection and you did what you did with Walkerton, as you did with the Ministry of the Environment: You got rid of them, you laid them off wholesale. And what happened as a result of doing that in the Ministry of the Environment? People died. People are, unfortunately, going to have to die again when it comes to these devices, because you guys believe you have the right, that nobody else has got a right, and you guys are just a bunch of geniuses.

Well, let me tell you, you ain't too smart, because it doesn't take a rocket scientist to figure out that government does have a role—I would argue government has a responsibility—to make sure that, in the end, we properly maintain these things and we enforce our standards to make sure that equipment in this province is safe, that drinking water is safe, people don't have to worry about dying in what are really stupid accidents.

I was interested that the chief government whip, no less, got up in the House and said, "Oh well, you know, the member from Nickel Belt is just upset because we're changing where in the legislation we're going to deal with the standards. She's worried because if we take it out of the legislation and we move it over into the regulations, this is going to"—but you know, "You understand, I'm the chief government whip and it doesn't matter where you put it because in the end it provides greater flexibility if we throw it into regulation."

2230

Let me put in simple English what you guys are doing: You're taking it out of the legislation and you're putting it in the hands of the minister and Mike Harris, and they're in the back pockets of the industry. Industry's going to walk up—

Interjection.

Mr Bisson: Look at the cheques they've sent you. You're going to tell me you're not in the back pockets of industry? Take a look at who made contributions to your campaign. Come on. Otis never sent me a cheque, and neither would I want one.

But the point I make is this: You guys are taking all of the standards that are now in the legislation and you're transferring them into regulation. That means to say it doesn't have the same force in law. Here's the kicker: If, let's say, there is a standard in the regulation that used to be in the legislation that industry doesn't like, it can go and lobby the cabinet, the minister, and say, "I would like the regulation changed."

The only way we find out about it is not because it's passed through the House for full public debate. It's because it's gazetted in the Gazette. When you have to change regulations, that's where it goes, and half the time there's so much stuff going on that MPPs don't get a chance, quite frankly, to catch every change that is made in regulations by way of the Gazette. I catch a number of them but I don't catch it all. I don't think one member in this assembly catches it all. I would argue all of us combined don't catch it all.

That's why we're supposed to have a legislative process. But no, the government's going to take all this, throw it in regulation. What that means to the public out there is the government can make changes to health and safety issues when it comes to all of these pieces of equipment by way of an order in cabinet. They don't have to go into the House.

I want to ask the public a question. Do you trust Mike Harris with your safety?

Hon Mr Klees: Yes.

Mr Bisson: No. Ask the people of Walkerton how they feel about your record. They don't like it too much, and unfortunately, people in their community have died because of it. That's in effect what you're doing and that's why I say this is dangerous. Unfortunately, what's going to happen—I'm going to say it here and I'm going to say it again—people are going to get hurt, people are going to get seriously injured or people are going to die because of what you're doing by way of this legislation, and it's wrong.

Government has a responsibility. Government is there in order to protect the public and to make sure there are standards within the province or within the nation that make things safe.

I want to let the members across the way just run with their minds for a minute. Imagine if the Minister of Transportation were to come in and say: "We're going to privatize all the highways and we'll let each highway come up with its own speed limit and rules about safety

and about how driving standards are applied on each of our highways across the province." It would mean that as you moved on from Highway 400 to 401, which is owned by a different company, you'd be following different rules.

People would say: "That's nuts. That doesn't make any sense." I agree, that wouldn't make any sense. But that's what you're doing in this legislation. By throwing everything into regulations, you're in effect allowing the private sector to dictate what the rules are when it comes to the maintenance standards of various pieces of equipment.

Do you know how dangerous pressure vessels could be if not properly maintained? Do you realize what can happen? If you don't maintain pressure vessels properly, you're talking about equipment that's under high-pressure steam, that is under a great amount of pressure, and if something happens when it comes to improper maintenance of the vessel itself or the equipment that controls the pressure, I'm telling you, you can blow a building up, you can kill people.

Hon Mr Klees: No kidding.

Mr Bisson: Of course, no kidding. That's why in this province we train people in order to make sure that they're able to maintain this stuff properly.

The other thing that you did prior to this legislation is that you took all of those standards, threw them over to the TSSA and made them responsible for all of the testing of the training. I think that's a pretty ridiculous thing to do.

The chief government whip says, "The problem with the NDP is that they have a different approach from the Conservatives." That's exactly the point. As New Democrats, we believe that government has a responsibility, and government must take its responsibility to make sure that the public is safe.

My colleague Marilyn Churley, along with my leader Howard Hampton and others, have been after you about what your lack of responsibility and your lack of action has done in Walkerton. I hope we don't have to go through the same fight again when it comes to what's going to happen, unfortunately, with equipment in the province of Ontario.

The other item I want to raise is one that really irks me. I couldn't believe this; this is amazing. The government gets up and says, "We are doing this as a result of widespread consultation with the public."

Hon Mr Klees: That's right.

Mr Bisson: "That's right," says the chief government whip. First of all, when the member from across the way—and I don't remember your riding—the Conservative member over there got up and took great pride in the consultation, the chief government whip was rolling down the aisles. He was laughing. He understood what happened. You guys basically didn't want anybody to come and present to the committee. It was only when Marilyn Churley, the member for Broadview-Greenwood, went to the subcommittee and pushed that you allowed, what? You allowed two people to come and present to the committee—two people.

One of them only wanted to change the name of a particular act that governed operating engineers. But on the other issue you basically only got one expert who came in and talked on this legislation. You said, "That's probably because nobody was interested." People are interested, but it's pretty hard to do anything with it when the government limits most legislation by way of time allocation or won't allow bills to go to committee to be properly debated.

Do you know what? There is example after example where the government has gone into this House, has basically rushed the legislative process through without having proper debate in the House, without having proper committee hearings, and we have ended up with legislation that's flawed.

I just think of the municipal assessment act that you guys started about six years ago. We're in version number 8 of the legislation. You guys rushed that through the House so fast, we've had to come back with eight pieces of legislation to try to fix your mess.

Ms Churley: It's not fixed yet.

Mr Bisson: Then it's not even fixed; that's exactly the point. Then you've got the gall to go and create the super megacities in Ottawa, Sudbury and Hamilton. What have you got? You couldn't even get that right. You had to come back with a second piece of legislation to try to fix it. I suspect we'll probably be back with a third. That's what happens when you try to rush the legislative process.

Our forefathers who put together the democratic process understood something. For democracy to work you have to have people plugged in. The biggest weakness in our democratic system today is, you people aren't plugging in the public. You only plug in your friends.

If somebody comes to one of your fundraisers, "OK, come on in and talk to us." If it's somebody you think you want to invite to a fundraiser, it's, "Come and talk to us" again. But if it's somebody who has an opposite view to yours, or has a voice oppositional to the government, you say: "No, we don't want to talk to you. You're just a bunch of whiners." I can go back and repeat all the comments that the Premier and various members of the government have made about people who have an oppositional voice, and I'll tell you, it really says something when it comes to the democratic principles of this government.

With the couple of minutes I've got left I want to give you one more example of how this government has failed, its whole agenda has failed. Do you remember the privatization of Hydro? This is related to Bill 42. They said to us: "We will introduce legislation in order to break up the monopoly of Ontario Hydro and we're telling you, we're promising that hydro rates are going to go down as we privatize Ontario Hydro. We're promising that's going to happen."

Three years later, where are we? The utility in Toronto now has an application before the Ontario Energy Board to raise hydro rates by 6%.

Hon Mr Klees: Shame.

Mr Bisson: Shame exactly. The government whip says, "Shame"? My Lord, you're the guys who are allowing them to do it. Talk about double-speak. We have a mill up in northwestern Ontario which is threatening closure now because of the rates going up by two times the amount they're paying now. Why? Because the private sector is there primarily to make money and they're trying to recoup their investment. They forget the reason that the Tories, way back when, put Hydro under public control was to make sure that we provided a constant supply of energy at the best affordable price to the consumers and the companies in the province of Ontario. It was seen as an economic development tool.

This relates back to Bill 42, because it's another example of where this government's agenda has failed. You are trying to make people believe that by getting rid of government, by getting rid of regulation—or as you call it, red tape—by getting rid of environmental legislation, the economy will boom and everything will be better.

I'm sorry, the economy in Ontario is booming not because of what you've done, but because of what's happening in the United States. They're our major trading partner.

Interjections.

Mr Bisson: I want to know what economic theory you believe in. Are you trying to make me believe that the United States of America is doing well because of Ontario? Give me a break.

But what's happening in Ontario is that your agenda to privatize and to throw everything in the hands of the private sector is not going to serve the private sector well. It won't serve the public well, and in the end I think it's just another admission of the failed agenda of this government.

So I say to the members across the way, it's a dangerous game they play, because as they throw all of this into self-regulation mode, as they throw all of the protection of the legislation into regulation rather than legislation, we're looking for an accident to happen. I truly hope that my prediction is not right, but I'll say, as we said in the case when you privatized water, this is an accident waiting to happen.

2240

The Deputy Speaker: Comments and questions?

Mr Garfield Dunlop (Simcoe North): I'm pleased to rise this evening to make a few comments on Bill 42 and some of the comments by the member from Timmins-James Bay. I'd like to make a few key points about the performance of the Technical Standards and Safety Authority, which we've talked a little bit about tonight.

Since the TSSA took over the day-to-day administration of Ontario's safety programs in 1997, many improvements have been made. Inspections have increased greatly across all sectors for which the TSSA is responsible. Inspections have risen from fewer than 138,000 per year to now more than 178,000. In 1999, inspections of fuel-handling operations alone had increased by approximately 30% over the number conducted in 1996.

Boiler and pressure vessel inspections were increased by about 25% over the same period, and inspections in facilities employing operating engineers have more than doubled. Public education has been an important component of that mandate.

I'd like to make a few comments here. When the member for Broadview-Greenwood was the minister in the early 1990s, there were 24 elevator inspectors in the province of Ontario. There are now 44. There were 36,000 elevators for those 24 inspectors to examine. You only got to 24,000 of those inspections. That is not an acceptable amount. That's why we've increased the number of inspectors. I could go on and on here with some other points, but today there are 39,000 elevators, escalators and hoists that we regulate. From my point of view, Bill 42 is a good piece of legislation and I'm proud to support it.

Mr James J. Bradley (St Catharines): I think the figure that's very significant is that 50% of the people who are in fact inspecting amusement devices are not qualified to do so. That is a ministry document; it comes right from the Minister of Consumer and Commercial Relations. I have no reason to doubt him in his response to a constituent. That's exactly what's happening now.

That leads me to believe that when the Minister of the Environment talks about inspections, we've got the same thing going. I've asked him about three times in this House to specifically tell us who is doing these inspections in "mission impossible," as I call it; that is, 630 plants to be inspected the way they're supposed to be inspected before the end of this year. You've got to know that with these plants it takes at least a week to do a thorough inspection by an inspection team that looks at all aspects of the plant. So the first thing is that they're not going to have the qualified people to do it. They're going to have to bring people in from who knows where, who do not have the specific qualifications, who are going to be simply looking at the mechanisms in there or looking at the paperwork and putting a check mark on it.

That is our concern with this piece of legislation. That is the concern with the inspections that are supposed to take place of water treatment plants in this province.

Then, after that's finished, apparently the Premier says: "Oh, we don't have to worry then. We don't have to hire permanent inspectors; we just have to get through this public relations rush of 630 plants inspected in a haphazard way before the end of the year. We don't need them after that." Well, that's what the Premier said. He said, "We don't need people after that." So I assume that when the dust settles down, we'll be right back to inspecting once every three years instead of once every year. That's why we have fear about this piece of legislation as well.

Ms Lankin: I'm pleased to respond to the member from Timmins-James Bay and also to say to the member from Simcoe North, who just responded to him, that it is always so distressing to me when a government member simply stands up and reads numbers off a briefing note. I wish that you would take a look inside the industry. I had

the opportunity for a period of time when I was Chair of Management Board to hear a number of representations from the ministry about why they wanted to go to a cost-recovery system. I don't deny that that's a useful thing, but to set it off in a separate agency without public accountability is very dangerous.

Today we're not talking about what's happening in the agency. We should be. You should know and understand the pressure that the board of directors and the industry have brought on the management of that agency to bring pressure on inspectors, in this case elevator inspectors, to cease writing directives for correcting problems. This is pure fact. This is talking to people who are on the front line doing those inspections. They've resisted that kind of direction. They've been told only to write when there are serious code infractions. That can be too late. You need to understand that if the cables aren't inspected, if the governors aren't inspected, you have a piece of equipment there that can hurtle to the ground at great speed and kill people. It has happened in this province before. It's happened more often in other jurisdictions where they have self-regulation.

The industry has always had input into the development of the code standards. Nothing would change on that. What we are saying, though, is that those standards need to remain in legislation with public accountability, not off in the backrooms of regulation, particularly when you've lost the professional capacity within the ministry to do the policy development. You have lost the separation between administration and policy oversight. You have lost the public accountability by the way in which you are amalgamating these various statutes and moving the code standards into regulations. Please don't mix the issues. This is a question of public safety.

The Acting Speaker (Mr Michael A. Brown): Questions and comments?

Mr Ernie Parsons (Prince Edward-Hastings): Before I start, I understood that this was a 10-minute—

Interjection.

Mr Parsons: Oh, I'm doing a two-minute comment on the 10-minuter that I will give in a couple of minutes. I now understand. And it was good.

I am pleased to speak to Bill 42. I acknowledge that early into the discussion at committee level there was a sense out of the Liberals that we could support it. However, it became obvious as we went through and looked at the mechanics and looked at the impact on it that it could not be supported.

Hon Mr Klees: Flip-flop.

Mr Parsons: It's easy to yell "flip-flop" across the hall because they're prepared to support a bill even when they know it's wrong. I will confess that I have much more admiration for people recognizing what the reality is of the implications and making the support accordingly. To have continued to support this bill would not have been in the best interests of the public. Obviously the right decision was made to not support it.

Correspondence that I will be sharing in my 10-minute talk will indicate that the government itself has

acknowledged that they have problems implementing it, they have problems with staffing it, they have problems with qualifications of people who are involved in the inspection. How in the world could any member support it when the government itself acknowledges that its inspectors are not fully qualified and that they have a fee structure in place that is a disincentive to any organization to have the inspections done? There is a possibility that the risk is increased with this bill while at the same time no one is to blame for it; no one is responsible. We've put in place a quasi organization that really just buffers the government from responsibility.

The people expect their elected government to be responsible for their actions. This bill clearly does not meet that test and should not be supported.

The Acting Speaker: Response?

Mr Bisson: I was trying not to get into the debate of the flip-flop on the part of the Liberals, but you've given me the opportunity to get into it. What happened was, it's not that the Liberal caucus read the bill and all of a sudden you figured out it was a bad thing. You watched our lead as usual and flipped on the other side of the issue because you wanted to be in opposition to the Tories. That's all that happened. I'm actually thinking it would be a good idea to send a bill to the Liberal caucus at one point for all the research we do for them, because we go out and do the work and they go out and try to steal the ideas. That's another issue.

2250

I just want to say to the member across the way from Simcoe, who said we saw inspections go up by some 25% from 1996, that the only reason they saw the increase was because they got rid of the inspections in 1995. That's one of the first things your government did when you took office. You got rid of the inspectors within the ministry before you ever got the TSSA up and running. Obviously, there was a drop in inspections. The drop in inspections resulted in an increase the next year once the TSSA was up and running. You're trying to take credit for what was a rise in inspections—pardon the pun when it comes to elevator inspections—but the point is you are the ones who caused the problem by getting rid of the staff. That's normally the case. The Tories are very good at closing the doors of the barn once the horse has bolted out. They've been pretty good at doing that.

I just want to say for the last time, government has a responsibility. Government's responsibility is to make sure there are laws and regulations in this province that are there in order to protect the public when it comes to various activities in their daily lives. If government is not prepared, as this Tory government is not prepared, to take those responsibilities to ensure safety, then they don't deserve to be government. I say this government doesn't deserve to be where it is and, quite frankly, should stand out of the way.

The Acting Speaker: Further debate? The member for Prince Edward-Hastings. As you indicated, they are now 10-minute speeches.

Mr Parsons: I do appreciate the chance to speak to this bill. As a professional engineer, the number one con-

cern, from the time we start a university education to the time we retire from our career, is public safety. I would say that Ontario and Canada have been served very well in public safety. To this point, we have had a record that we should be proud of. However, there are incidents that are occurring, and occurring in numbers, that should start to cause us concern. We need to also look at the US. For so many things, this current government models what goes on in the US, and we're seeing some of that same trend.

It's interesting. As we move towards self-regulation, as this bill does, where do we draw the line? Where do we stop self-regulation? Right now, for example, we believe it's in the public's interest to have the government at some level inspect restaurants. Why don't we go to self-regulation there? Obviously, history has taught us that we need an external organization to do that. Going all the way back up to slaughterhouses, again, they are publicly inspected. Houses, of which we build millions and millions in this province, are still inspected by a local inspector. We don't leave it to the contractors to do their own inspections.

This bill deals in some areas that are extremely serious. Pressure vessels, elevators and amusement devices have the possibility of catastrophic failure. We're not talking about a sidewalk being built, with a problem as it settles; we're talking about the possibility of catastrophic failure. There is a reason we went to the system that we have now. This current government seems to have no respect for the history of how we got to where we are. There was a reason for public inspection and for public labs to test water, for example; it didn't just happen. At some time, perhaps forgotten, there was an incident in the past that caused the people perhaps 100 years ago, who were as smart as us, intelligent people, to say, "We need to take on this responsibility for the public good, because if it goes wrong, the risk of harm and the degree of harm is too great."

We're dealing now in this act with objects that are engineered. A great deal of expertise has gone into doing the inspections. I'd like to share with you an example that's perhaps a little bit off topic, but it relates, I think, to the philosophy of the inspections. In engineering, when we design an object, first of all, we determine the loads that are going to act on it. Where it's an elevator, what is the total weight that has to be on it? What is the effect of vibration? As the elevator moves up and down and vibrates, it imposes load on the elevator. From that we then size what each of the members needs to be in that structure.

The classic example that I would like to refer to—this is actually a federal government matter, but I understand that this current government loves to talk about federal government matters—is aircraft. If we're going to design a building, we can have a factor of safety of 1.5 or 1.7, which means we can have, if it's 1.5, 50% more people in a room than it was designed for and the room will still be safe or the building will be safe.

When we're dealing with some engineered objects, such as aircraft, we move the factor of safety down to just about 1.0. The reason for that is that if you design an aircraft to carry 300 people and you want to have a greater factor of safety, that means you have to increase the size of the wings, which increases the weight of the wings. When you increase the weight of the wings, then you need larger aircraft engines to lift the aircraft up. Once you go to the larger aircraft engines, then you need heavier wings to carry the larger engines. It becomes a vicious circle. As you keep increasing the factor of safety, you end up with a totally uneconomical object.

How do we have aircraft fly, then, by having the factor of safety rated at 1.0? We do that by superb inspection. Aircraft cost literally so many billions of dollars to build now because of the degree of the inspection that happens at the time they're built. They know that everything has to work perfectly, as opposed to our automobiles where we do maintenance on them, although unfortunately too often on an irregular basis. Aircraft are carefully programmed from the minute they're put together to the minute they're retired as to when all of these inspections must happen.

The inspectors go in and minutely take each one apart. The qualifications for these inspectors are extremely high. Because of that, we feel relatively safe on aircraft in Canada. Interestingly, in the US, with their deregulation, they've gone to more and more private inspection of aircraft, or self-inspection. The legacy of that has been some very unfortunate incidents with Alaska Airlines and Aero Air and so forth, where history has shown that for these engineered structures, when we lose the imposed inspection on them, then we're faced with companies and individuals who are trying to balance making a profit in a very tight market with the safety requirements.

Let's think about elevators. We have an impeccable record of elevator safety in Ontario. When they break, they tend to simply stop where they are. The member for Glengarry-Prescott-Russell and I spent an hour and a half one day in one of the elevators here in the building. It was kind of a nuisance. We pretty well ran out of stories to tell each other for the time. It was an interesting experience. I would direct it back across—

Hon Mr Klees: Must have been a privatized one, was it?

Mr Parsons: It probably was.

I'm interested to read in a letter dated June 15, and that's not very long ago, from the Ministry of Consumer and Commercial Relations—it's signed by the minister himself—that a constituent in one of the ridings is concerned about the inspectors in the province. It says, "I am pleased to inform him that nearly half of the staff in TSSA's 40-person elevating and amusement devices division have been certified by the National Association of Independent Ride Safety Officials." Nearly 50% of the inspectors inspecting amusement equipment and elevators are certified. That means the other 50% aren't certified, I would think.

2300

That's an amusing number, I'm sure, to the people over there. The people of Ontario, who have been trusting this government when riding elevators, would be unhappy to learn that 50% of the inspectors have not been certified to do the inspections. Elevators are not simple devices. Amusement rides are not simple devices. I can understand someone not being certified because of the great variety, and yet the relatively low numbers, of amusement ride equipment. That doesn't remove the need for that to be absolutely, totally safe for the person at the fair who either rides it or puts their children or loved ones on it to ride it.

This number of only 50% qualified must be taken in context. This bill is intended to shield the government from liability. In some sense, it relates back to the school boards where we've seen the government remove so much of the powers of the school boards and still leave them in place. The reason they're in place is so that the government's got someone to blame when a parent calls and says there's no special education funding for their son or daughter. The government can say, "It's the school board's decision," even though they know very well they did not fund the school board at an appropriate level. Now we see another organization that is going to be put in those same straits. They have the responsibility but they really don't have the assets or the accountability that the elected people do in this province.

From that viewpoint, I believe it is absolutely wrong for this government to move more of these inspections to an agency that really doesn't need to exist when the ministry itself could, no doubt, do it more efficiently, more effectively and provide accountability for it to the province. As to liability, it's quite clear that no employee of this agency is considered a crown employee, an employee of the government who could be held accountable. Those who have difficulties are shielded from holding the government accountable, either from the principle of it or from a financial viewpoint.

The bill is wrong to remove the public's right to full, open, accountable and appropriate inspections. This bill should make the general public concerned. Although the ride operators and the building operators are trying to do the right thing, the government is not there helping them.

The Acting Speaker: Questions and comments?

Ms Lankin: I'm pleased to respond. I found it very interesting that someone who has that kind of in-depth knowledge of the industry and the operation of the inspections—I have a bit of knowledge. It's quite second-hand. My partner spent a number of years as an inspector of elevators, not for CCR but for government services. That was for elevator inspections of directly government-owned buildings. I learned a lot during that period of time. One of the things I learned watching him at work was what happened when the inspectors wrote directives about minor concerns or about major code infractions, and the way in which the industry would attempt to negotiate with the ministry to minimize the work that had to be done. It was a cost-saving matter, because of course

the maintenance and the upkeep on their contracts get reduced in terms of the money that's provided to them by the work they have to do in response to the inspector's directives.

With the very interest that's there in that negotiation process, you need to have accountable public control over that process. To hand that over to an agency that doesn't have the code quantified in legislation and that doesn't have public accountability through things like the auditor, the Ombudsman, freedom of information and privacy, a range of those kinds of oversight agencies, means you leave this area to self-regulation by the industry.

The industry is the predominant representative in control of the board of directors. They themselves have to respond to the inspection reports written by that agency. The conflict of interest is only too apparent. It's so obviously significant in terms of its potential effects on public safety. If the government is interested in public safety, why will they not accept the amendments that have been put forward to change the composition of the board of directors and to ensure that the agency is subject to the oversight of the public watchdog organizations? That's all they have to do.

Mr O'Toole: I want to assure the viewing public that the power of inspection is covered under section 17. It's important to put on the record that, "An inspector may at any reasonable time, without a warrant, enter any lands or premises where the inspector has reason to believe ... any of the things, parts of things" may be suspect of being an issue of safety. We have assurance there. We also have safety orders. "A director may give a safety order to any person or class of persons with respect"—at any time. The oversight here is very clear.

The power of the courts also prevails. It's important to put on the record that since 1997, when the TSSA took over the day-to-day administration of the Technical Standards and Safety Act, inspections have risen from 138,000 per year to over 178,000 inspections per year. There's more to be done. Clearly it's in the hands of people who are capable. For example, 20 members of the TSSA elevating and amusement devices division have been certified by internationally recognized safety organizations such as the National Association of Independent Ride Safety Officials. There's an acronym for that but I won't state it for the record.

I'm convinced, after two years of consultation with knowledgeable sector people, that we have combined seven acts here under one administrative organization, the TSSA. The primary focus of the whole bill, Bill 42, is public safety, public accountability. The minister has final oversight over the business plan. I'm convinced the Liberals don't have the courage to move forward, as usual, and to do the right thing.

Mr Levac: I want to thank the member for Prince Edward-Hastings for his in-depth review as an engineer, in terms of his profession. I respect his opinion very deeply in terms of the safety aspect that we were trying to bring home tonight. The fact is that the members on the

other side are continually trying to say that it's safety first, and yet what they abdicate is explaining to us exactly where that safety's coming from when we showed very clearly that 50% of the inspectors are not qualified for the amusement devices.

In spite of that, what I'm concerned about is that when people do bring to the attention of the minister and to the government side their concern about their costs, the fees—they're structured on an hourly basis. If those inspectors, who are not qualified, do not have the expertise that is supposed to be within the realm of the TSSA, they're going to be spending more time doing those inspections because they're not quite up to snuff, as is indicated by the 50% failure rate of having these people certified.

So what I'm trying to point out to the members opposite is, very clearly, put the house in order before you start doing all of this stuff, because we're going to have to suffer the consequences of these decisions, not now but in the future. Walkerton, does it ring a bell? You start cutting back, you don't have the experts out in the field, you don't have enough people watching the house, something's going to go wrong. Something is going to happen. What we're doing now is abdicating that responsibility. We're pushing it to the side again. Fifty per cent is nothing to be proud of. Fifty per cent of people who are not qualified or not certified to do these inspections do two things. They first thing they do is they jeopardize safety. The second thing they do is they cost the operators a lot of money because they're spending more time doing the inspection and getting advice from the operators. It's unfortunate, but a lot of these people who are doing the operations are bringing these people through what they're looking at in order to get their certification. That is absolutely backwards.

Mr Bisson: To the member and his comments, I think he brings a perspective of experience himself as a professional engineer when it comes to talking about what the aspect of safety is if we don't do our jobs right.

It reminded me of a story. As I said earlier, I'm an electrician by trade, and we were responsible, in the mines that I worked in, to maintain and certify hoists. Just so people know, in the mining terminology, hoists are the equipment by which you bring men underground. One particular one that I worked on went down 6,800 feet underground. Imagine putting three CN Towers on top of each other. That's the depth that we were going to with this particular conveyance. I remember a particular issue where there were inspections done by our own department. We were qualified people, licensed to do this, and we missed, quite frankly, one of the micro-switches in the upper limits of the shaft that are there to protect you in case you go into an over-speed situation. In other words, if the hoist runs away and it goes too far and it ends up coming up to the top part of the conveyance, it trips the limit in order to turn the brakes on so you don't kill people by a sudden stop at the end. Unfortunately, we never caught that, as the maintenance people. Who did was a Ministry of Labour inspector who

was himself certified as a professional person do to these inspections, who caught that there was a problem with this particular limit.

My point is, you need to have qualified people in the field, and that's what the Ministry of Consumer and Commercial Relations used to be able to provide. We had the best people, I would argue, probably in North America when it came to what they did, and now we've got rid of them by shutting down the operations within the ministry and put it into the private sector, where 50% of the people who are doing the inspections are not qualified to be doing them.

So my point is, it's a real danger where something may happen, and I say to the government, you have to really think about what you're doing here, because at the end of the day it could be another Walkerton.

2310

The Acting Speaker: The member for Prince Edward-Hastings in response.

Interjections.

Mr Parsons: I believe the floor is mine, but it's not out of character for the other side to try to take it out of turn. You've hurt my feelings from time to time this evening, and I guess maybe I reflect that, because I take the heckling personally.

Yet this is a very, very serious matter. I reiterate to the government side that I think you would be better persons if you recognized when in fact you've put forward a bill that's wrong and said, "We've made a mistake on this one." I know you can't do that. I know you can't do it. It's better to sneak through another eight or nine bills later on, correcting the problems. It would be better to come right up front and say, "This bill isn't going to work the way I want."

Hon John R. Baird (Minister of Community and Social Services, minister responsible for francophone affairs): Did you vote for this in committee?

Mr Parsons: I don't think it matters what happened at committee. What matters is what happens when it's in this House. I'm sorry that the Minister of Community and Social Services couldn't have joined us earlier, because I gave a brilliant explanation of why this bill is flawed.

Hon Mr Baird: I can read it in Hansard.

Mr Parsons: But you would have heard much more and much better here. This bill does not improve public safety; it does just the opposite. It provides a disincentive for inspection. If we use the example of the amusement rides, if the people who operate the amusement rides, who are in a very tough market financially, are going to be faced with the temptation to not have them inspected—because they're going to have unqualified inspectors show up who take twice as long to do the inspection, plus they have the frustrating part of having to teach the inspectors about that unique piece of equipment—then they will be tempted to not have all of the inspections done all of the time. We should not put anyone serving the public in that position of having to make a decision whether to have it inspected or not.

The Acting Speaker: Further debate?

Ms Lankin: A few moments ago, the Minister of Consumer and Commercial Relations said to me, "But look at the number of inspections that are being done now." I want to address that issue. I remember, in fact, having meetings with people from that ministry responsible for inspections—not just elevator inspections, although I've spoken about that a great deal, but pressure vessels and underground storage tanks—and one of the points they made was that because the divisions within the ministry were contained under the provisions of the general revenue fund and because they were not able to raise the fees at that point in time to charge for the inspections, they couldn't hire more inspectors. Even when they raised the fees, they were concerned that it wouldn't translate directly back into that department, so they wanted a departmental accounting provision. They made their proposal to create a separate agency, something like the Technical Standards and Safety Authority.

At the time, I was very sympathetic to the argument they were making around the difficulty within government to have the revenue from increased fees redirected back into the department and not disappear into general revenue. One of the reasons it was so difficult, by the way, is that at the time—when fees are raised like that they're called "non-tax revenues" within government. Every time there was an increase in a fee, a non-tax revenue, the third party at that time, which happens to be the governing party now, the Conservative Party, just railed across the floor about how unfair this was and how wrong this was. The leader at the time, now the Premier, said a fee is a tax, and a tax that's increased and a fee that's increased—there's only one taxpayer; you know, it's all the same. They would not make the distinction at the time that fees for inspections, for example, could fund a better and more viable inspections department with more inspectors. It was not something that they supported.

But the minister—and you do learn something when you get to that side of the floor—now understands that point, as he has made the point across the floor to me in terms of the self-financing aspect of the new agency and the ability to do more inspections. So he now understands that argument, because in fact those fees have gone up. Those non-tax revenues have gone up dramatically over the last period of time, something that the government, had it been within the government purview, would have felt they couldn't defend, so they put it off into an agency. They let them do it, and now they don't need to defend it. There is a bit of a sham in what's going on, and in particular there's a sham when you take it the next step and look at the implications for public safety.

The creation of an agency in and of itself, while I have serious concerns about that, is not the subject of the bill that is before us tonight. You could have that agency with the appropriate safeguards in place that would address the number of concerns that I want to raise. But the government has chosen not to address those concerns. It's not just the members of the New Democratic Party

who are raising these issues. There's been a thorough study done of the TSSA, and one of the things they've said is that the dramatically increased fees, while it is now a jurisdictional fiscal policy—that means that the increased revenues come back into that agency and its budget—the dramatically increased fees have not resulted in a dramatic increase in the front line staff doing the inspections. In fact, where the increase has come that's most notable is in the management structure of the agency, which makes you wonder about the increased efficiency we're getting in this sector.

The point that I want to make, however, is that in the way this agency has been set up, there are significant concerns about accountability. The board of directors is predominantly made up of representatives of the industry that the agency is out there to regulate. So you have effectively established self-regulation by that industry, an industry that is responsible for both the installation and upkeep of equipment, whether it be pressure vessels, underground storage tanks, elevators or amusement rides—mechanisms of which public safety should be a prime consideration. The industry, while they are certainly concerned about public safety, has a competing concern, the bottom-line profitability of their companies.

I said to the minister earlier this evening that I can tell him directly of a situation that has occurred within the agency where one of the large, big five elevator companies that are out there has brought pressure to bear on the agency, and the agency management, succumbing to that, went to the inspectors and said: "We want you to stop writing directives for a period of time on elevators. If you find something wrong, come and talk to us. We'll talk to the company. We don't want the written record down there."

The inspectors, who at that point in time—

Mr Gill: How do you know?

Ms Lankin: You ask how I know? I spoke directly to the inspector involved, who used to work in the public service and now works in the agency. I heard directly from the inspector. He had been informed by management that he should not be writing directives. He spent a lot of years in the public service. I think the minister would agree with me that we have fine, reputable members of the civil service who have given their lives in dedication to the jobs they do, in this case in protecting public safety through inspections.

He said no. He would not be compromised. He was then told: "Don't write up minor directives. If it's a major code infraction, OK. I understand your point." He said: "No. That's not my job. My job is thorough inspections. Where I see a problem, where I see a problem coming, I write a directive and you and the industry can determine what you're going to do with that, but I'm going to do my job."

That pressure has already come to bear in this new structure. Surely, you don't want to allow that condition to be there without some kind of oversight. So we've put forward some simple amendments, and we don't understand your reluctance to agree to these amendments to ensure that in the representation on the board there is

direct public oversight, that we have independent control of the board with significant input from the industry—no problem about that. The industry was always involved in the development of the standards for code safety, and they still remain there. The safety councils, both in Canada and internationally, still remain major players in that. We want their input. We want them to be part of it. But the majority of the board should be independent in the oversight of this regulatory agency.

The agency—because it is a public agency, it is not a private sector agency—should be subject to all of the accountability measures that other public agencies are that we've set up. That means that it should be subject to the auditor's powers, to the Freedom of Information and Protection of Privacy Act powers, to the Lobbyists Registration Act to protect against conflict of interest. It means that the Ombudsman should be able to look into complaints when there are concerns from the public that things are going wrong there.

This is not a question at this point in time about whether or not to separate out the function of inspections from direct government operations to an agency. That debate is over. You've passed that legislation; you've created the agency. Now you're talking about the amalgamation of the statutes covering the safety code and, more importantly, without the accountability measures that I've talked about, you are also talking about taking the code safety provisions out of legislation and moving them into regulation. You argue that that is so you can update them more frequently. It also means that it is done behind closed doors without public input, without transparency, and it is not as clear and does not, in the minds of individuals, carry the same weight of law as the provisions that are in the legislation. You can't pick up the act and clearly understand what your entitlements are, what the safety code provisions are, what you're inspecting or what should have been inspected.

2320

I don't understand the government's reluctance here other than the industry has made it very clear how they want to see this go in terms of self-regulation. I can't believe that after what you have just recently gone through and the scrutiny on this government with respect to appropriate government regulation in protection of public safety, you're merrily going along with this piece of legislation when not just the New Democratic Party but outside organizations are pointing out the problem with the accountability structures in the legislation.

You are getting advance warning here. You haven't put this into place yet. What is the urgency? Why will you not take a second look at the structures of accountability? Why will you not heed what I am saying? I have told you directly from inside that agency, from the contacts I've had over the years from having represented some of these people when they were in CCR and from having had dealings with the section when I was Minister of Government Services.

These actions are happening now as we speak. The impact of the effective control of the inspections regime

by the industry has moved this to the self-regulatory system. That is not what you argued when you created the agency. You said the agency would oversee inspections but there would remain public accountability, and in particular the professional capacity within the ministry to develop the regulations, to develop the code standards.

You have now lost that professional capacity. Most of those people have gone and they're even leaving the agency and have gone out into private industry. You've lost the capacity. You don't have the accountability measures. Public safety is at risk.

Mr Doug Galt (Northumberland): It's interesting to listen to the member from Beaches-East York and some of her comments. You'd think everything had gone downhill since they left office in 1995. But just looking at some of the statistics, there were something like 138,000 inspections per year and that increased from there to 178,000 inspections per year. She should reconsider some of the comments that she was making.

Inspections of fuel handling have increased by some 30%. Those are the kinds of changes that have occurred since they left office. I don't think she's quite caught up to just what's going on.

Boiler and pressure vessel inspections increased by some 25%. Those are the specific inspections that have been carried out. But I can empathize with the concerns about the training that's necessary. It's indicated that something like 80%—I think I saw the figure—of the accidents on amusement rides are related to the people who are participating, the people who are on those rides. They need to be better educated to understand the risk they're in on those particular—87%; it's even higher than I was estimating at some 80%.

The area of greatest concern happens to be around the carbon monoxide safety committee and the kind of work they're doing to try and prevent some of the horrendous cases of carbon monoxide poisoning that may happen within Ontario. By a proper education program, there's no question a lot of that can be prevented, particularly if we put some of those detectors in our own homes. That's very important.

Mr Steve Peters (Elgin-Middlesex-London): I want to compliment the member from the Beaches because she brings forth some very good points. The government has closed ears and blinders on again. We've seen it too often with this government, where they feel they're doing the right thing by moving towards the private sector and getting away from government regulation.

What the government is losing sight of is the fact that public safety is being compromised by this piece of legislation that's in front of us today. More and more we're seeing this move of the government, going towards not being concerned with the public safety. Look at your example. Look at your track record with Walkerton—out the window; it is gone. You're compromising inspections. Inspections of such devices as amusement rides—we're into the summer season now—are being compromised. Elevating devices are a very important aspect as we grow in this province. Those areas are being compromised too by this government.

What's most troubling, though, is accountability, because this government's track record on accountability is atrocious. They have no concern over liability and accountability in this province. As to the damage, what you're setting up right now, we're not going to see the ramifications of it until much later on down the road. We've seen it first hand with Walkerton. Those cuts you started to make in 1995-96 have come in now and we are seeing that damage. More and more examples are going to be exposed of the mismanagement of this government and the worst part is that the future generations of this province are going to pay the price of this.

Ms Churley: I wish the government and the minister—I've very glad to see that the Minister of Consumer and Commercial Relations is here tonight—would listen, because as the member for Beaches-East York said, we're no longer debating the merits of the privatization of our safety laws; we're talking about the accountability structure now that it's done.

We voted against that in 1997, but you're the government, you brought it in, it's done. You said a number of things at the time about accountability and about the government still being in charge and you didn't keep your promises on that. We're trying to repeatedly point that out to you. I say to the government members that this is another example of not listening. It's not just us here in the NDP who are saying this. The Ombudsman recently, in his report, although he did not refer directly to Bill 42, did talk about his very large concerns about accountability and privatization. The key point that he made was the need for accountability mechanisms for privatized services.

Interjections.

Ms Churley: Let me remind the members tonight who are heckling me that you were told repeatedly that you had a problem within the Ministry of the Environment, outside and inside the ministry itself, and you refused to listen to the advice and the very serious concerns raised. You are now doing the very same thing with this bill that we're debating tonight. Don't you understand the dangerous ground you're on in doing this?

Mr O'Toole: I have the greatest respect for the member from Beaches-East York and I believe she knows that. Actually, I often say, "Frances for leader," and I genuinely mean that.

On a more serious note, she raised some points that need to be firmly rebuked. I should say that the NDP government—in recognition of their contribution to the committee's work, which I presided over, there were five or six amendments moved by the NDP. They were found to be wanting in the end analysis, of course, but I will say this, that in response to the degree of oversight that was requested by the NDP—double-check, double-check—what we've got here, and it should be on the record, is that the TSSA former complaint handling mechanism ultimately reports to the board and subcommittees.

But this is the important part that's been missed I think in the debate—also Minister Runciman, who sat through those hearings tirelessly—five persons in a unit in the

ministry that oversees the TSSA operation and handles complaints about the authority itself. So to the minister's credit, he has not relinquished the final oversight. That's typical of the minister I'm pleased to work with and for, I might say. The real issue is whether or not the TSSA grievance handling and customer service procedures need a fuller review, which is beyond the scope of Bill 42. Bill 42 moves the regulatory framework.

The TSSA has been in operation since 1997. We've heard tonight—the argument's been rebuked. We've increased inspections. We've increased accountability. The minister's responsible, and I support the minister.

2330

The Acting Speaker: The member for Beaches-East York for a response.

Ms Lankin: My thanks to the members for Northumberland, Elgin-Middlesex-London, Broadview-Greenwood, and Durham. Let me say first of all, to the member for Northumberland, who got up and began by saying that I had said that everything had fallen apart since our government left, I said no such thing. It's not that I don't think it. I actually do think that, but I didn't say it, I have to say to you. You totally misrepresented my remarks here.

I say to the member for Durham that there are serious issues of accountability. I'm sorry, but the little spiel you did there doesn't hold much water. There weren't extensive hearings. Only a few people presented. The minister wasn't present for them, so I have no idea how you can stand in this House and say that was the case. He was not there.

I want to point out the issue of accountability. Let me read this to you. Member for Durham, please understand that others are saying this. In the report that was done on the TSSA, it talks about how there are a number of serious policy issues. The most significant is that the substantive standards within the existing legislation would be removed and put into regulations. The report says, "Given the lack of technical and policy capacity within the MCCR in the areas delegated to the TSSA, the content of these regulations will inevitably rely on input from TSSA. This would effectively delegate policy and standard setting to the TSSA. Such an outcome, would be contrary to the separation of administration and policy-making"—rowing and steering—"that was supposed to lie at the heart of the TSSA's institutional design."

They make a number of recommendations. The recommendations were addressed by the amendments that the NDP put forward in committee and that your committee rejected. They were not found wanting in their analysis; they were found wanting in the political will for you to put in place the accountability structure to hold private industry accountable, in this case for the regulation of mechanisms that have a dire potential effect on public safety. What's lacking is the political will for public safety.

The Acting Speaker: Further debate?

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): I rise tonight to speak briefly to Bill 42. Unlike

many of the previous speakers, I've had no experience with this bill in committee and I can't comment on whether or not my friend Mr Runciman has or has not been there for—

Ms Churley: He wasn't there.

Mr Conway: Well, I'm sure he was doing his job.

But I want to start my comments with a death. I have been listening, as some of us in eastern Ontario have been listening, to CBC Radio news reports about the Charron inquest.

Interjection.

Mr Conway: Well, I'm going to tell you that tens of thousands of eastern Ontarians have been listening to that. If you have been listening to those news reports out of that tragedy, you would have to say to whomever the gentleman opposite is, the member in the third row, you would be led to believe by the evidence tendered at the inquest—which I think, Minister, is still going on, is it not? Or it has concluded.

Ms Lankin: It hasn't reported yet.

Mr Conway: It hasn't reported yet. I am not someone who would recommend bungee jumping. That's not the point. The point is it's an approved and regulated activity in this province.

Interjection.

Mr Conway: If you want to speak—what is his name? Mr Gill, if you want to speak, you'll have an opportunity when I conclude my remarks.

Mr Gill: Is it bothering you?

Mr Conway: Yes, you do bother me tonight. You bother me. It's too bad you didn't—

The Acting Speaker: Order. One member has the floor at a time.

Mr Conway: It's about the tragedy of Mr Charron's death and a coroner's inquest that is being told by a number of people in authority that they are not, apparently, fully competent to do their job. I've heard several of these reports, and I thought to myself, "If I had children and I was listening to this, how comfortable would I feel about sending my kids to the local amusement park?" I have to tell you, I think my reaction would be the reaction of a lot of regular folks, to the extent that the evidence being tendered at that coroner's inquest in Ottawa is to be credited. I would feel a lot less confident than I would want to be about sending my kids to that amusement park. The coroner and the jury will make some recommendations and I don't want to prejudge that, but I see some friends from the Ottawa area and I'm sure that some of them have heard those reports. Some of the evidence that concerns me the most is coming from inspectors.

So the question I suppose the Legislature has to concern itself with is, to what extent can we honestly and truthfully say that under Bill 42 the public interest in these matters is being protected and advanced to the greatest and most reasonable extent possible?

I understand that these are not easy questions and I would be the first to say that there are failings within that regulatory framework that is purely public. I mean, it

seems to me that if I am an air traveller in the United States, I might be beginning to wonder about, what is the federal aviation authority doing to deal with some of these carriers that seem to be having some serious safety problems that in some cases are leading to too many incidents and too many fatalities? On a more benign level, I might ask myself, does anybody in Canada believe today that the CRTC is anything but a mouth-piece for private interests? The one thing about libraries these days is that they are replete with studies that indicate that a lot of the regulatory framework has been corrupted, for whatever good or not-so-good reason.

I see that my friend the Minister of Education is here tonight. In one of her earlier incarnations she was involved with some of the health professions. I have over the years wondered, just how well have our professional organizations served the public interest with self-regulation? Let me tell you, from time to time news organizations like the Globe and Mail and CTV News, to name but two, will tell the nation that some pretty outrageous behaviour has gone on underneath the nose of regulators and individuals have been seriously disadvantaged or, in far too many cases, the public purse has literally been pillaged because people who were supposed to be regulating in the public interest did not do their job.

There's been a lot of talk in this debate tonight. I have tried to listen to the debate and I have enjoyed almost all of the contributions. One of the questions that I think this Legislature and Parliaments elsewhere ought to be spending more time with these days is, is there a public interest, as I clearly believe there is, above and beyond the private interests as adjudicated on a daily basis in some marketplace?

It is written somewhere that we ought to render unto Caesar that which is Caesar's. I heard earlier tonight the chief government whip talking about that which is efficient and—well, listen, I'm the first to admit that there are all kinds of things that one can imagine and one might implement that are highly efficient. But let there be no confusion: There will often be a very clear clash between efficiency and the public interest.

I have very real concerns about the growing tendency in this Legislature and in other Parliaments to delegate public interest, and often public safety, to some kind of private marketplace. I don't know a great deal about the regulatory world but I know a bit, and I must say that I am always concerned when I see a structure or an architecture being put in place that is going to leave participants, often participants with a pecuniary interest in the activity, with a significant role in the umpiring of that marketplace. I'm not so sure that's not what we're doing here.

2340

There will be no person who will not don the robes of, "I am for public safety." That's a given, surely. But the question is, are you, are we, creating a structure that is going to give effect to that bromide? Because you'd have to be pretty heartless and pretty stupid, quite frankly, to take a position that was counter to being in favour of public safety.

I look to the south, to the great American republic. Who is the most important man in America today? Why, he's Alan Greenspan. And what does he do? He regulates the most dynamic market in the world. As I listen to players in that marketplace, increasingly they seem to really want good old Alan Greenspan to pull back on the all too often overly enthusiastic players of that marketplace.

Interjection.

Mr Conway: What was that, I say to my friend from Durham?

Interjection.

Mr Conway: I say to Mr Gill that he may really want to engage this debate because we still have 16 minutes.

Mr Gill: On a point of order, Mr Speaker.

The Acting Speaker: Perhaps you could wait on the point of order.

Interjections.

Mr Conway: I want to say, because I only have two minutes left, that since we're talking about the stuffed articles act and how to amend it, I would say to my friends opposite, particularly my friend from Northumberland, that he should maybe concern himself with those parts of this bill that are concerned with the stuffed articles act.

I simply want to say that we have before us a piece of legislation that asks the Legislature to believe that we can delegate out to the private marketplace the regulation—

The Acting Speaker: Thank you. Questions and comments?

Ms Churley: I listened to the member from Renfrew very carefully. He made some points that the government members should listen to, as all the opposition members are making these points tonight. Let me be clear on this once again. We're not asking that you reverse your decision of 1997. Personally I didn't support it. Our party didn't support it. We outlined all the reasons why we didn't support it at that time. But it's a done deal. That's over. You have an opportunity to make amendments to make this body accountable to the people of Ontario.

I have talked about this before in this Legislature. I have a little grandson. He's six years old now. I don't know about the government members—I presume because they're not listening to the warnings coming their way about this—but I would be very hesitant to let that little guy—his name is James—go on an amusement ride of any sort these days. I am very uncomfortable about what might happen on those rides.

We know what happened in Ottawa with this young man who needlessly died during a bungee jump. We have all the evidence about what happened there. There was a coroner's inquest and it became very clear that the inspector didn't know what he was doing. He hadn't been trained. He said that himself. We have evidence that my colleague from Beaches-East York gave about elevator inspectors being told not to write up orders. There are already problems that have emerged.

Do the right thing and accept the amendments that the NDP has made. That is what we're asking you to do tonight.

Hon Mr Klees: The member for Renfrew-Nipissing-Pembroke made reference to the stuffed articles act. I want to speak to that because there's no doubt that this bill affects every man, woman and child in this province for that very reason. I know that all of us here and people throughout this province have for years had very bad nights of sleep because they've been torn, knowing that the government has gone around sticking labels on mattresses that say, "Do not remove under penalty of law." I know that many people have lost sleep at night because they've been torn about either cutting the label off that mattress or having a terrible night's sleep with that label just waking them up at all hours.

Bill 42 is the end of that because the government is finally getting out of the business of sticking labels on to mattresses. As a result of that, people from across this province will have the opportunity to have a sound night's sleep without the guilt of removing those labels. I say we support this bill and we should give it quick passage.

Mr Bradley: I thought the member's remarks were most pointed to the greatest concerns we have about this legislation. When I hear some of the comments that have come from the other side suggesting that those on this side are perhaps somewhat overly worried about the consequences of lack of supervision and assessment and inspection, I think they should take into consideration where we have seen that manifest itself most recently. That of course is in the provision of drinking water in this province, where the province decided, and still has before the cabinet from time to time, ideas which would call for further privatization of public services.

There are consequences of that. There is a risk that goes with that. I recognize there is a philosophy which believes that government is evil, that it must be taken out of the face of people. One thing I've got to say for this government is that it kept a promise that many of its members made, which was to get the Ministry of the Environment out of your face.

I know some of them were around the province, some of their business friends who didn't like the Ministry of the Environment, and I well remember those folks who didn't like the Ministry of the Environment, didn't like regulations, didn't like red tape, didn't like legislation. These were not progressive business people, because the progressive business people were in favour of that kind of regulation, as long as it was firm, as long as it was fair, as long as there was consultation on the rules and regulations that would be established.

I think all the member has asked for is that there be a reconsideration of this bill so that we have a government, as opposed to an industry group, doing the supervising. If there is a cost to be incurred, I suppose this government will assess that cost, but I believe the government can best do this particular job.

Ms Lankin: As always, I appreciate the comments in this House from the member for Renfrew-Nipissing-Pembroke. I say to the member for Oak Ridges that I find the way in which he trivialized the concerns that have been raised, by talking about labels on mattresses, to

have been very inappropriate. I'm sorry if that offends you but I was offended by your remarks in this respect.

Hon Mr Klees: Get a life.

Ms Lankin: You say, "Get a life." Do you know what we're trying to do? We're trying to save lives and that's the issue we are bringing with respect to this bill.

The member from Renfrew very appropriately referred to the coroner's inquest that's going on with respect to amusement rides and problems that have been raised. I found it interesting that the Minister of Consumer and Commercial Relations said, across the floor, "Wait for the jury's report." That's what we're saying to you: Wait for the jury's report. Why are you proceeding with legislation that has independent critical comment in terms of its structure, which says that you're not simply following other jurisdictions that have moved towards independent agencies overtaking inspections, but that you have gone significantly further in weakening public accountability in not keeping separate the policy and the administrative side of this?

2350

The member for Oak Ridges shakes his head. I ask him to read the independent report that was commissioned and issued with respect to the TSSA and to the administrative structures and to the lack of accountability and the problems. I ask him to read the comparisons to other jurisdictions that have been made. I ask him to understand that we're not talking about labels on mattresses; we are talking about deaths that have occurred in jurisdictions where there is self-regulation with respect to inadequate inspections of elevators, of pressure vessels, of underground storage vessels and of amusement rides like the bungee death that we heard the member from Renfrew speak to. The member from Renfrew is wise. You are not wise if you don't listen.

The Acting Speaker: In response, the member for Renfrew.

Mr Conway: I thank my colleagues for their comments. Again, I take this matter, as I hope all members do, seriously. I understand some of the articles, and for years around here we have entertained ourselves with the titles of some of these acts. But again, the reason I'm particularly interested in this as an eastern Ontarian is the inquest. That's about a death. I don't want to pre-judge the report, but I say again, anybody listening to the evidence of key people, including inspectors, would I think be quite concerned. These days, there are people looking at government with a bit more of a jaundiced eye in light of what happened in other provincial government activities.

Two quick final observations: One of them has to do with responsibility. One of the things that offends me as a member of the community and as a member of the Legislature is, does anybody anywhere accept any responsibility for anything any more?

Hon Mr Klees: You're the only one.

Mr Conway: No. I'm not saying that. I hope I'm not being self-righteous. I'm a little annoyed, for example, over the POSO thing because there's an example where

an independent arbiter has told us the law was broken and 50,000 individuals were affected. Has anything happened to anybody? No. And nothing probably will.

The final point I would say is I'm getting to a stage where I'm going to say to people: "Forget the dialogue. The old British parliamentary consensus-making business is gone. Sue the beggars. Sue the living pants off them, because then you will get their attention. Sue, sue, sue, because debate doesn't seem to produce a consensus in the public interest any more."

Mr Gill: On a point of order, Speaker: When we came to this House—and I'm a new member, I must admit—we were told by the clerks to get to know the opposition very quickly because down the road they will become your friends—

The Acting Speaker: Knowing members is not a point of order.

Further debate?

Mr David Christopherson (Hamilton West): I have no idea what that was going to be about, but we've only got five minutes and, thankfully to you, Speaker, we're not about to find out.

Let me open my remarks, given that I only have five minutes, and say that I wanted to just mention to the member for Renfrew-Nipissing-Pembroke when he said to the government members, "Render unto Caesar that which is Caesar's," let's be very careful about referring to them as Caesars. They already see themselves as little Napoleons and Alexander the Greats and every other dictatorial ego persona you can imagine. Let's not go adding to the descriptions that they would like to use of themselves.

Because, you know, the point is well taken that debate in this place is practically irrelevant. You pay no attention whatsoever. To the chief government whip, I agree with my colleague the deputy leader of our party, that you do trivialize things by saying this. I can only imagine how you would feel, because I believe that you're an honourable member. Through you, Speaker, I can only imagine how the chief government whip would feel when, upon hearing that someone has been hurt, particularly a child, on an amusement ride, or perhaps that people have been hurt in an elevator, and that he in this place, talking about this change, made reference to the tags that are on mattresses. I really think it shows a disrespect to the importance of regulatory bodies and regulatory legislation.

On that, let me say that the report that my colleagues have been referring to throughout this debate entitled The

'New Public Management' Comes to Ontario, where they actually review in depth from an academic perspective this model of governance over the previous model, which of course was that the government was entirely responsible, and in here they study the Ontario Technical Standards and Safety Authority. They say, "The accountability framework established by the government of Ontario for the delegated administrative authorities is significantly weaker than that provided in other jurisdictions, including the United Kingdom, New Zealand, Alberta, the government of Canada," and it goes on and on.

Therefore, it's not just the opposition, it's not just those in the public who are concerned from a consumer point of view, although they have every right to be; it is also academic experts in the field who point out the flaws in this model of governance: giving everything to those who are being governed and regulated, the sole responsibility for setting up the policies and then overseeing the implementation of those policies.

As if that wasn't concern enough, this document, this important study, points out that you don't even have the public accountability built into this framework that was built into other frameworks, recognizing that they didn't work at the end of the day anyway. But you haven't even gone that far. You haven't even gone as far as the examples of failure in privatizing these regulatory administrations. You didn't even go that far.

Government, you ought to be paying attention. We're not standing here at midnight on a bill that everyone thought for the longest time was not that significant just to hear ourselves speak. The fact of the matter is there are concerns built in here. I know you've heard Walkerton raised an awful lot, but the reality is that that's exactly the sort of thing that could happen years down the road. Six months, one year? I don't know. Three years, five years—does it matter? The fact is there are enough legitimate concerns being raised about this model of governance and what it means to public safety, something you purport to care about more than anyone else, and yet you pay no attention. You turned down the amendments placed by my colleagues.

I see the Speaker standing and I thank him for allowing me to speak.

The Acting Speaker: Sorry; I need to interrupt. It being 12 of the clock, this House stands adjourned until 1:30 of the clock tomorrow afternoon.

The House adjourned at 2400.

CONTENTS

Monday 19 June 2000

THIRD READINGS

Education Accountability Act, 2000,

Bill 74, *Mrs Ecker*

Mrs Ecker	3915
Mr Kennedy	3918
Mr Galt	3920
Mr Marchese	3922
Mr McGuinty	3929
Mr Tascona	3931
Mrs Papatello	3933
Mr Parsons	3934
Mr Bryant	3935
Mrs Boyer	3935
Mr Bradley	3935
Vote deferred.....	3936

Technical Standards and Safety Act,

1999, Bill 42, *Mr. Runciman*

Ms Martel.....	3936, 3940, 3944
Mr Klees.....	3939, 3958
Mr Agostino	3939, 3942
Ms Lankin	3939, 3944, 3949 3951, 3953, 3956, 3958
Mr Gill.....	3940
Mr Kennedy	3940, 3945
Mr Patten.....	3943
Ms Churley.....	3943, 3955, 3957
Mr O'Toole	3944, 3952, 3955
Mr Levac	3944, 3952
Mr Bisson.....	3945, 3950, 3952
Mr Dunlop.....	3948
Mr Bradley	3949, 3958
Mr Parsons	3949, 3950, 3953
Mr Galt.....	3955
Mr Peters	3955
Mr Conway	3956, 3958
Mr Christopherson	3959
Debate deemed adjourned	3959

TABLE DES MATIÈRES

Lundi 19 juin 2000

TROISIÈME LECTURE

Loi de 2000 sur la responsabilité en éducation, projet de loi 74,

M^{me} Ecker

M ^{me} Boyer	3935
Vote différé.....	3936

Loi de 1999 sur les normes techniques et la sécurité, projet de loi 42,

M. Runciman

Débat présumé ajourné.....	3959
----------------------------	------