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Wednesday 10 October 2001

Mercredi 10 octobre 2001

Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

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LEGISLATIVE ASSEMBLY
OF ONTARIO

Wednesday 10 October 2001

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Mercredi 10 octobre 2001

The House met at 1845.

ORDERS OF THE DAY

STUDENT PROTECTION ACT, 2001

LOI DE 2001

SUR LA PROTECTION DES ÉLÈVES

Resuming the debate adjourned on October 4, 2001, on the motion for second reading of Bill 101, An Act to protect students from sexual abuse and to otherwise provide for the protection of students / Projet de loi 101, Loi visant à protéger les élèves contre les mauvais traitements d'ordre sexuel et à prévoir autrement leur protection.

The Acting Speaker (Mr Bert Johnson): The Chair recognizes the member for Renfrew-Nipissing—and something else.

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): Can we agree that since we've got electoral district names that no sane person could ever remember and repeat in a timely way, the Chairs will just take the first part of this bus route nomenclature that we have and leave it at that? I'm happy to be introduced as the member from Renfrew. Thank you, Mr Speaker.

Interjection.

Mr Conway: Who can remember it all? So let's just not torture ourselves with things that are not likely to be remembered or important.

I rise to support Bill 101, An Act to protect students from sexual abuse and to otherwise provide for the protection of students, which act stands in the name of our friend and colleague the Minister of Education. As a former Minister of Education, I am pleased to have an opportunity tonight to say a few things about legislation that, in its core principle, is eminently supportable. In fact, it might be asked how come it has taken so long for this Legislature to come to this enactment.

The legislation, as has been indicated, reflects the very good work of Mr Justice Robins, done for the provincial government a year or so ago, and speaks to an issue that is of evident concern to all members of this Legislature and I believe to all citizens of Ontario, and that is the obvious need to protect students, while they're in a school or educational setting, from sexual abuse.

I can remember circumstances, now 15 years ago, when I was the Minister of Education, where I would on

a monthly basis be asked by my officials to sit down and review files of cases where teachers who had been convicted of what under this legislation would be considered professional misconduct, and under that old scheme ministers were required to then decertify those teachers on the recommendation of a number of advisory panels. What I remember about those cases—not all of them, because as Chaucer so eloquently reminded us all in that great work, the *Canterbury Tales*, “The parade of humanity is indeed a varied and mixed parade”; we have the virtuous and the not-so-virtuous. In a school system where you have tens of thousands of teachers, it has to be expected that not everyone is going to behave in ways that we would all like, just as in this Legislature from time to time people will make mistakes—and misbehave, I should add.

What I remember about some of those cases in my tenure at the Department of Education was just, what would possibly explain a sexual predator carrying on as that individual did for months and years without somebody blowing the whistle, because you knew that people knew; not everyone, necessarily, but certainly by the time it got to the minister's desk—I think of one tragic case in northwestern Ontario, a case that was just unbelievable. It was the sort of thing where, if you saw it on 60 Minutes with Mike Wallace on Sunday night network television, you'd say to yourself, “God, how could this happen?” This happened in a very nice community, a relatively small community, in northern Ontario. I remember thinking to myself, “Tell me that most people didn't know.” I guess I should rephrase that: I remember looking at that file and saying to myself, “I have to believe that most people in this community knew,” because it had gone on for 25 years—predation of the most outrageous kind, involving, actually, someone not just with responsibilities at the school, but someone with responsibilities of some note in the community.

1850

There has been, I'm sure, some talk in earlier aspects of this debate about the case in Sault Ste Marie. I don't want to get into the details of that, but in that particular case there appeared to have been assaults involving 12 or 13 students over a 21-year period. Those are apparently the ones that were reported and complained of; there may have been other ones.

I grew up in a small town in the Ottawa Valley, and you sort of say to yourself, “I know the world has changed.” There was a time when we all found it very, very difficult to deal with this kind of question. Mr

Speaker, you've served on a school board, as I understand it. I haven't. The old way of dealing with this was you just passed those people along. There would be an agreement to take Charlie, or whomever, and say, "We will quietly let you resign and leave the community, or leave the school district," and on that person went to another jurisdiction, maybe far away, maybe not so far away. That's the way it was dealt with.

As I say, in some of the cases that I remember, I was just astonished at the extent to which the misconduct went on. Good people, you had to know, knew but just couldn't bring themselves to do anything about it. The Sault Ste Marie case—my friend from Sault Ste Marie is not here tonight—is fairly—I say "fairly"—recent, from 1972 to 1993. But there were multiple aspects to that particular case. I think the legislation is quite good in the kinds of sanctions and protections it provides, because it does contemplate an end to the passing-the-buck strategy that was so commonly employed for so many years.

Beyond the legislation, I do think there is an obligation for all of us as citizens, as co-workers, as school board authorities, to make sure that in a vigilant and in a reasonable way we, in other aspects of our conduct and behaviour, take necessary steps to protect vulnerable children. I say "reasonable" because there is another side to this argument. Allegations of sexual misconduct or predation, if untrue, if unfounded, can, as we all know, have a devastating effect on the innocent party so wrongly accused, and there is a balance to be struck.

But we are, after all, talking about young people who, while they're at school, are in positions where we expect their superiors will properly discharge the trust that we as a community vest in those people, whether they are teachers, supervisors, principals or whatever. Again I don't want to make too much of it, but what was astonishing to me was the extent to which some of these horrible characters were allowed to carry on when you just knew that people did know. I guess it's easy for me to be a bit judgmental. I sometimes think, you know, even in this place, what would we do if we thought somebody was up to bad behaviour, not necessarily of a sexual kind, but there is a great temptation in all of us to just stand back and not get involved. That was certainly the attitude around schools on this subject.

I commend the minister for bringing forward the legislation. I want to say what some of my other colleagues have said, and I have to believe all members agree: if protection of students from sexual abuse is, as we believe it to be, a right and proper thing to do, then surely we want to provide that protection for all students in school in Ontario.

This is not the time for me to debate the Jim Flaherty program to fund private schools, but it is an allied government policy that clearly has a relationship to Bill 101. More than ever I think that policy is very dangerous and wrong-headed. That's my view, and I understand that there are people who differ with me. But if protecting young people from sexual predators in the school system is a good thing to do—and we, I think to a person, agree

that it is a good thing to do—why on earth should that protection not attach to young boys and girls, young men and women, who are going to go in increasing numbers to private schools? There has been in recent weeks an example of sexual abuse at Canada's premier private school, not that many blocks north of us in this capital city.

Would any of you feel comfortable if you were to walk out here tonight and meet the parent of someone in that situation and try to explain to that parent why this protection, rightly contained in Bill 101, applies to public school A or separate school B but doesn't apply to the growing scores of private and independent schools in the province? Is the sexual abuse of young people in a private or independent school different in character or consequence than sexual abuse in a publicly funded school? Surely none of us would argue that case. So, keeping in mind that the core principle of Bill 101 is protection of young people from sexual predators in schools, what is the argument for the exemption so flagrantly contained in Bill 101?

I hope someone in the questions and comments period afterward can answer that question. I think we owe it to the broad public, and particularly the government owes it to the public of Ontario in 2001, to answer that question because I have to tell you—and I don't say this with, I hope, any partisan animus—on this private school initiative of yours, this is but the first of several truly difficult and troubling questions that you're going to have to answer as this policy moves forward.

1900

I've always said that if we're going to change the character of education in Ontario in significant ways, we owe it to the public to tell them beforehand that we contemplate significant change and departure. I want to say to fair-minded people on the government bench tonight that this private school policy is a Trojan horse with a bellyful of truly vexatious and troubling questions and consequences—and this is a good one. I'd like an answer because I want to commend you, and particularly the minister. Bill 101 is a good policy initiative, and I have to think we'll all stand as one to support it. But it is glaringly imperfect because it exempts, and it will exempt, a growing class of Ontario students from something that we want to fix, that we want to protect them against.

I need some help and I need an answer for those parents who, God forbid that they should have a child exposed to sexual abuse in one of these private schools, might ask me some day, "Where were you and where was the protection on something so basic and so fundamental? What was the reason? What was the cause for not providing this protection to all students in the province of Ontario?"

As I resume my seat, let me say one final time: good work by the minister and congratulations to the government, but there is a glaring deficiency and an imperfection. If I don't get an amendment to fix that problem, what I'd like tonight from the several people on the government benches is a clear and understandable answer

to why that protection should not apply to the boys and girls who will be attending, in presumably larger numbers now than before, private and independent schools.

The Acting Speaker: Comments and questions?

Mr Tony Martin (Sault Ste Marie): I want to commend the member from Renfrew—and I won't go down the list of other communities, however important, which he represents but which he suggests we in this place don't need to torture ourselves in trying to remember—for his speaking on this very important bill here before us this evening.

He's been around this place long enough to understand some of the very complicated issues surrounding the reason for this bill being in front of us today and how that affected the community I represent in such a terrible and difficult way over a long period of time, particularly over the last 10 years, as the reality of what was going on came to the surface, and those who finally and ultimately had the intestinal fortitude to do the right thing brought it forward, and the fact that our community is still scarred by that. This is something that isn't particular to Sault Ste Marie, but has happened across the province time and time again. It's time that we as legislators took our responsibility seriously and began to grapple with some of those issues, to listen to some of the people who have come to the table to put together this response. Justice Robins, the Ontario College of Teachers and the Ontario Teachers' Federation need to be commended for having taken this bull by the horns. I think the comments of the member for Renfrew will add, as well, to us coming up with something that will at least take us some distance toward correcting this.

Mr Garfield Dunlop (Simcoe North): It's a pleasure to rise this evening and listen to the comments made by the member from Renfrew, who speaks so eloquently every time he stands and talks about any of the particular bills he may refer to.

One of the comments he made earlier was on independent schools, about people who do not employ certified teachers and the fact that they may not be covered under this legislation, and that's a very good point. I want to bring a couple of points forward on that, if I could.

First of all, I want to point out that the legislation extends today in its current form to certified teachers, regardless of who employs them. School boards which are publicly funded today are required to employ certified teachers. The legislation before us tonight applies to all teachers who are under the jurisdiction of publicly funded schools. As was said earlier, some independent schools do not currently employ certified teachers. The current consultations that are underway on the education tax credit will look at options on this particular issue.

I just wanted to point out as well that the Child and Family Services Act obligates teachers and other professionals who work with children to report a child who is or may be in need of protection directly to the local children's aid society.

I wanted to point out as well that at the end of this particular evening, we hope to refer this to the justice and social policy committee so we may in fact have some further debate and some further possible amendments on this. But at this point, I support what we see in front of us. I do compliment the member from Renfrew for his comments and look forward to further debate this evening.

Ms Shelley Martel (Nickel Belt): I want to commend the member from Renfrew for his remarks, particularly for pointing out the discrepancy or the double standard which now exists in this legislation, which I truly hope the government is going to address through the public hearings and the clause-by-clause process.

The minister, in her remarks, said a couple of things: "The legislation we are addressing today has one overriding objective: the Student Protection Act's purpose is to ensure that students in Ontario schools can be more effectively protected from sexual abuse and sexual misconduct." Another part of her remarks: "Protecting our children is essential. As individuals, as legislators, as teachers, as parents, we all have a responsibility to do what we can to prevent sexual abuse and to keep our children safe."

If that is the case, then it begs the question: what about those students who attend private or independent schools where the teachers are not certified? Should they not be afforded the same protection? The answer is, of course they should. Of course they should.

If the government is truly intent on protecting kids, and I have to believe that is their intention, given the referral to Judge Robins and the work that has gone on in consultation with the teachers' federations to arrive at this point, then the government cannot continue to exclude private and independent schools where those teachers may not be certified. Those kids in those classrooms in those schools deserve protection. Their parents have a right to know that their children are going to be safe from exploitation when they attend those schools.

We cannot continue to have the law that is before us contain such a double standard, because it will truly undermine whatever the commitment of the government is to protecting kids. So I encourage the government to amend this legislation to include these students too.

The Acting Speaker: Comments and questions?

The member from Nipissing-Renfrew. I'm sorry, the member for Renfrew.

Mr Conway: Be careful with that one, because there's another guy here from Nipissing who might take some offence, quite properly, to my being assigned that moniker.

Listen, I just want to make the observation that I'm fully aware, I say to the member from Simcoe, that a number of private and independent schools have in their employ qualified or certified teachers. I realize that the bill does apply to those teachers who are members of the Ontario College of Teachers. But as Ms Martel just said, we also know that a goodly number of the teachers in the private and independent schools are not certified.

1910

I will say this about the Flaherty amendment: the Flaherty amendment, rightly opposed by Janet Ecker, is going to produce growth in that part of the private school movement where there is going to be a lot more interest in hiring non-certified teachers. We're opening the door in ways that we do not understand, and a generation from now people are going to look back at the little amendment that grew into a miasma of trouble. It will have looked like such a small step in the budget of 2001.

But I repeat, the thing that troubles me so much about the Flaherty amendment to public schools, the opening of the door to private schools, in the way he's designed it, is that he is going to encourage, I think, a rapid growth of private schools, the character of which is going to be such that there will be a significant increase in the number of uncertified teachers. Oh God, what a mess we are about to fall headlong into. Bill 101 reminds us, in that one singular imperfection, of what trouble lies before us.

The Acting Speaker: Further debate?

Mr Martin: I appreciate the opportunity tonight to put some thoughts on the record re this very important piece of work that we undertake here. In light of the very real experience in my own community and in light of similar experiences in many communities across this province for quite some time, it's in fact good that we're here doing this, this evening. We're responding to an inquiry by Justice Robins, called for by the Ministry of Education, which was reviewed by the Ontario College of Teachers, and then consultation was done with several other groups which have some interest in making sure that what we do here captures in some serious and effective way the need to be ever vigilant where the issue of the sexual abuse of students is concerned.

I say that, however, wanting to put it in context because what we have here, in my mind, however good, is simply but a step in the right direction. It isn't everything. I'll refer to some concern that still continues to be raised in my community from time to time when this issue is brought forward or put on the table, that we need to be all-inclusive when we consider the issue of abuse and sexual abuse, particularly where it concerns our children in communities. There are all kinds of opportunities, it seems, for predators to get into systems and take advantage of opportunities and situations to perpetrate this violence on people who oftentimes are under their care or supervision or are being looked after by them in one way or another.

This bill certainly goes a distance in asserting the need for school systems to take seriously the possibility, the reality that this has happened, is happening and will continue to happen, and that we who know better, we who find ourselves in positions of responsibility, we who find ourselves with the knowledge that something untoward is happening or has the potential to happen, need to report that. It was my understanding that whenever an adult discovered there was abuse happening where children were concerned, the law already existed in this province that called on them to report that abuse,

and that if they didn't report that abuse, they were liable to prosecution and various forms of punishment.

This takes that reality and places it squarely in the lap of the education system and puts in place some particular requirements of teachers and responsible officials in school boards to take proper action. However, it doesn't recognize in any significant way the fact that child abuse goes on across a community, or has the potential to happen in almost every circumstance where children congregate or are under the supervision or direction of adults, and needs to be responded to.

Our community for a long time, as we became aware more and more of the terrible circumstance that has now become known as the DeLuca affair across this province, and I suggest probably across this country, realized that there was a systemic problem in the community, that there was a systemic problem across all communities that needed to be addressed.

We called on the government at that time to hold a full and comprehensive public inquiry into how this happened, how it was allowed to continue to happen, why it was in almost every instance in our community that people in positions of leadership, showing tremendous accountability and responsibility, living up to all kinds of very high standards of moral and ethical conduct, would have found themselves in a position to not report this or not deal with it in an effective way, and to have simply moved this person from school to school, thinking that it was going to go away, that it wouldn't happen any more and that they had lived up to the responsibility they had.

There are still many people across this province, in my community in particular, asking those questions. How did this happen? Why did it happen? What was it in the culture of our community and communities that allowed this kind of irresponsibility, of perhaps passing on responsibility, of perhaps ducking responsibility or maybe in all good conscience doing what they thought at that time was the right thing to do, recognizing now themselves, I'm sure, that in fact it wasn't? What is it that we put in place that captures that? That's the question many in my community and indeed I believe across this province have. I dare say this bill, however good and well-meaning and important, does not capture that.

I read for you just a brief comment from the Sault Star in my community, which covered this whole fiasco in some detail and with some vigour over the months and years that it unfolded, to share with you that even up to the end, and after all the legal dealings were done and finished with, it was felt very strongly that we still needed the government to call a full and public inquiry.

1920

In an editorial in the Sault Star back in the 1990s, it says at the bottom, "Sault MPP Tony Martin, a former trustee on the separate board, must vigorously pursue the government to call the inquiry his constituency demands. Our children need protection, but we can't be confident of their safety until we know what went wrong and how to stop it from ever happening again."

I suggest to you that the government in time, after being asked over and over again by myself and Bud Wildman, the member for Algoma, and so many other good people in our community, finally came to their senses and asked Justice Robins to come in and do an inquiry, and he did an excellent job. As a matter of fact, in speaking to many of the people who had some very real concerns and who were very close to this issue, some of the families of the victims and some of the people who counselled the victims suggested that the report by Robins was comprehensive, detailing so many of the circumstances and situations that these young people found themselves in, so that we might understand more fully how this happened and exactly what happened.

The recommendations he made, being so comprehensive and all-inclusive, were also hailed as very good, and he did an excellent job. But they still felt that a fuller public inquiry was necessary, an opportunity for some of the people who didn't ever get to tell their story, some of the people out there who had concern for not only the victims in this instance but for victims of abuse across this province, to ask questions of some of the people involved here, so they might get a fuller understanding of exactly what happened. At the end of the day, we as a community would have felt like we had had that opportunity collectively to struggle with and deal with and confront each other with the very difficult questions that still hang out there today. You run into people across our community who wonder what happened, how it happened, why it was that some people didn't report, why it was that the perpetrator got moved around as much as he did and what it was systemically within that community—and I suggest is probably continuing within most communities in Ontario and Canada today—that did not allow for an immediate response and trusting of those children when they came forward to report, such that this could be dealt with more quickly and effectively and the abuse could be stopped more readily and that the list of those abused might have been less in the long run.

I know that this bill, when it's passed, particularly when it is then taken and shared with the stakeholders across this province in education, and hopefully studied in great detail, will go a distance to impress upon teachers and others responsible in the education system how important it is that they do the right thing, and that if they're going to err, they err on the side of believing students when they come to them to report that something untoward is happening.

Having said that, and putting those two things together, I would hope that this government would agree with us to take this bill out to committee so that we might hear from others out there who may have some concern, as I do, that this bill doesn't in fact go far enough, doesn't take in enough of the problem that we have out there, doesn't deal with, in any effective way, so many other circumstances that young people find themselves in, whether it be a church group, a fraternal organization or a recreational group, Boy Scouts or summer camps where young people find themselves under the super-

vision of some adult or adults who would take advantage of that opportunity to abuse them.

I brought a bill forward a few months ago for this House to consider in response to this very difficult circumstance in my community. I consulted with a whole lot of people, particularly those mandated by all of us to concern themselves about abused children, the children's aid society. They suggested we needed legislation that would not only take in the school systems but all other systems in the community that from time to time find themselves having supervisory responsibility for children such that if anything untoward is happening, it would get reported and investigated. I don't see that in this bill, although I wait and will be listening attentively to others as they present, and as we have this discussion and this debate about this bill, to see if it is captured in here somewhere.

But when we looked at the Robins report and tried to respond to some of the references to the shortcomings of that organization in this instance, the children's aid society said to me that they don't have the power they need to go in and properly investigate a situation of abuse once it's reported and to be able to share that information with other supervisory or responsible individuals so that a proper response can be made quickly and perhaps, in some instances, nip some of these things in the bud before they actually find themselves before the courts.

It would be important for us, in committee, to hear from groups such as the children's aid society so that they might tell us what we need to put in here to cover the concerns they have, flowing out of some of the findings and the recommendations of the Robins report. It would be good if we did that. Hopefully the government, in bringing this legislation forward in the first place, is serious about getting to the bottom of this very difficult problem.

I would also hope that in doing that the government will take this out to committee, perhaps as they did with my bill—I appreciate the co-operation of members of all parties in this House in that instance to take it out to some of the communities where abuse has taken place, and there are a lot more, I'll tell you, than just Sault Ste Marie; as I said a few minutes ago, it's a lot wider than just in the education system that this is happening—that we would take it out there so that people in those institutions or people who have concern or responsibility for those institutions, so that people in communities where this kind of thing has happened or has the potential to continue to happen, will have a chance to come and make their depositions to us, so that we will be confident in the end that we have legislation that will actually do what Judge Robins calls on us to do in exercising our responsibility, but that you'll also be open to amendment, that you'll be open to good recommendations from people out there who very sincerely and seriously want to be engaged in this discussion and will have for us some excellent recommendations, either from their own experience, from their own study or from being connected in some way, whether directly or indirectly, with those

caught up in this very difficult circumstance that we address here this evening.

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In closing, I simply want to say that I think this is good, as far as it goes, and we'll certainly support moving it through to the next level of public consultation. I would hope that the government—given that it doesn't cover, in my view, a wide enough realm in terms of who it is targeted at—will go out to a committee for public consultation, in recognizing the very valuable information shared with me by children's aid societies in my own community—and invariably then connected with the Ontario Association of Children's Aid Societies, from children's aid societies across this province—that they think needs to be responded to and dealt with, if they're going to be able to do what is called for from them, both in the Robins report, if this is going to be stopped in any significant or important way, and also in doing their part in making sure this bill is one that takes a big leap forward in stopping the number of, the severity of and the sometimes long-time, enduring abuse of children that happens too often in this province and this country and in circumstances that we, as a community, should be more vigilant in protecting and making sure these things do not happen.

The Acting Speaker: Comments and questions?

Mr Marcel Beaubien (Lambton-Kent-Middlesex): It is certainly a pleasure for me to comment on Bill 101, and I shall read the title of the act, which is An Act to protect students from sexual abuse and to otherwise provide for the protection of students.

I too agree with the previous speakers from Sault Ste Marie and Renfrew-Nipissing-Pembroke. When we're talking about students, we're talking about students in northern Ontario, central Ontario, Toronto, and certainly southwestern Ontario, whether in a public, separate, independent or private school. I personally happen to believe that all students need to be protected. The member from Sault Ste Marie says the bill should go to committee, and he's probably right. This is the first reading of the bill; it's a blueprint. Amendments can be made.

I certainly do believe that when we're talking about students, there should be no double standards; that all the students in Ontario should be protected. I think there are lessons to be learned when we looked at the Mount Cashels, the residential schools, the Cornwalls of the world.

I don't want to dwell on any particular subject matter or individuals, but there's a common thread with regard to sexual abuse of young people. It's not just a blue-collar-worker crime; it's a white-collar crime also. There is no doubt that we seem to be able to point the finger at certain individuals, but we seem to have difficulty dealing with the issue when we have responsible people in certain communities committing the act. I believe that this bill should protect all students in all schools in Ontario.

Mr Conway: I just want to say a couple of things. I really appreciated the previous speaker's remarks, our

friend from Lambton. The member from Sault Ste Marie makes a very good speech, and I can't imagine what it must have been like, as he described it in his remarks, being around Sault Ste Marie and the case to which he's been making reference unfolded.

I said in my remarks, and I just want to come back to it because this case reminds us: it's just really amazing, isn't it, particularly in these bad cases? We talk about the Sault Ste Marie case—again, not to pick on northern Ontario; those of us who are in southeastern Ontario, not all of them are school cases, but in terms of sexual abuse cases I think of one my best friends, now deceased, who had kids tangled up in that awful mess at St George's Anglican choir school in Kingston, and the stories about Prescott. A prettier town in Ontario you wouldn't find than Prescott, and we find in that beautiful little town just unbelievable activity, unbelievable stuff. Again, when you think about the horrors involving the St George's situation in Kingston—boy, talk about upstairs. Some people would be inclined to think there is a socio-economic element to this and it could only happen in certain places and certain sectors. Boy, the Kingston and Prescott cases in eastern Ontario make it plain: upstairs, downstairs, it is a social evil that knows no restriction, apparently.

As our friend from Sault Ste Marie reminds us, how does this stuff happen? What does it say about leadership in the community, in the institutions? By God, we'd better do a better job of making sure that young people particularly are better protected in the future. I hope that Bill 101, and I believe that Bill 101, goes a measure to do that.

Ms Martel: I want to commend my colleague from Sault Ste Marie and say two things in response. Number one, the minister talked about this bill as being introduced as part of the government's response to the recommendations made by Justice Robins. She also said, "Members here in the chamber may recall that Justice Robins's appointment to study this issue followed the 1996 conviction of a former Sault Ste Marie teacher who had sexually assaulted several students over a period of 20 years." I wish that the minister had gone one step further and said that we have reached this point because the two local members who were involved made what was a very difficult issue in their community a public issue in this place.

In the fall of 1996, I remember my colleagues Mr Wildman and Mr Martin, who brought forward a petition that had been signed by 10,000 people in the Soo calling on the government to have an immediate inquiry into this sexual abuse case. From 1996 until the government finally called the inquiry, these two members repeatedly called on the government to do just that, to get to the bottom of this terrible issue so we could try to ensure that it would never happen again. I clearly think that we are here today dealing with this bill because of the work of those two members to make what was a terrible issue in their community a public one that we all have been forced to respond to.

Secondly, the government has to amend the legislation. We cannot only protect certain students in certain schools from certain teachers in this province. If the government is clearly committed to protecting all of the students, as the minister said she was, then this bill has to apply to uncertified teachers too, in independent and private schools. Think about the time our kids spend in classrooms, their roles and their attachment to the authority figures who are in those school systems. Recognize that we need to be sure that all our students are safe from sexual predators in our classrooms.

Mr John O'Toole (Durham): I just want to be on the record, first, paying my respects to the remarks made by the member from Sault Ste Marie. You could veritably sense his passion for the topic and for reaching a conclusion. I can assure him that from my perspective in anything I've heard, the government has taken the Justice Robins report very seriously. That in some respect is in part due to your efforts to not make the issue go away.

It's important to look at three fundamental parts of the bill which I think are absolutely critical. Section 2 of the bill would add a clear definition of sexual abuse to the Ontario College of Teachers Act. I think it's important to define exactly what the scope is referring to. Section 3 of the bill would require that professional misconduct, as defined under the act, includes sexual abuse.

An important section amending another piece of legislation would be section 43.2, requiring an employer of a member of the Ontario College of Teachers to report to the college where the employer terminates the member's employment or restricts the member's duty. In other words, if they suspect someone or somehow there's a termination, there is a formal requirement to report. That adds the element of accountability to the board, so it's not just swept under the carpet, so to speak. Where a report has been made, there's a requirement of the registrar of the college to report back, so there would be some decision made on the individual and/or the behaviour. I would say that there's another important part which would require the employer to report to the college when employers become aware of a member who has been charged or convicted for an offence under the Criminal Code.

It's very important, whether it's someone coming into the profession or leaving the profession, that there's closure. I think an important requirement here is under section 7: someone making an adverse report about another member of the federation respecting sexual abuse is

immune from disclosing that information and is not to be named—

The Acting Speaker: The member's time has expired. The member for Sault Ste Marie has two minutes to respond.

Mr Martin: I want to thank the members from Lambton-Kent-Middlesex, Renfrew and Durham for participating in this discussion this evening. We certainly need their participation, and we need the participation of a lot of people around this province if we're going to find a piece of legislation or a response that's going to work. This issue is communal in nature, and if we're going to deal with it in any effective way that will be all-encompassing and long-serving, we need to get to the nub of a culture that supports and protects, and in fact in some weird ways fosters, the possibility of children being abused.

The other thing I want to say is that this is not just about students and shouldn't be just about students. It should be about children; it should be about protecting all children in circumstances—because from what I understand, in the home there is effective and fulsome legislation, but for children who find themselves in groups overseen by adults, whether it's in church or in school or other organizations throughout the community, there should be legislation that protects them, gives parents the assurance that when they let their kids go to these events, they are in fact safe and protected.

In closing, I would ask the government to be open to the possibility of broadening the scope of this legislation and to take it across the province so that we can hear experiences and suggestions from people in every corner of this province, and that they might be able to participate in this very important exercise. I also plead with the government to be willing, in having had these discussions, to make amendments.

The Acting Speaker: On October 3, Mrs Ecker moved second reading of Bill 101. Is it the pleasure of the House that the motion carry? It is carried.

Pursuant to the order of the House earlier today, this bill stands referred to the justice and social policy committee.

Hon Dan Newman (Minister of Northern Development and Mines): I move adjournment of the House.

The Acting Speaker: Is it the pleasure of the House that the motion carry? It is carried.

This House stands adjourned until 10 o'clock tomorrow.

The House adjourned at 1943.

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		York West / -Ouest	Sergio, Mario (L)

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