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**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Wednesday 29 May 2002

Mercredi 29 mai 2002

Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

Clerk
Claude L. DesRosiers

Greffier
Claude L. DesRosiers

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LEGISLATIVE ASSEMBLY
OF ONTARIO

Wednesday 29 May 2002

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

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*The House met at 1330.
Prayers.*

MEMBERS' STATEMENTS

IAN DAVIDSON

Mr Rick Bartolucci (Sudbury): As the provincial representative for the community of Sudbury, I want to congratulate Superintendent Ian Davidson on being promoted to police chief for the city of greater Sudbury.

Ian, who was born and raised in Sudbury, joined the Ottawa Police Service in 1978, where he spent 20 very productive police years. He returned to Sudbury in April 1999 as a senior officer with our regional force. At the time of his hiring, our retiring police chief, Alex McCauley, said it was the expectation of the police services board that Ian would be one of the people who would be considered to succeed him when he retired. Yesterday, our very proactive police services board chair, Andy Humber, announced to our community that indeed Ian Davidson will be our new chief.

Ian, who is a graduate of the Sudbury Secondary School, has a degree from Carleton University, is a graduate of the FBI National Academy and the University of Toronto's Rotman School of Management, has immersed himself in our community since his return to Sudbury.

I know I join all my constituents in congratulating him on his accomplishments. We also want to congratulate his wife, Cathy, and their two children, Brad and Brian, on this accomplishment. Indeed, Ian's strong set of values, his extensive policing skills and his excellent interpersonal skills will serve our community well in the years to come.

LONDON KNIGHTS OF COLUMBUS

Mr Bob Wood (London West): I rise today to congratulate four Roman Catholic parishes from London: three on their charter nights commemorating the inauguration of the Knights of Columbus organization in their parishes and the fourth on the 10th anniversary of their council. On April 6, 2002, Knights of Columbus Council 10843 from St George's parish celebrated their 10th anniversary with a dinner and dance, at which I brought greetings from the province of Ontario. On June 8, St Martin of Tours and Holy Rosary parishes will celebrate their official status within the Knights of Columbus

organization, and on June 15 St Michael's church will hold their charter night for the Knights of Columbus council.

The Knights of Columbus was founded in 1882 in New Haven, Connecticut, by Father Michael J. McGivney. Its original mandate was to offer financial support to widows and children of deceased members. Today, more than a century later, the Knights of Columbus has become the largest lay organization in the Catholic Church. There are now almost 13,000 councils in the world, which now dedicate themselves to the ideals of charity, unity, fraternity and patriotism.

The order has been called "the strong right arm of the Church" and has been praised by popes, presidents and other world leaders for support of the Church, programs of evangelization and Catholic education, civic involvement and aid to those in need. In the past decade, the Knights have donated nearly \$1 billion to numerous charitable causes and nearly 400 million hours of volunteer service.

I know that all members of the House will join with me as I wish all our Knights of Columbus councils success as they work to fulfill the mission of the order and make life better throughout our communities, province and country.

NORTHERN HEALTH TRAVEL GRANT

Mr Michael Gravelle (Thunder Bay-Superior North): Despite our elation last fall in finally persuading the government to increase the financial compensation provided to northerners who must travel outside their own communities for medical care, I must tell you that I continue to be enormously frustrated by the problems many of my constituents face in accessing the northern health travel grant program. Frankly, in light of the story I'm about to tell the House, one can only wonder whether ministry staff are actually encouraged to find ways to deny people benefits, as my constituent should simply not have been turned down.

The story begins in 1995, when Ms Corina Setala was diagnosed with a rare tumour requiring excision. Her family doctor at the time referred her to a surgeon in Toronto, who successfully performed the operation. Ms Setala's travel grant application was approved without any question.

Unfortunately, in November 2001, Ms Setala was told that the tumour had returned. Her new family doctor immediately referred her back to her specialist in Toronto.

Being a responsible and careful person, Ms Setala checked with the Ministry of Health office in Thunder Bay to confirm that this referral would be covered by the travel grant and was assured that it would be. But, stunningly, her travel grant was denied. Despite a very clear letter from her present family physician, the travel grant office has since told her that they will not approve the claim unless they know the reason for the initial referral back in 1995.

Her original doctor has since retired and left Thunder Bay. We don't know how to reach him. But regardless, this is nothing short of ridiculous and cruel. Ms Setala should not be put through this additional anxiety.

The Minister of Health must immediately intervene in this case and move swiftly to see that Ms Setala's travel grant application is quickly approved. This cruel treatment must not be tolerated.

GALT COLLEGIATE INSTITUTE

Mr Gerry Martiniuk (Cambridge): I rise to congratulate the students and staff, both past and present, of Galt Collegiate Institute on the occasion of the 150th anniversary of that school.

The Galt Grammar School, located on a hill overlooking the heritage Grand River, opened its doors in 1852 and is the second-oldest school in Ontario. Many notable people were once GCI students, including former Cambridge MPP Bill Barlow, former broadcaster Peter Gzowski, former federal Finance Minister Donald Fleming, PGA golfer Ian Leggatt, CFRB's Jane Brown and the inventors of IMAX theatre, to name but a few.

This weekend, GCI will welcome former students and teachers back to this distinguished school. The reunion festivities are appropriately named The Tradition Continues.

I salute organizing co-chairs Charles Wilson and Victoria Clark and the hundreds of volunteers who have worked so hard over the past two years. On behalf of Cambridge families and the province of Ontario, I extend best wishes on the 150th anniversary of this historic place of learning. Thank you to everyone involved.

TRAFALGAR MORAINES

Mr Mike Colle (Eglinton-Lawrence): Today I'm introducing legislation to get the provincial government to protect the endangered Trafalgar moraine.

The Trafalgar moraine is an incredible ecological bio-region that stretches 20 kilometres from the Niagara Escarpment in the west through to Mississauga in the east, just north of Dundas Street in the beautiful city of Oakville.

The Trafalgar Moraine Protection Act, if passed, will temporarily freeze development on this moraine until the province puts a protective plan in place that identifies and protects the environmentally sensitive features of this region so future generations can continue to enjoy this amazing greenbelt of forest, wildlife, birds and wetlands.

The provincial government can no longer be a bystander and let the OMB and developers decide the fate of this precious 7,600 acres of green space. The province needs to call a time out to make sure proposed changes are compatible with Justice O'Connor's Walkerton report, which calls for protection of watershed areas like the Trafalgar moraine. It is also compatible with the province's self-proclaimed smart growth policies.

With the help of local residents like Renee Sandelowsky, Hank Rodenburg and Iris McGee, who are here from Oakville today, we are going to be successful. This amazing group of local residents has been fighting to save the Trafalgar moraine for four years. Today they bring their battle to save the Trafalgar moraine here to Queen's Park, and we will succeed. Save, don't pave, the Trafalgar moraine. Keep it green.

1340

DAVE KNOWLES

Mr Toby Barrett (Haldimand-Norfolk-Brant): The word "hero" is used quite often nowadays to describe a superstar sports figure. I find that the people who deserve that title the most, the true heroes, are sometimes the ones we hear about the least. This particular hero I wish to recognize, 63-year-old Dave Knowles, hails from Port Dover in my riding.

Captain Knowles's early morning rescue is something that those who witnessed it will never forget. Dave Knowles reacted quickly after hearing a distress signal and noticing a tanker making a sharp turn in the Detroit River on October 23 last year. Realizing that the tanker had just swamped a small mail boat, causing it to roll over, Knowles quickly manoeuvred his vessel toward two men who were hanging on to a life ring. Once close enough, the men were pulled safely aboard. Unfortunately he was unable to reach two others; the captain and a crew member drowned as their boat sank.

Captain Knowles has been honoured by the City of Detroit Fire Department and the Windsor Port Authority for his heroic efforts. I ask members of the Legislature to join them in acknowledging Captain Dave Knowles as a rescuer, as a lifesaver and as a hero in the truest sense of the word.

We in Port Dover feel a little more secure knowing that there are men like Dave Knowles working on the lakes.

MICHAEL SMITHER

Mr Steve Peters (Elgin-Middlesex-London): I rise today to celebrate the life of Michael J. Smither, who passed away yesterday.

During a career spanning more than 40 years, Mike Smither was a well-known local government adviser and an outspoken advocate of open and autonomous local government. Michael recognized that local government is a vital factor in the social, economic and political structure of society. Founded on the principles of community

of interest, access and accountability, it remains closest to the people, both in proximity and value.

Michael was born in England and came to Canada, serving first as assistant clerk-treasurer in Renfrew. In 1964 he joined *Municipal World*, retiring in 2001 as the editor and publisher—*Municipal World* having been continuously published since 1891.

For 35 years he was an adviser to local government and municipal associations. He delivered hundreds of lectures and addresses all across this great country. He was an author and co-author of numerous books and hundreds of articles.

Just last week, Michael's contributions were recognized with the Robert Baldwin Award, by the Ontario Municipal Administrators' Association. This prestigious award recognizes individuals who have demonstrated a passion for local government and have made a significant contribution to the betterment of municipalities.

Michael Smither was a good friend. I considered myself at the time to be the luckiest mayor in Ontario because I could pick up the phone and call the great guru any time.

On behalf of the Ontario Legislature and the municipalities of this province, I ask that all of us pay tribute to Michael Smither and extend our condolences to his family.

SAVE OUR SCHOOLS DAY

Ms Marilyn Churley (Toronto-Danforth): This is a call to arms to all who care about public education in this city.

At 2 pm this Sunday, June 2, here at Queen's Park it is Save Our Schools Day. I urge everybody who cares about our public education system to come out here to Queen's Park at 2 o'clock on Sunday. Your presence can make a difference, so please come out.

Education in Toronto is paid for by our property taxes, but the amount people see on their bills does not come to the school board. Instead, it is all taken by the provincial government, which gives only part of that money, our money, back to the board of education to pay for our needs in this city.

The government has finally admitted that the funding formula they brought in is flawed and have announced about \$40 million of new money—although some of it, I understand, is not new—to the Toronto District School Board. However, there is still about \$90 million of unfunded programs and services that may have to be eliminated, on top of all the other cuts that have happened previous to this, if the money isn't forthcoming. We are talking about more cuts to educational assistants, more cuts to classroom computers, schools closing, vice-principals cut, school secretaries cut, on and on.

I want to thank all those who are involved in organizing the Need to Succeed public school budget. They have organized the day on Sunday.

Please come out and support this very vital rally on Sunday.

MUSKOKA STEAMSHIPS

Mr Norm Miller (Parry Sound-Muskoka): Steamships have been a part of Muskoka's tourism heritage ever since they started transporting guests and supplies to the summer resorts on our beautiful lakes more than a century ago. Gravenhurst is well known for the historical mail ship *Segwun*, the oldest operating steamship in North America, which is still providing historic cruises on lakes Rosseau and Muskoka, along with the 1915 steam yacht *Wanda III*, once owned by Mrs Timothy Eaton.

I'm glad to tell you that the *Wenonah II* set sail for its first public cruise on May 17, 2002. This brand new 127-foot ship is built in the style and elegance of the famous passenger vessels that sailed our region's lakes in the early 1900s. It is the first new ship built in the region in more than 100 years.

"Wenonah" means "firstborn daughter" in Ojibwa, and it was the name of the navigation company's first ship, built in 1866. The *Wenonah II* will be the company's workhorse, and more than doubles the carrying capacity of the Muskoka fleet.

It has state-of-the-art construction and operating systems and preserves the historical design features of the Muskoka steamship era. The people with the vision to inspire this project and those with the resources to carry it to completion deserve credit for this outstanding accomplishment.

The *Wenonah II* means more jobs and business for our riding of Parry Sound-Muskoka and is a tremendous addition to our province's major tourism attractions.

VISITORS

Mr Peter Kormos (Niagara Centre): Mr Speaker, I want this House to know that visiting us today are Jason Cruise, Nicole Brown, Spencer Brown and Helen Brown, all of Niagara region.

MEMBER'S PRIVILEGE

The Speaker (Hon Gary Carr): Earlier today, the member for Beaches-East York, Mr Prue, provided me with written notice of a point of privilege, as required by standing order 21(c). I would like to thank the member for giving me sufficient time to review this matter.

I wish to advise that I will be deciding on the matter without further hearing directly from the member at this time, as standing order 21(d) permits me to do.

The member's point of privilege relates to difficulties he's encountered with the National Advertising Standards Council, specifically its refusal to deal with a complaint launched by the member.

While the member alleges that the refusal by the National Advertising Standards Council somehow curtails the freedom of speech of current and future members of this House, he fails to explain how this is so.

In addition, the member will know that privilege attaches only to the member's parliamentary duties and not to subsidiary duties away from Parliament. I cannot find in the member's letter any reference to the manner in which the complaint and the subsequent refusal to pursue it are related to the member's parliamentary duties. In the absence of such crucial information, I have no alternative but to find that a prima facie case of privilege has not been established.

VISITORS

Mr Ernie Parsons (Prince Edward-Hastings): I'd like to welcome to the Legislature my sister Kendra, in the members' gallery, and I do this knowing it will embarrass her a great deal.

INTRODUCTION OF BILLS

RELIABLE ENERGY AND CONSUMER PROTECTION ACT, 2002 LOI DE 2002 SUR LA FIABILITÉ DE L'ÉNERGIE ET LA PROTECTION DES CONSOMMATEURS

Mr Stockwell moved first reading of the following bill:

Bill 58, An act to amend certain statutes in relation to the energy sector / Projet de loi 58, Loi modifiant certaines lois en ce qui concerne le secteur de l'énergie.

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

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

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

The division bells rang from 1349 to 1354.

The Speaker: Will the members kindly take their seats, please.

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

Ayes

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

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

Nays

Agostino, Dominic	Curling, Alvin	McGuinty, Dalton
Bartolucci, Rick	Di Cocco, Caroline	McLeod, Lyn
Bisson, Gilles	Dombrowsky, Leona	McMeekin, Ted
Bountrogianni, Marie	Duncan, Dwight	Parsons, Ernie
Boyer, Claudette	Gerretsen, John	Patten, Richard
Bradley, James J.	Gravelle, Michael	Peters, Steve
Brown, Michael A.	Hampton, Howard	Phillips, Gerry
Bryant, Michael	Hoy, Pat	Prue, Michael
Churley, Marilyn	Kormos, Peter	Pupatello, Sandra
Colle, Mike	Lalonde, Jean-Marc	Ramsay, David
Conway, Sean G.	Marchese, Rosario	Smitherman, George
Crozier, Bruce	Martel, Shelley	

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 51; the nays are 35.

The Speaker: I declare the motion carried.

Mr Dwight Duncan (Windsor-St Clair): Mr Speaker, I rise on a point of order pursuant to standing order 69(b) and wish to give the House notice that the official opposition will be filing a notice of reasoned amendment before noon tomorrow with respect to the bill that was just introduced and passed first reading by this House.

The Speaker: I thank the member for that.

The minister for a short statement on the bill?

Hon Chris Stockwell (Minister of Environment and Energy, Government House Leader): In ministers' statements.

TRAFALGAR MORAINÉ PROTECTION ACT, 2002

LOI DE 2002 SUR LA PROTECTION DE LA MORAINÉ DE TRAFALGAR

Mr Colle moved first reading of the following bill:

Bill 59, An Act to protect the Trafalgar Moraine / Projet de loi 59, Loi visant à protéger la moraine de Trafalgar.

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

The member for a short statement?

Mr Mike Colle (Eglinton-Lawrence): Thank you, Mr Speaker. As you well know, this is a very precious and fragile bioregion north of the city of Oakville that is under imminent threat from developers' bulldozers. With this bill, there would be a temporary freeze in place on development until the provincial government puts in a protective plan to ensure that the natural areas, the wetlands and all the endangered species in this bioregion are protected and that it will remain green and natural for generations to come, if this bill is passed.

Mr Dalton McGuinty (Leader of the Opposition): On a point of order, Mr Speaker: In light of the government's decision today to introduce hydro legislation that would allow for the sale of Hydro One, I would like to give members of the Legislature notice that I am filing a

want of confidence motion. I believe the people of Ontario should have a say in this matter by means of a general election.

The Speaker: I thank the member for that information.

1400

STATEMENTS BY THE MINISTRY AND RESPONSES

COMPETITIVE ELECTRICITY MARKET

Hon Chris Stockwell (Minister of Environment and Energy, Government House Leader): The seamless and cost-efficient generation, transmission and distribution of electrical power are integral to our standard of living and our economy, and they affect virtually every facet of our lives every day.

For many years, Ontario's residents could take their supply of electricity for granted. But years of mismanagement under the old Ontario Hydro have left the status quo impossible to maintain. Crucially needed investment in transmission infrastructure has been neglected over a period of many years, and the combined Ontario Hydro debt and other liabilities had reached a staggering \$38 billion by 1999. Moreover, our electricity transmission infrastructure needs to be renewed and expanded in a fiscally responsible manner to help keep Ontario economically competitive. In a word, what it needs is investment.

Ontarians deserve better than what they have been saddled with. They and their children should not have to continue to pay for the mistakes of the past well into the future.

Mr Mike Colle (Eglinton-Lawrence): Call an election.

Hon Mr Stockwell: I've heard you say, "Let's call an election" before, and when we did, nothing changed.

Interjections.

The Speaker (Hon Gary Carr): Stop the clock, please.

Would the minister continue his statement, please.

Hon Mr Stockwell: That is why I'm proud to stand up in this Legislature and announce that the government is introducing legislation that would address the four restructuring objectives outlined earlier this month by Premier Ernie Eves.

Those objectives are: (1) to ensure an efficient supply of energy that is competitive for the people of Ontario and in the international marketplace; (2) to ensure that the necessary capital is provided to rebuild and modernize the transmission and distribution of power in Ontario; (3) to bring market discipline to Hydro One, the province's transmission company, and to eliminate the current \$38-billion debt and liabilities and prevent any possibility of the recurrence of such a staggering debt; and (4) to achieve these goals while protecting consumers.

During public consultations held on this issue earlier this month, the government heard what Ontarians had to

say about what this legislation might include. Along with these consultations, we have received many calls and written submissions on this issue. We have heard viewpoints from many different people and have listened to them all. The legislation being introduced today has benefited immeasurably from the ideas that Ontarians have brought forward.

Interjections.

The Speaker: This is a warning. I'll pick some people out and name them. Last warning to everybody. We can't continue like this.

Minister, sorry for the interruption once again.

Hon Mr Stockwell: The government's proposed legislation would clarify the province's authority to determine the future of Hydro One as well as give the province more flexibility to meet our four objectives.

The recent superior court ruling effectively meant that the province could not sell its own assets. Our position is that we do have the authority, and so we are appealing the court decision.

We are moving forward today with a bill that would allow the government to determine the future of Hydro One.

During the consultations, people told me that they understood the debt problems and they wanted the proceeds from any potential disposition to go to the debt. I am proud to say that the bill reinforces the government's commitment to ensuring that the net proceeds of any disposition option would go toward paying down the Hydro debt.

Ontarians have also stated they want us to protect the public interest by ensuring the transmission corridors would remain available both for important public infrastructure uses as well as transmission, and this government has listened. Should this bill be passed, the government would take ownership of the transmission corridor lands now owned by Hydro One to ensure they remain available for public uses other than transmission. The company would hold a statutory right to continue the use of the lands for transmission purposes, which would take primacy over any other use. The company would continue to be required to apply to the Ontario Energy Board for permission to expand transmission on these lands.

During the past month, the people of Ontario told us that they want increased consumer protection. Again, this government has listened. That's why this bill includes reforms to strengthen the Ontario Energy Board's powers against unfair marketing and retailing practices. Should it be passed, the bill would enact a new energy consumers' bill of rights which would place new requirements on gas and electricity retailers dealing with consumers, including: (1) government authority to prescribe the content and presentation of contracts to ensure that important information is presented clearly and factually to the consumer; (2) prohibitions and unfair practices; (3) and prohibitions on false advertising.

The bill would also provide the Ontario Energy Board with new enforcement powers, such as enhanced power

to order compliance and the power to order administrative penalties for these new offences.

The bill would also enhance a consumer's cancellation rights after assigning a contract, in that the existing 10-day right to cancel would be replaced with a 30-day period and that contract would only be effective if the customer reaffirmed it. In addition, the customer would have to reaffirm future contract renewals; the negative renewal option would no longer be an option.

In response to input brought forward at recent consultations, the bill contains amendments to add to consumer protection in the operation of a new electricity market. The proposed amendments include strengthening market surveillance powers by ensuring the Market Surveillance Panel of the Independent Electricity Market Operator has timely and ongoing access to the information needed to carry out its very important surveillance work—monitoring market activity to identify inappropriate market conduct and protect customers.

Ontarians have told us as well that they want new measures to protect the environment on whose quality we will all depend. This bill would help protect our environment by strengthening the rules governing water power generators. The Ministry of Natural Resources has a lead on these amendments to the Lakes and Rivers Improvement Act. These measures are key to the economic, social and environmental sustainability of a significant renewable energy source. The province's approach to water management planning, to which the present amendments give teeth, will continue to strengthen Ontario's rich hydro power legacy and facilitate a competitive energy market.

By implementing the proposed changes, the government will ensure that water power industry manages water levels and flows responsibly. Fish habitat and other ecosystems would be protected. Recreational and other users would have access. A balanced approach to water power resource management would help ensure Ontario continues to offer an attractive climate for new investment and jobs, the majority of which are expected in northern Ontario.

Amendments would also enable the government to establish an environmental information tracking and reporting system which would allow consumers to make informed choices about electricity offerings.

Let me again convey my pride that the government is introducing this legislation after having heard from so many Ontarians in the past several weeks. Our public consultations are not over. The people of Ontario will soon have a chance to provide their input on this proposed legislation and I look forward to hearing their opinions and ideas. To those who attended the hearings or submitted their ideas, either in person or by phone or in writing, you have my gratitude for helping shape both this legislation and the future of Ontario's electricity market.

1410

Mr Dalton McGuinty (Leader of the Opposition): Today we close the loop on one of the most cynical ploys

ever used by any government of any political stripe, and I will tell you specifically what I'm referring to. On the morning of May 2, a day during which two very important by-elections were being conducted in our province, the headline on the front page of the National Post read, "Eves Says Hydro Sale 'Off the Table'"; and on the front of the Toronto Star of May 2, "Eves: Hydro Sale 'Off Table.'" This is one of the most cynical ploys that has ever been used by any government of any political stripe in the history of this province—this from a government that claims it's going to turn over a new leaf, that it's going to be both responsible and responsive. This is a government that now claims that listening is no longer a sign of weakness but rather that it has become a hallmark of courage.

Having said all that, this smacks of the kind of arrogance that so wonderfully characterized the Mike Harris government. Ontarians should understand that we may have a new driver, but it's the same old gang, it's the same old bus and it's going in the exact same direction.

In keeping with their tradition, the government has given us a very lengthy bill here, and what we've been able to glean in a very few short moments is essentially that they're asking for a blank cheque. What they're saying is, "Don't worry about it. Just pass this bill. Ram this thing through before the end of the month of June," and sometime during cover of darkness, when people aren't paying attention and they're more worried about the barbecues in the backyard, they're going to make their decision with respect to the future of Hydro One.

What a responsible, responsive government should do: from time to time they want to do something that represents such a dramatic departure from the past, that represents such a fundamental change in public policy that the right thing to do, the responsible thing to do is to take it to the people and give them their say by means of a general election.

Do you know why they won't do that? Because they haven't got the guts to do it and because they have in fact heard what Ontarians have been saying, and they've not been saying what the minister would have us conclude they've been saying. They've been saying, "You know, folks, you can do a lot of things, you can make a lot of changes, you can do a lot of things with the province of Ontario and you've done that, and much of that we do not in any way support, but we do not want you to go ahead with the sale of Hydro One."

This government has in fact heard that. They've heard that but they refuse to listen to it.

Selling Hydro One is a bad idea. It is a natural public monopoly. It is in fact generating a profit for the province of Ontario. Those profits are being used as an investment in the future. If you and I don't like a particular highway because it is tolled, we can get off that highway and use another one. There is only one electricity highway in Ontario: Hydro One. It is a natural public monopoly.

This government, after all this time, has yet to make a business case for the sale of Hydro One. This is an embarrassment. This minister, this Premier and this

government have not been able to place before either this Legislature or the people of Ontario any kind of rationale justifying the sale of Hydro One. We understand that it's perfectly in the interests of their Bay Street pals. We understand that this is in keeping with Mike Harris's marching orders. We understand that Premier Ernie Eves hasn't got the guts to say no to Mike Harris or the guts to say no to his Bay Street friends. We believe that this government is going to be paying very, very dearly for this decision.

We encourage government members to reconsider, to understand what it's going to mean to you in your individual ridings and in your seats and in your chances for re-election. Talk to the folks back home. They want an election on this issue and they want it now.

Mr Howard Hampton (Kenora-Rainy River): Well, let me begin by asking, are these the same Liberals who on December 12, 2001, said it was a good idea to sell Hydro One?

Interjections.

The Speaker: Stop the clock, please. Reset it to five. We've reset the clock to five.

Mr Hampton: This is really for all of you who are at home, because this decision by the government is going to affect your hydro bill, it may well affect your property taxes and it may well affect your job.

Let there be no mistake about what the government is saying here. The government intends to sell off a very important part of our public hydro system. The government is going to bring this legislation in, despite all of its words and all of its propaganda over the last month and a half. What this legislation means is that this government intends to sell off the transmission system. They will pass the legislation this spring. They will force it through the Legislature. This summer their intention is, while everyone is focused on other issues, that they will quietly do the dirty deal. That's their intention. I'm here to tell you that New Democrats will do everything we can to stop this government in its tracks, because this is an abominable decision.

I say to the government, if you think you have the support of the people of Ontario on this, if you believe the people of Ontario support your government in taking this step, then do the decent thing: call an election and let the people decide, because this is not your asset and this is not Eleanor Clitheroe's asset. This was built by the people of Ontario over generations. It is one of the most valuable enterprises, one of the most valuable public assets that we own. No government has the right to sell it off without consulting the people of this province. So do the decent thing: call an election.

I want to say to people again, when you read the fine print of this, what is very clear is that this is going to be another Highway 407. Remember before the last election the government sold Highway 407 for what now turns out to be peanuts? What did they do with the money? They put the money into a pre-election slush fund. When you read the accounting details of this deal, this government, the Conservative government, will keep the first \$4 billion from the sale of Hydro One and put it into

a pre-election slush fund. In other words, what's really going on here is that this government is going to sell one of our most important public assets in order to try to buy the next election. That's really what is going on here.

Then they talk about consumer protection. They say they're going to get tough on any new private contracts that are signed for the retailing of electricity. Ask yourself this: what about the almost one million people who have already been swindled, who've already been misled, who've already been lied to or already had their contracts forged? What is the government going to do for them? Are they allowed to void their contracts? No, not at all. Those people don't matter to this government. This government is more interested in protecting its corporate friends than it is interested in looking after those consumers who have been lied to and manipulated.

1420

Then, finally, within this legislation there is provision for more exemption from the freedom-of-information act. Do you know what it was that allowed Eleanor Clitheroe and the other Conservative cronies over at Hydro One to raise their salaries to the tune of a \$6-million payout without the public knowing about it? It was that this government passed legislation which exempted Hydro One and Hydro One salaries from disclosure via freedom of information. So what are they going to do now? They're going to make more of the details offside from freedom of information. That the same process that brought you people at the trough taking \$6-million payouts from the public, the government now says is going to protect you as consumers.

Let me tell you what it's going to do. It's going to allow this government to sell off one of the most important public assets to its friends on Bay Street, pocket \$4 billion, put it into a pre-election trust fund to be used to try to buy the next election, and then put people in Ontario in the position of having to pay higher and higher prices for our hydro because more and more of it is going to be exported.

Do the decent thing: call an election. Let the people decide.

Mr Steve Gilchrist (Scarborough East): On a point of order, Mr Speaker: I'm just looking through our standing orders and the Legislative Assembly Act, and I wanted to remind the members opposite that they don't have to rely on the government. Section 25 makes it clear. Tender your resignations, run in a by-election, and we'll see what the electorate believes about all this. Put your money where your mouth is.

The Speaker: That's not a point of order.

It is now time for oral questions. The leader of the official opposition. Sorry; the member for Beaches-East York on a point of order.

MEMBER'S PRIVILEGE

Mr Michael Prue (Beaches-East York): Actually, Mr Speaker, it's a point of privilege, if you will allow me to make it. I understand you ruled earlier, but I hope you've had a chance to read my documents—

The Speaker (Hon Gary Carr): We did get the additional information you gave us, but there was—the information gave us a chance to take a look at it, and I did rule on that. We'll take a look at some of the information, but we're not going to allow you to stand and read it. I will review it. The standing orders allow me to do that. I thank you for giving it to me.

What I would encourage all members to do, if they do have a point of privilege, though, is to give us as much information as you can beforehand, to be able to take a look at it. But we're not going to get into a situation where you just give a point of privilege, an advisement of it, and then get a chance to get up in the House and go off and do things that should be more readily participated in in debate. But I will take a look at the additional information he has given me.

It is now time for oral questions.

ORAL QUESTIONS

HYDRO ONE

Mr Dalton McGuinty (Leader of the Opposition): Premier, anybody who spent any time in this province during the past six months knows that, at a minimum, the proposed sell-off of Hydro One is very controversial. They will also know that from a more realistic level, the overwhelming majority of Ontarians are opposed to the sell-off of Hydro One.

I'm asking you, Premier, someone who claims he's different from the last guy, that he wants to act in a responsible way, that he's a good listener: where is it that you get your mandate to sell off the Hydro One that belongs to the people of Ontario?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): Who said we were selling Hydro One?

Mr McGuinty: Premier, we can do this the long way if that's what you prefer. Your bill that your minister just introduced leaves open the possibility of a full sale of Hydro One. Are you now telling us, Premier—as I say, we can do this the long way, the way we've done it in the past—that you're ruling out the sale of Hydro One?

Hon Mr Eves: The leader of the official opposition talks about anybody who has been around the province for the last six months. You had a great deal of time, as I recall. You almost took up permanent residence in the riding of Nipissing in the recent by-election. You ran against Al McDonald on this very issue. How did you do in the by-election?

Interjections.

Mr David Ramsay (Timiskaming-Cochrane): You lied to the people.

The Speaker (Hon Gary Carr): The member for Timiskaming-Cochrane, I would ask you to withdraw that. I heard you yell across and say, "You lied." I would ask him to withdraw that or I will ask him to withdraw from the chamber.

Mr Ramsay: I withdraw.

The Speaker: I thank the member.

It is now final supplementary for the leader of the official opposition.

Mr McGuinty: Speaker, it's my first supplementary.

The Speaker: First supplementary. I apologize.

Mr McGuinty: Premier—

Hon Mr Eves: No, it's the second.

Hon Chris Stockwell (Minister of Environment and Energy, Government House Leader): It's your second. You can't even count.

The Speaker: Stop the clock. I thank all the members—

Interjections.

The Speaker: Yes, we got it. Thank you very much. That's why we have the two-referee system: to be able to go upstairs. We've checked. You're right; it is the final supplementary for the leader of the official opposition.

Mr McGuinty: If we ever needed confirmation, we now know that Premier Ernie Eves will say anything to anybody at any time and vary that message according to circumstances.

In case the Premier forgets, I'll remind him about the headlines that appeared on the front of the National Post on May 2: "Eves Says Hydro Sale 'Off the Table.'" Front page of the Toronto Star on the same date, the date of the by-elections: "Eves: Hydro Sale 'Off Table.'" This man is prepared to say anything at any time to anyone and to vary the message according to the circumstances to serve his purposes.

Premier, you still haven't answered the question. Is the sale on the table or off the table, because the bill that you introduced today says it's on the table.

Hon Mr Eves: All the legislation introduced by the Minister of Energy today does is that it puts the province of Ontario in the position it always thought it was in with respect to the potential disposal of assets. It doesn't make a decision about a sale; it doesn't make a particular—

Interjections.

The Speaker: Sorry to interrupt the Premier. It's too noisy. Would the Premier take his seat, please? We'll just wait.

Sorry for the interruption, Premier. You can continue.

Interjection.

The Speaker: You're done? New question.

Mr McGuinty: So we are somehow supposed to take comfort in this fact that this Premier has now said that all the options are on the table; they simply haven't made a final decision yet? The people of Ontario made a final decision on this matter a long time ago, Premier. They want an election on this issue.

This is a fundamental change in public policy. You're proposing selling off Hydro One. What we're asking you to do is the right thing in the circumstances. We want you to deliver a message now, not to a specific audience but rather to the people of Ontario. We want you, Premier, to commit to holding a general election so that all Ontarians can pass judgment on your plan to do whatever the heck

you intend to do with Hydro One. Will you call that election?

1430

Hon Mr Eves: The leader of the official opposition protesteth too much. He might get exactly what he asked for, in due course.

Interjections.

Hon Mr Eves: A lot of frothing going on over there.

Interjections.

The Speaker: If you'd rather shout than ask questions, I'm sure the government would love it if we didn't have question period today, and that's what we're going to do: we're not going to have any questions until it's quiet in here. If it isn't, the government won't be held accountable in question period.

Sorry again for the interruption, Premier.

Hon Mr Eves: There's nothing to have an election about. We are clarifying the rules of ownership of the province of Ontario and its ability to dispose of an asset. The Minister of Energy has also further strengthened consumer protection in this legislation. He proposes to protect the corridor lands that you stood in this House no more than a week ago and asked to be protected. It's in this legislation. You have an opportunity to vote for it. It will be very interesting to see if you stand up and vote for exactly what you asked for in this Legislature about a week ago.

Mr McGuinty: Premier, if you think we're going to be voting for your bill, which effectively gives you a blank cheque so that, behind closed doors in some smoke-filled room over the course of the summer, over some very expensive wine and some thick steak, you're going to make a decision about the future of Hydro, you've gone another think coming.

You're asking us to give you a blank cheque, Premier. We are not going to do that. It would be irresponsible on our part to do that, just as it is totally irresponsible on your part to ask us for it. We're asking you to do the right thing. This represents a profound change in public policy. You have no mandate for this. You have no mandate. You first introduced this concept just before the Christmas break. You've been following the marching orders delivered very clearly to you from Bay Street. Do the right thing, Premier, if you've got the guts to do it: call an election.

Hon Mr Eves: The leader of the official opposition is blustering about absolutely nothing. You're against property ownership rights for the province of Ontario. You don't believe that the province of Ontario has the inherent ability to dispose of its assets. That's what we're talking about here. There is no specific sale of Hydro One; there is no specific IPO of 100% of the shares of Hydro One; there is no specific thing that we are proposing in this legislation. For the honourable member's information, last night for dinner I had a hamburger at Wendy's in Beamsville for.

Mr McGuinty: Premier, then I ask you, what's the urgency here? If you still haven't made up your mind with respect to the future of Hydro One, you still do not

know what it is that you want to do with respect to Hydro One, then why do you need this bill? Let's take our time about this. There's no particular rush. Listen, why not just be straight with the people of Ontario? You've made a decision; you don't care what they have to say. Yes, there's going to be the charade of public hearings, as there has been in the near past, but you fully intend to proceed with the sell-off of Hydro One.

What we're asking you to do, understanding now that the truth is out—we know what you're really all about; you're putting this bill forward so you get a blank cheque and you make a decision under cover of darkness during the summer—knowing that the jig is up, why don't you do the right thing, Premier? Call an election. Let the people of Ontario pass judgment on your plans.

Hon Mr Eves: The leader of the official opposition could barely get the last comment out without a smile or a smirk on his face. The reality is, we are deciding to do nothing here today. We are declaring what we thought the property rights were of the province of Ontario with respect to assets and we're clarifying them. That's what this legislation proposes.

Read the bill. Nowhere in the bill does it say that we are selling Hydro One. You won't find it in the bill because it's not in here. That's not what we're doing. We are clarifying ownership rights. I understand that socialists don't understand about property ownership, that you should have the right to dispose of property that you own, but that is what we are doing. We are clarifying what we think was an erroneous decision of Mr Justice Gans. That's all we are doing.

The Speaker: New question.

Mr Howard Hampton (Kenora-Rainy River): My question is for the Premier. Section 49 of your proposed legislation, if passed, gives you the authority to dispose of Hydro One. So my question to you today is, since you seek the legal authority—and the words are right out of the act—to dispose of Hydro One, would you simply say to the people of Ontario today, without any exception or other words, that you are not going to sell Hydro One?

Hon Mr Eves: There are lots of things that this proposed legislation has in it. It is clarifying the proprietary rights of the province of Ontario with respect to an asset that Mr Justice Gans ruled the province of Ontario does not have the right to deal with.

Mr Hampton: Premier, it's very, very clear in section 9. You seek to give yourself the authority to dispose of Hydro One. So let me ask you this: if you don't intend to use that authority, would you agree to take it out of the bill, as proposed?

Hon Mr Eves: People and individuals and corporations and provinces and government agencies that own property have the right to do many things with it. He's talking about one specific one out of many. They are all options for the government, as they are for individuals, as they are for corporations, as they are for legal entities.

Mr Hampton: This concerns what is probably the most important public asset for the people of Ontario, the capacity to exercise some control over our electricity

system and whether our electricity is sold here to Ontarians or whether the majority of our electricity gets exported out of the province. I'm simply saying to you that I think you owe it to the people of this province to be very clear with them. Will you tell them definitively here that you are not going to sell Hydro One? Because the clear implication is that you want legislation that allows you to sell Hydro One. We listened to your Minister of Energy, who says that the status quo, that is, ownership by the people of Hydro One, is not on. So the only conclusion we can draw is that you intend to sell Hydro One. I'm asking you to clarify. Stand up and tell people you do not intend to sell Hydro One; you are not going to sell Hydro One. Will you tell people that?

Hon Mr Eves: This legislation clarifies ownership rights of the province of Ontario with respect to an asset named Hydro One. It also further strengthens consumer protection with respect to electricity in Ontario. It also protects corridor lands and proposes to transfer them to the province of Ontario to protect those lands, as the leader of the official opposition and others have asked us to do.

There are lots of things that this legislation proposes. It does not pick a lane, it does not pick a particular type of action that the government is proceeding with. It does clarify the government's right to do whatever it wants with an asset of the province of Ontario, as surely he must think the government and the province of Ontario have the right to do.

1440

The Speaker: New question.

Mr Hampton: To the Premier: we looked at the election platform that you ran under in the last election, and nowhere does it say in that document anything about selling off Hydro One. Nowhere does it mention privatizing Hydro One. So can you tell us where you would get the mandate from the people of Ontario to sell off our most important public asset when in the last election campaign it was not even mentioned, it was not even referred to? Where do you get the mandate to sell off our most important public asset, since you refuse to rule that out here today?

Hon Mr Eves: I would advise him to wait until he sees which direction the province of Ontario is going in with respect to Hydro One, and then he will be able to either criticize, agree with, comment on, amend or do whatever he wants. But this bill does not do that, the one that was introduced today.

Mr Hampton: Premier, you don't have a mandate from the people to do this, yet you want legislation that gives you the authority to sell Hydro One. Your Minister of Energy says that the status quo, retaining public control over it, is not on. So I think the only conclusion people can draw is that you, your government, intend to sell Hydro One.

So I'll ask you again. Either tell the people now that you are not going to sell off Hydro One, or have the decency to call an election and let the people decide.

Hon Mr Eves: If and when there's a need to call an election, I'm sure we'll do the appropriate thing at the

appropriate time. But right now we're introducing legislation to clarify ownerships that the province of Ontario has in a certain asset, as they do in any other asset, as we thought we did with respect to this asset.

Mr Justice Gans, however, is of a different opinion. He doesn't think the province of Ontario has the ability to dispose of, or in any way deal with, an asset that it owns in the name of the people of the province of Ontario. We happen to disagree.

Now, is it the presumption on the other side of the House from both opposition parties that the province of Ontario does not have the ability to deal with any asset that the province of Ontario owns? If that's their case, they should say so.

The Speaker: New question. Leader of the official opposition.

Mr McGuinty: Premier, I believe that the people of Ontario own Hydro One, and they're the ones who should make any decision with respect to the future of Hydro One, and not you.

The Premier would have us believe today that this is merely some minor housekeeping legislation, that it's mostly an academic, esoteric exercise and will have no real impact in terms of what this government plans to do. We don't buy that. We don't buy that for an instant.

Premier, you have specifically said that there are five options on the table. There's an IPO, an income trust, a not-for-profit corporation, a lease and a strategic sale. Can you tell us today, Premier, which, if any, of these are no longer on the table?

Hon Mr Eves: We have four principles that we believe are essential to the future of the province of Ontario and with respect to the future of electricity in Ontario. We are going to be guided by those principles. He will learn soon enough which direction we choose. But we are (a) consulting with the people through consultation that the Minister of Energy has already had, and (b) this bill will be going out to committee. It will be having public hearings. It will be dealt with before the committee. And then, when the government decides which lane it's choosing and which decision it's going to make, you'll be the first to know; trust me.

Mr McGuinty: What the Premier is effectively saying is that they'll make up their minds behind closed doors and they will extend us the courtesy of telling us what the decision is after they've made it.

This bill is not some kind of an administrative, detail fixer-upper. This is about giving this government the authority to make a decision about the future of Hydro One, including the sell-off of Hydro One.

Premier, you tell us that you're different. You tell us that you are very different from the last guy. Then start listening. The people of Ontario are very concerned about your plans for their Hydro One. They don't want you to sell off their Hydro One. They're concerned about what it's going to mean to their rates. I'm talking about families and small businesses in particular.

Premier, I ask you again. If you feel so strongly about the sell-off of Hydro One, if you think this is integral to

the future prosperity of our province, it is so important to our families and our businesses, then put it all on the line and call an election.

Hon Mr Eves: To the leader of the official opposition, that is not what this is about. But if he—

Interjections.

Hon Mr Eves: It is not what it's about. But if the leader of the official opposition wants to talk about people changing their positions and changing their minds, on December 12 of last year, Liberal leader Dalton McGuinty said that privatizing Hydro One was the right move, but it should be done following an open debate in the Legislature. Where do you stand today on the issue?

BIG TICKET LOTTERY

Mr Frank Klees (Oak Ridges): My question is to the Attorney General and it relates to the Ontario Lottery and Gaming Corp. Minister, the latest marketing initiative of the Ontario Lottery and Gaming Corp comes in the form of what is referred to as the Big Ticket lottery. This is a lottery that comes into direct conflict with a lottery that has been developed and promoted by many of Ontario's charities.

Minister, do you agree that the Ontario Lottery and Gaming Corp, which is already generating in excess of \$700 million a year through its lotteries, should not be in competition with charitable foundations in this province, and will you agree to direct the Ontario Lottery and Gaming Corp to withdraw this lottery in the interest of Ontario's charities?

Hon David Young (Attorney General, minister responsible for native affairs): I thank the honourable member for raising this important issue. I should say that there have been other members who have raised this issue from time to time. I have also heard from a number of charities and a number of associations that benefit from those charities, and it is an issue that I am examining now. It is an issue that I will say publicly I have some concerns about.

I have undertaken to a number of individuals, and I'm certainly prepared to say to the honourable member, that I will not be proceeding quickly to reinstate any type of lottery similar to the one referenced by my friend a moment ago.

I have arranged for meetings to take place with a number of the interested parties. In fact, this Friday I'll be meeting with the Heart and Stroke Foundation, the Princess Margaret Hospital, the Canadian Cancer Society and the CNIB to discuss this matter further.

Mr Klees: Following your meeting, during which I am assuming, Minister, that these organizations will present you with evidence that in fact this Big Ticket lottery has been undermining their fundraising initiatives, I would ask you to commit today that following the receipt of such evidence, you will direct the OLGC to cease and desist, to withdraw from any further issuance of a Big Ticket type of lottery in this province.

Hon Mr Young: Indeed, I am going to seriously consider the suggestion made by my colleague. I will be taking into account what he had to say today and what I will undoubtedly hear at those meetings.

It's also important, though, to remember that as a province, we benefit greatly from the gaming industry, including lotteries. Well in excess of \$1 billion each and every year goes toward hospitals and community groups and charities through the Trillium Foundation and other sources. I think it is important for all the honourable members to keep that in mind. We have to find the right balance.

COMPETITIVE ELECTRICITY MARKET

Mr Sean G. Conway (Renfrew-Nipissing-Pembroke): My question is to the Premier and it concerns hydro policy. Premier, imagine that I am a senior citizen in Ontario today and I consume and pay for, on average, \$1,200 of electricity annually. I note that in this last 12-month period, my residential electricity bills have increased under your watch and the watch of your predecessor by about 15%. I hear you today announcing that the government is going to do some things about hydro policy for the future, so I'm trying to imagine what this is going to mean to me, the Ontario senior on a fixed income looking at a \$1,200 annual bill that has just gone up by 15% in the last 12 months.

With that senior citizen, that consumer, in mind, let me ask you this question: when am I going to know from you in specific terms what the Ernie Eves policy is going to be with respect to the future of Hydro One, fully understanding that I, as the consumer, am going to pay the bill one way or the other?

1450

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): What you will have in the bill today, if you are the senior the honourable member purports to be for the purposes of this question—you will know that consumer protection and the Ontario Energy Board's power to regulate and control rates in the province of Ontario is strengthened by this bill.

Mr Conway: I've been reading the papers, and as a senior citizen on a fixed income, I know that under your watch I have to potentially pay a multi-million dollar golden parachute for some woman named Eleanor Clitheroe. I've been reading the papers, and I find out that the Pickering deal, the refurbishment of Pickering A, that was supposed to cost \$800 million is now at \$2.2 billion, almost certainly on its way to \$3 billion.

Premier, you have given me a statement today that is, in a sense, the envelope. I don't have the letter. I don't have the content. Let me ask you very clearly, with the customer in mind, when are you, as leader of this government, going to lay before the consumers of Ontario and this Legislature a detailed and specific policy with respect to your plans for the future of the electricity highway and how that plan is going to serve the public interest and the consumers' interest?

Hon Mr Eves: The honourable member can rest assured that in the future, for the seniors and for others in the province of Ontario, with respect to electricity rates, they won't be the 94% that they went up while the Bob Rae and David Peterson governments were in power.

APPRENTICESHIP TRAINING

Mr R. Gary Stewart (Peterborough): My question is for the Minister of Training, Colleges and Universities.

I am fortunate to represent the constituency of Peterborough, a riding that is home to Sir Sandford Fleming College. This year, through the apprenticeship enhancement fund, our government will invest \$112,208 in this college. This money was put forward to the general carpentry program for the purchase of new saws and equipment, which resulted in the opening of 38 new seats.

Interjections.

Mr Stewart: Mr Speaker, the people of Peterborough would sure love to hear this question.

The Speaker (Hon Gary Carr): Order. The people who were doing the yelling and the laughing, if that's who you mean, were having a little bit of a joke. But it was your own members, not the opposition, who were making all the noise in that. I will add that it was the Minister of Environment and Energy, on the way out, who was yelling across. I couldn't even hear you for him standing up in my way. So if you want me to stand up and interrupt you with your own members, I can do that.

I'm hopeful all members will be patient with everybody. The member for Peterborough has an important point. He has an important question he is asking for the people of his riding. I would appreciate some cooperation, particularly from the government members.

Mr Stewart: I would ask my own members to be quiet too during this very important question.

The machinists program was also updated with new machines and equipment so that the students can be trained on the most current technology. The electricians program has also benefited from upgraded equipment. These changes bring obvious benefits to Sir Sandford Fleming's apprenticeship training program, training that is important to my riding, as it is to all of Ontario.

Minister, can you tell the House a bit more about the apprenticeship enhancement fund and this year's recipients?

Hon Dianne Cunningham (Minister of Training, Colleges and Universities, minister responsible for women's issues): In response to the member for Peterborough, Sir Sandford Fleming, as all of you know, is one of 25 great colleges in the province of Ontario. They are responding to the needs of the public.

When you hear the member mention carpenters, machinists and electricians, this is our goal: to double the number of young people, or anyone, going into apprenticeship programs in the province of Ontario. So yesterday we did make an announcement. We're investing another \$5 million in apprenticeship training. This is part

of our government's five-year plan to spend \$50 million in our commitment to modernize our training and apprenticeship facilities.

Our goal to double the number of apprentices is contingent upon the employers in our communities. So every member in this House should be very proud that we are able to get the number of employers. We need more of them to work in partnership with our schools and colleges to give our young people an opportunity for apprenticeship training.

Mr Stewart: Thank you, Madam Minister.

The effects of our government's investments can already be seen. At Sir Sandford Fleming the employer satisfaction rate has increased from 91% in 2000-01 to 93.1% in 2001-02. This new investment will allow colleges to continue to provide the most up-to-date equipment and training possible.

In today's fast-moving, high-tech world, it is important for our students to have training on the most current equipment so that they can stay competitive. Our government is dedicated to economic growth and this funding will help improve the quality of education and the quality of our workers who graduate from these programs.

It is no secret that training equals economic growth. Besides this injection into the apprenticeship fund, I wonder what other steps our government is taking to ensure students are prepared for the workforce. Please tell the House what our government is doing to ensure that our training system and its apprentices stay competitive.

Hon Mrs Cunningham: I would like to again thank the member from Peterborough for taking such an interest, as does my seatmate, the Minister of Municipal Affairs and Housing, in Sir Sandford Fleming College.

Yes, \$50 million over five years is a tremendous number, but it's never enough. We of course invite our colleagues in the opposition to work with us in getting our training agreement with the federal government so that we can work better together in spending the money that we actually spend in Ontario.

I would also like to say that parents, teachers and members of our community should be encouraging our young people to enter into apprenticeship training. In that regard we have OYAP, the Ontario youth apprenticeship program. We celebrated that program once again yesterday, and we now have some new numbers: 6,000 last year; 7,240 young people are in our Ontario youth apprenticeship programs in our schools, working with our colleges.

This is a great success. It's been three years. It went from nothing to over 7,000. We should be congratulating those young people, their teachers and the business community.

HYDRO ONE

Mr Howard Hampton (Kenora-Rainy River): Again to the Premier: there are no less than 10 sections in the legislation you've introduced today which deal with

the disposal of Hydro One: provisions providing for the sale of shares, provisions providing for the disposal of shares through other ways, or disposal of Hydro One altogether. Can you tell me why you would need this many detailed sections dealing with the disposal of Hydro One if your government doesn't intend to sell Hydro One?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): The province of Ontario, like any other individual or entity in Ontario, needs to know and have clarified what its ownership rights are and what its ability is to deal with assets, just as any other entity does.

Mr Hampton: Premier, when you've got so many sections of the bill dealing with disposal of Hydro One, it behooves you—I think you have a duty to the people of Ontario to stand up and tell them you're going to sell Hydro One, yes or no, otherwise you look as if there is an article here of avoidance or there is an article here of trying to evade the public's understanding of what's really happening. With so many clauses dealing with the disposal of Hydro One, don't you think it is the open, accountable and responsible thing for the Premier of the province to stand up and say yes or no, you're going to sell Hydro One? Yes or no, are you selling Hydro One?

Hon Mr Eves: The people of Ontario will know exactly what we're proposing to do with an asset, including Hydro One. When we make that decision we will certainly share it with the people of Ontario. There will be an open discussion about any proposed route of action.

The Speaker (Hon Gary Carr): New question.

1500

Mr Michael Bryant (St Paul's): A short question for the Premier: what do you plan to do with Hydro One?

Hon Mr Eves: We are considering several options. We are listening to the people of Ontario and we will continue to listen to the people of Ontario before we decide what we're going to do.

Mr Bryant: Premier, you say consultations are over. You cannot possibly tell me you don't have any plans for Hydro One. Is it income trust or is it not-for-profit or is it strategic sale or is it IPO? We want to know what your plans are. I think the people of Ontario deserve to know.

They also deserve to know why the government is proceeding with this when this very issue is before the Court of Appeal. A couple of weeks ago, on May 17, the Attorney General of Ontario said of another bill, the subject of which is before the Court of Appeal, "I think frankly it would be foolhardy for any government to move forward with an initiative without first hearing what the Court of Appeal has to say."

So I say, why is the government proceeding with this bill against the advice of the Attorney General? Why is the government being so foolhardy in coming forward with a blank-cheque bill?

Hon Mr Eves: I would refer this supplementary to the Attorney General and he can answer it himself.

The Speaker: Attorney General.

Hon David Young (Attorney General, minister responsible for native affairs): Mr Speaker, if you would give me just a second to return to my seat.

The member opposite raises an interesting point, and the point is—

The Speaker: I should have allowed you a chance to get back to your seat. You knocked over three ministers getting there. You looked like the Leafs last night.

Hon Mr Young: The member raises an interesting point. I would say to you, though, that he is indeed comparing apples to oranges.

Interjections.

Hon Mr Young: If the issue wasn't so serious, this would be humorous, but it's almost like having canned laughter.

What we are talking about in this case, the Hydro appeal, involves numerous issues and includes issues of standing and so on and so forth that won't be—couldn't be—dealt with in this bill that was tabled today. So he really is comparing apples to oranges.

FOREST FIREFIGHTING

Mr Toby Barrett (Haldimand-Norfolk-Brant): I wish to question the Minister of Natural Resources. First of all, I'd like to congratulate the minister on his appointment to the Ministry of Natural Resources. I spent time as parliamentary assistant to the former minister and I'm confident—in fact, I know full well—that Minister Ouellette will do a very good job given the background and skills that he brings to this portfolio.

Minister, recently there has been a significant amount of national media attention to forest fires, particularly in the western provinces of Alberta and Saskatchewan. Fortunately, we've had a chilly spring but Ontario has not been exposed to the extreme weather conditions experienced by other provinces so far this year. Could you please inform me about the current forest fire situation in the province of Ontario?

Hon Jerry J. Ouellette (Minister of Natural Resources): I'd like to thank the member for Haldimand-Norfolk-Brant for the question. But before I answer the question, I would like to thank the Premier for the opportunity to work in this portfolio. To the members of this House and to the people of Ontario, I commit to work to the best of my ability, as do all ministers and members of the House, not only to the people of Ontario in this particular portfolio, but to all entities of the province.

Returning to the question, currently there are five fires burning in the province, and to date approximately 500 hectares of land have burned. In contrast, Ontario had experienced far greater damage last year at this time, having more than 3,000 hectares of land burned by this time. When you look at a 10-year average, over 45,000 hectares at this time of year were burning.

The cool and wet spring has been relatively quiet, and Mother Nature has been very helpful. However, we can see a change very quickly with Mother Nature, and I

know our provincial response centre is very aptly able to deal with these situations should they arise.

Mr Barrett: Thank you for the update and thank you for that answer. As I mentioned in my first question, parts of northern Saskatchewan, Alberta and Manitoba have been hit very hard by major forest fires. For example, the fire hazard in northern Saskatchewan is the highest it has been in five years. What I'd like to know is, to what extent are we able to assist neighbouring provinces like Saskatchewan in their struggle against forest fires?

Hon Mr Ouellette: Ontario is world renowned for firefighting. We've had trained people in from China to Greece, and I know as well that Ontario and the other Canadian provinces and territories are signatories to a national resource-sharing agreement whereby we assist each other in times of extreme fires.

Currently, Saskatchewan and Alberta have called for our assistance with the very serious fire situations that are taking place and that are taking a bit of a profile in the media at this time. In response, yesterday Ontario sent out eight four-person, initial-attack firefighting crews and two liaison officers to Saskatchewan, and today we're sending 100 sprinkler fire kits to assist Alberta, with the full understanding that any time they're required back in Ontario, we'll have them back in a moment's notice.

MINISTRY OF HEALTH CONTRACT

Mrs Sandra Pupatello (Windsor West): My question is for the Premier. We understand that your health minister is losing his high-priced spin doctor at the end of this week. For the past 15 months, Gord Haugh has been at the side of Tony Clement, your Minister of Health, and he has been paid handsomely to be there. In fact, he was paid \$300,000 a year for this contract.

Premier, the official salary range for a press secretary is between \$62,000 and \$80,000. We'd like to know from you, Premier, what you feel about an individual acting as a press secretary making \$300,000, when the range for a press secretary is between \$62,000 and \$80,000. Do you feel this is an appropriate use of taxpayers' money, in particular through the Minister of Health?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): I would like to direct this question to the Minister of Health, and he can provide the answer.

Hon Tony Clement (Minister of Health and Long-Term Care): I'd like to inform the House that the person in question had a one-year contract and the contract is over.

Mrs Pupatello: Premier, we can't tell whether you think this is an appropriate use of taxpayers' money. We already heard the ministry defend this contract last year. We're asking you. You're the new guy in town. You're the guy who's going to be so different from before, remember? You're the one we're asking if you think it's an appropriate use of taxpayers' money, in the face of seniors in home care and in long-term-care facilities getting a bath maybe once a week. We want to know if

you believe that a press secretary, on a contract, making \$300,000 is an appropriate use of taxpayers' money. You're the guy who is supposed to have the new face here. I ask you specifically, do you believe—

The Speaker (Hon Gary Carr): Minister of Health.

Hon Mr Clement: We always have to be mindful of taxpayers' money. That is a constant challenge for all of us that we have to be vigilant about. I, as well as all of my colleagues, feel strongly that we have to be always cognizant of taxpayers' money, and we'll continue to be so in the future as well.

OAK RIDGES MORAINÉ

Mr Doug Galt (Northumberland): My question is directed to the Minister of Municipal Affairs and Housing. Last year we passed the Oak Ridges Moraine Protection Act, and I congratulate you and the Premier of the day for passing that particular bill.

But it's no surprise for a PC government to be that environmentally friendly. We hear so much from the opposition and the third party, but we ask, "What kind of action is there, and what action did we see in the environment from 1985 to 1995?" Almost none. When you look to the States, what do the Democrats do other than talk? That's sort of typical of the opposition here.

Minister, you stated that even though it was not part of the legislation, the government was committed to the establishment of an Oak Ridges Moraine Foundation. Last week you, along with Premier Eves, announced the establishment of this foundation, and again this is typical of an Ernie Eves government concerned about our environment.

Minister, can you tell us the role that this foundation will play and has been playing up until now?

1510

Hon Chris Hodgson (Minister of Municipal Affairs and Housing): I appreciate the question of the member for Northumberland, and he's absolutely right: although it wasn't in the legislation, we did promise it and it's a promise kept.

Last Friday, May 24, 2002, Premier Ernie Eves and myself had the honour, on behalf of the taxpayers and the people of Ontario, to announce \$15 million as seed money to set up a foundation for the Oak Ridges moraine trust. The money will be used to organize and participate in the funding of other registered charities, environmental groups and other levels of government and to come up with a plan in public education, in trail securement and in more property purchases, if necessary, around the linkage to the natural core areas. It's something that we feel very proud about and on which we had the support of all parties in this Legislature.

Mr Galt: Minister, I appreciate that response. Certainly that is typical of our PC government and a hallmark of our environmental record.

Minister, there has been the establishment of an interim board for this foundation. I was wondering if you could inform us what kind of qualifications and expertise

these individuals have that they were entrusted with this large and generous donation of some \$15 million from the province, and also inform us of the mandate this board has.

Hon Mr Hodgson: I know the member for Northumberland cares about the environment. He's been involved with this government's initiatives from the very beginning.

We have a number of people on the interim board of the foundation. It will be non-profit and will work as a charity to oversee initial operations, administration and management of the foundation, and to develop a three-year strategic work plan, program goals and a funding strategy.

Some of the people on the interim board are: Ric Symmes—he's an environmental consultant and he's also the former executive director of the Federation of Ontario Naturalists; James McKellar—he's the associate dean, professor and director of the Schulich School of Business at York University and in 1990 he was appointed as a United Nations' technical advisor; John Riley, the director of conservation, science and stewardship with the Nature Conservancy of Canada; John Burke, the deputy minister of the Ministry of Natural Resources; and Russ Powell, who has been the chief administrative officer of the Central Lake Ontario Conservation Authority since 1995.

When the foundation and the trust are established, we will be appointing Steve Gilchrist, a member of our caucus who has been vitally interested in this issue since before he got into provincial politics.

HYDRO ONE

Mr Howard Hampton (Kenora-Rainy River): I want to ask the Premier again: you have a detailed section in your bill which sets out what happens with the proceeds from the sale of Hydro One. Why would you need a section dealing with the proceeds from the sale of Hydro One if, as you say, you don't intend, or don't necessarily intend, to sell Hydro One?

Again, Premier, I think you owe it to the people of Ontario to be clear with them, to be open with them about your intentions. Why do you need a section dealing with the proceeds from the sale of Hydro One if, as you say, you haven't necessarily decided to sell off Hydro One?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): I'll refer this to the Minister of Energy. I'm sure he's feeling left out this afternoon.

Hon Chris Stockwell (Minister of Environment and Energy, Government House Leader): We had to detail that because in the auditor's report of 2000, if there were any proceeds from Hydro One, with their disposition—he directed us exactly how we had to handle that disposition money. The act clearly stipulates exactly how the auditor informed us how to handle this money, and that's what we did. We put it in the bill to ensure that that process is followed.

Mr Hampton: Again I'll ask the question that none of you over there seems to want to answer. Why do you need this section in the bill if, as you say, you have not made a decision to sell Hydro One? The real question is, we think it's pretty clear you're going to sell Hydro One. Why don't you have the decency here today to come right out and say it to the people of Ontario since you have sections dealing with where the proceeds go, detailing how you can sell it and dealing with the process you'll go through to sell it? Don't you have the decency to say to the people of Ontario, "We intend to sell it. That's why all these sections are in the bill"? Why don't you have that decency, Minister?

Hon Mr Stockwell: Before this bill came into the House, you were making accusations against this government that if a disposition of Hydro One took place, the proceeds wouldn't be used against the debt of Hydro One. We wanted to make it very clear to alleviate your concerns, so we put into the bill exactly how the proceeds would be handled according to the auditor. We addressed that concern in the bill of the question that you put in this House four, five, six, seven times. Now you get the bill and you complain that we've put into the bill exactly how we would handle the proceeds according to the auditor's report and deal with the debt; you're complaining that we put this in the bill. So first of all, you complained that the proceeds may not go to the debt. We put in the bill that if there are proceeds, they will go to the debt. Now you're complaining that you've got in the bill an act that says that if there are proceeds, we'll put them before the debt.

Get your questions straight. What do you want us to tell you? That is as clear as we could be. The bill was drafted. If there are proceeds through some disposition of Hydro One, we will handle it the way the auditor told us. The proceeds would be applied to the debt. Clear. Full stop. End of story. Read Hansard. Don't ask that question again, please.

ENVIRONMENTAL PROTECTION

Mr Dalton McGuinty (Leader of the Opposition): To the Premier: just a short while ago NAFTA's North American Commission for Environmental Cooperation released a very important annual report. They tell us that North America has seen a marked improvement in the amount of toxic pollution released into our air, water and soil. They say more specifically that pollution in the US has decreased by 3% since 1995. Even in George Bush's Texas, they saw a 50% decrease since 1995.

But, Premier, here's the bad news. Since 1995 in Ontario, the amount of pollution released into Ontario's air, water and soil has increased by a whopping 19%. That is this government's environmental record: an increase of a whopping 19%. Will you now take responsibility, Premier, for this shameful environmental record?

Hon Ernie Eves (Premier, Minister of Intergovernmental Affairs): I'm sure the Minister of the Environment can answer the question.

Hon Chris Stockwell (Minister of Environment and Energy, Government House Leader): With respect to the environmental report the member has talked about, those numbers and data came out in 1999. Since 1999, this government has taken dramatic efforts to clean up the soil and air in this province. We've toughened—

Mr James J. Bradley (St Catharines): Lots of noise.

Hon Mr Stockwell: Speaking of lots of noise—we've toughened air standards. We've placed hard emission caps on the electricity sector. We've introduced the Drive Clean program that is being expanded across eastern Ontario. We've proposed the phaseout of Ontario's hospital incinerators. We've strengthened hazardous waste regulations. We've required electronic tracking and monitoring of hazardous waste.

The report presents a distorted picture. It does not take into account the emissions that cause smog and acid rain.

Ontario agrees with the public's right to know. We introduced our on-air Web site, which provides timely access to emission information. Since 1999, we have taken very clear action to protect Ontarians' soil and air. We should be proud of this action, and I'll make a note that most of these things are contained in bills your party voted against.

Mr McGuinty: Those have all been wonderful announcements, but none of those have been implemented, Minister.

Here's the real record when it comes to this government's environmental record. You've effectively abandoned public transit in this province. You've opened the door to sprawl by gutting the Planning Act. You've cut off funding for the blue box. You still have North America's dirtiest gasoline. You have one of the lowest rates of diversion for garbage in all of North America. You have refused to police industry; our prosecutions are way down. You refuse to sign on to the Kyoto agreement. You've extended the welcome mat for US—

Hon Mr Stockwell: Are you in favour of the Kyoto agreement?

Mr McGuinty: Yes, I am in favour of the Kyoto agreement. I'm not afraid to say that. I'm not afraid to stand up for our environment.

I ask you again, since the Premier referred this to you, Minister, how does it feel to be the leading jurisdiction in North America when it comes to pollution?

Hon Mr Stockwell: I'm glad to hear the provincial Liberals are in favour of the Kyoto agreement. Maybe he should talk to his federal cousins and get them on side.

First and foremost, let's understand the report. We have a very diverse—

Mrs Sandra Pupatello (Windsor West): Stay on-message there.

Hon Mr Stockwell: OK. Thank you for the advice.

Let's understand the report. We have a vibrant, going concern from an economic prosperity point of view. We have investments. We have a lot of prosperity. We create jobs in this province. Yes, there are environmental concerns when you do create jobs. We've been dealing

with that, because you get prosperity, investment and taxes.

1520

Understand this report. The top performers were Guam, Alaska, PEI, Virgin Islands and Hawaii. Why? Because they don't have the economic diversity that Ontario has. They don't have the investment. We have introduced legislative—

Interjections.

The Speaker (Hon Gary Carr): You're not going to compete with the yelling. You've got a loud voice but not when they're yelling like mad at you.

Sorry, Minister.

Hon Mr Stockwell: Understand that those are at the top, because they don't have the diverse kind of economic prosperity that Ontario has.

Interjection: We don't have any.

Hon Mr Stockwell: Yes, we do. With that prosperity, we brought environmentally sound legislative initiatives. I will add, those initiatives—tough air standards, hard emission caps on the electricity sector, phasing out Ontario hospital incinerators, strengthening hazardous waste, electronic tracking and Drive Clean programs. You have the nerve to complain and bellyache about virtually every one of those programs. You bellyache about the environment, then you come in here and you vote against them. That starts with an H, and I can't use that word.

FRANCHISE BUSINESSES

Mr John O'Toole (Durham): My question is to the Minister of Consumer and Business Services. As you know, small business drives the economy of Ontario. Since 1995, our government, of course, has made it a priority to create the right climate for small business to grow and prosper.

One of the most common forms of small business today is the franchise operation. Franchises, as you know, are run in many cases by family-owned and -operated businesses. Really, these families have invested their life savings into creating jobs in Ontario.

Minister, could you update me, the members and my constituents as to what your ministry is doing to protect the franchise business in Ontario?

Hon Tim Hudak (Minister of Consumer and Business Services): I want to commend the member for Durham. He's a strong champion of small business and franchisees in his riding and across the province. In fact, members remember that as chair of the small business advisory committee, he brought forward some great suggestions this government has acted upon.

When the Arthur Wishart Act was brought in, we took some important steps forward. For example, the dealings between franchisees and franchisors are a more open and transparent process. We asked that financial information, for example, be provided for prospective franchisees. It's quite true there were some examples in the past where franchisors made exaggerated claims about how much

money a franchisee could make, and no cooling-off period was provided. It also imposes a precept for fair dealing with the franchisor in the ongoing relationship between the two. These are just two examples of how the courts can now get involved in the process to make sure the dealings are conducted in a fair manner.

Mr O'Toole: Thank you for that response, Minister. As you know, the Arthur Wishart Act passed in 2000 with, I might say, the unanimous consent of all three parties in this House. It provides protections for franchisees, including disclosure, using common language, and also the right to form associations.

I recently met with groups of franchise owners who have alleged that they faced intimidation tactics from their franchisors in the attempt to form associations.

Minister, in simple terms, what advice do you have for small franchisees who find themselves in situations of intimidation? What actions can they take to defend their investment?

Hon Mr Hudak: If the accusations are true, then I would advise them to take legal advice to see what kinds of damages could be received through the court or to see how they could make sure that all the aspects of the Arthur Wishart Act are enforced properly.

Quite frankly, before we brought forward the Arthur Wishart Act, there was no right for franchisees to create associations. Now it is clearly outlined in the act that they do have that right to associate and to form organizations in dealing with the franchisor. So if a franchisor tries to stop a franchisee from attempting to create an association, then in fact they are in transgression of the Arthur Wishart Act and should look for legal advice.

Again I want to commend the member for his hard work on behalf of franchisees and small business in the riding of Durham and the province of Ontario.

PETITIONS

POST-SECONDARY EDUCATION FUNDING

Mr Rick Bartolucci (Sudbury): This petition concerns the double cohort and quality in education. It's from the College Student Alliance Partners in Learning and it's to the Legislative Assembly of Ontario.

"Whereas by eliminating the fifth year of high school the government of Ontario has created a double cohort of students; and

"Whereas the government of Ontario has promised that there will be a space at a university or college for every willing and qualified student; and

"Whereas Ontario's universities and colleges have not received sufficient funding from the government of Ontario to accommodate these double cohort students; and

"Whereas the quality of education at Ontario's universities and colleges has been declining in recent years; and

"Whereas the double cohort students will add an additional strain on an already fragile university and college system;

"Therefore, we, the undersigned, petition the Legislative Assembly of Ontario as follows: to provide full funding for every new student entering Ontario's universities and colleges; provide additional funding to increase quality at Ontario's universities and colleges; provide targeted funding to colleges for skills and innovation; and increase the per student funding to the national average over the next five years."

Of course I've signed this petition in support of it.

YOUNG OFFENDER FACILITY

Mr Peter Kormos (Niagara Centre): I have a petition that reads:

"Whereas the government of Ontario has pushed Kennedy House Youth Services (Uxbridge), an 80-bed young offender facility, out of the provincial public service and into the hands of a private sector employer;

"Whereas the new employer has shown complete contempt for the 130 unionized corrections services staff and has kept them locked out for almost a year"—since June 2001—"while demanding outrageous concessions;

"Whereas, as a result of the lockout, provincial revenues are being wasted as the provincial government forces the taxpayers of Ontario to pay the Kennedy House operator full funding for the past year, as if this virtually empty facility were operating at capacity;

"Whereas the safety of the surrounding region continues to be compromised by the provincial government and by Kennedy House Youth Services as dangerous young offenders in need of supervision and secure custody are instead given passes or open custody;

"Whereas the few young offender inmates who remained in the facility since June 2001 were provided with little or no programming, thus raising serious concerns about their rehabilitation;

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

"We demand that the Minister of Community, Family and Children's Services act immediately to resolve this crisis by directing Kennedy House Youth Services to negotiate in good faith with its employees."

I concur with that petition and I have affixed my signature.

HORSE RIDING SAFETY

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

"Whereas an increasing number of Ontarians are turning to horseback riding as a recreational activity; and

"Whereas many of these inexperienced riders are children; and

“Whereas an unacceptable number of preventable injuries and fatalities have occurred while horseback riding;

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

“To amend Bill 12, the Horse Riding Safety Act, 2001, by amending:

“(1) the definition of ‘horse’ to include those equines under 14.2 hands; and

“(2) the definition of ‘horse riding establishment’ to include all commercial stables.”

COMMUNITY CARE ACCESS CENTRES

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

“To the Legislative Assembly of Ontario:

“Whereas the Conservative government promised to institute patient-based budgeting for health care services in the 1995 document known as the Common Sense Revolution; and

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

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

“Whereas these cuts in services are mostly in home-making services, forcing Ontarians into more expensive long-term-care facilities or back into hospital;

“We, the undersigned, petition the Legislative Assembly of Ontario to immediately institute real patient-based budgeting for health care services, including home care, so as to ensure that working families in Ontario can access the health care services they need.”

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

HYDRO ONE

Mr Pat Hoy (Chatham-Kent Essex): “To the Legislature:

“Whereas the Conservative government plans to sell off Hydro One and Ontario’s electricity transmission grid—the central nervous system of Ontario’s economy;

“Whereas the government never campaigned on selling off this vital \$5-billion public asset and never consulted the people of Ontario on this plan;

“Whereas Ontario families want affordable, reliable electricity—they know that the sale of the grid that carries electricity to their homes is a disaster for consumers;

“Whereas selling the grid will not benefit consumers—the only Ontarians who will benefit are Bay Street brokers and Hydro One executives;

“Whereas selling Hydro One and the grid is like selling every 400-series highway in the province to private interests—selling the grid means the public sector

will no longer be responsible for its security and protection;

“Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature as follows:

“To demand the Conservative government halt the sale of Hydro One until the government has a clear mandate from the owners of Hydro One—the people of Ontario.”

This petition is signed by a number of residents of Tilbury, Chatham and Blenheim and I too have signed it.

1530

DOCTOR SHORTAGE

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): “To the Legislative Assembly of Ontario:

“Whereas the residents of Centre Hastings are facing an immediate and critical situation in accessing physician services; and

“Whereas a retiring family physician has been unsuccessful in procuring a replacement physician, potentially leaving 5,000 patients without a doctor; and

“Whereas accessibility to already overcrowded hospital emergency departments and walk-in clinics is limited because of distance and availability to transportation; and

“Whereas Centre Hastings has been designated as an underserved area in need of five physicians;

“We, the undersigned, petition the Legislative Assembly of Ontario to act immediately to establish a community health centre in Centre Hastings.”

I will affix my signature to this petition.

AFFORDABLE HOUSING

Mr David Caplan (Don Valley East): I have a petition that relates to private member’s Bill 134, and it’s entitled “Fair Rent Increases Now!”

“To the Legislative Assembly of Ontario:

“Whereas the number of tenants receiving above-guideline increases is growing exponentially, and;

“Whereas many of these increases are for increases in utility costs, many of which have gone down since; and

“Whereas tenants should not have to pay for improvements forever, even when the costs have been realized by these rent increases; and

“Whereas the Tenant Protection Act does not give a tenant relief due to the costs being realized or a drop in utility costs; and

“Whereas tenants should not be receiving rent increases where there are work orders issued for the building” they live in;

“Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature to immediately pass MPP David Caplan’s Bill 134 entitled the Fair Rent Increases Act at the earliest possible opportunity so that tenants can get relief from above-guideline increases once the bills have been paid.”

I've affixed my signature to this petition. I agree wholeheartedly with it.

HYDRO ONE

Mr Alvin Curling (Scarborough-Rouge River): I have a petition here that was sent to my good colleague David Caplan. He's asked me for so many, but here it goes. It's to the Ontario Legislature.

"Whereas the Conservative government plans to sell off" Ontario "Hydro"—you heard it today—"and Ontario's electricity transmission grid—the central nervous system of Ontario's economy;

"Whereas the government never campaigned on selling off this vital \$5-billion public asset and never consulted the people of Ontario on this plan;

"Whereas Ontario families want affordable, reliable electricity—they know that the sale of the grid that carries electricity to their homes is a disaster for consumers;

"Whereas selling the grid will not benefit consumers—the only Ontarians who will benefit are Bay Street brokers and Hydro One executives;

"Whereas selling Hydro One and the grid is like selling every 400-series highway in the province to private interests—selling the grid means the public sector will no longer be responsible for its security and protection;

"Therefore, be it resolved that we, the undersigned, petition the Ontario Legislature as follows:

"To demand the Conservative government halt the sale of Hydro One until the government has a clear mandate from the owners of Hydro One—the people of Ontario."

I'm going to affix my signature. I'm in full agreement with this.

MEDICAL SCHOOL TUITION

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

"Whereas medical school tuition was deregulated by the Ontario government in 1998; and medical school tuition has and continues to increase in excess of 300% such that at some universities tuition is now \$14,000;

"Whereas the combination of excessive tuition and frozen student assistance have impaired students' accessibility to a medical education;

"Whereas the physicians most likely to practise in a rural area are originally from rural areas themselves; and

"Whereas unaffordable tuition disproportionately excludes medical students from rural communities;

"Be it resolved that we, the undersigned, petition the Ontario government and the universities of Ontario to ensure that medical education be made financially accessible to all qualified students; and

"Be it further resolved that we, the undersigned, request that medical tuition be capped and re-regulated at a level accessible to all Ontarians, and that the Ontario

student assistance plan/Canada student loan program be adjusted, in order to ensure that Ontarians from all communities are able to afford a medical school education."

I have signed this petition.

AMBULANCE SERVICES

Mr James J. Bradley (St Catharines): To the Legislative Assembly of Ontario:

"Whereas the Ontario Conservative government hastily amalgamated Niagara's ambulance dispatch service into the Hamilton Central Ambulance Communication Centre;

"Whereas an independent review of Hamilton Central Ambulance Communication Centre found several major shortcomings, including inexperienced dispatchers, high call volume and out-of-date equipment, hindering the dispatch of ambulances in Niagara and in other parts of the province;

"Whereas poor training of Central Ambulance Communication Centre dispatchers by the Ministry of Health and Long-Term Care has led to improper emergency coding, resource misallocation and waste and increased wait times for those requiring ambulance services;

"Whereas the Central Ambulance Communication Centre dispatchers are handling 1,300 more calls a year than recommended by the Ministry of Health and Long-Term Care;

"Whereas these shortcomings in ambulance service restructuring are putting lives at risk in Niagara, Hamilton and throughout the province;

"Whereas the Ministry of Health and Long-Term Care has been in possession of the independent review since October 31, 2001, which provides recommendations to greatly improve ambulance dispatch services in Niagara and Hamilton;

"We, the undersigned, petition the Legislative Assembly of Ontario to immediately act upon recommendations presented in the independent review of the Central Ambulance Communication Centre and eliminate the grievous imperfections which are placing our citizens at risk."

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

LONG-TERM-CARE FACILITIES

Mr Gilles Bisson (Timmins-James Bay): I have a number of petitions here from people from long-term-care facilities, and specifically this one's from the Extencare unit in Schumacher. It reads:

"If you already have a friend or family member in any of the 525 long-term-care facilities across Ontario, you will understand why I'm asking for your help. But even if you don't, the following information will help you understand the pressing needs and growing sense of frustration.

“Whereas over 60,000 Ontarians living in long-term-care facilities are older, frailer and sicker and require more care than ever;

“Whereas 95% require assistance to get dressed, 94% some assistance to eat;

“Whereas 63% of them suffer from dementia, with 39% of them being aggressive;

“Whereas 56% have circulatory diseases, with 49% having musculoskeletal disabilities;

“Whereas government funding has not kept pace with the increasing residents’ needs;

“Whereas current funding levels allow only for four minutes to assist with getting up, being washed, being dressed and dining, 10 minutes for assisting with eating, 15 minutes to do programming every day and one bath a week;

“We urge this government in order to provide additional funding, operating funds that will increase staffing to raise the unacceptable level of service that is present within facilities across Ontario.”

I support that petition.

AUDIOLOGY SERVICES

Mr David Caplan (Don Valley East): I have a petition. It is entitled Listen: Our Hearing is Important!

“To the Legislative Assembly of Ontario:

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

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

“Whereas new Conservative government policy will virtually eliminate access to publicly funded audiology assessments across vast regions of Ontario;

“Whereas this new Conservative government policy is virtually impossible to implement in underserved areas across the province of Ontario;

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

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

It’s an excellent petition, and I have affixed my signature to it because I agree with it.

1540

ORDERS OF THE DAY

TIME ALLOCATION

Hon Elizabeth Witmer (Deputy Premier, Minister of Education): I move that, pursuant to standing order 46 and notwithstanding any other standing order or special order of the House relating to Bill 101, An Act to

protect students from sexual abuse and to otherwise provide for the protection of students, when Bill 101 is next called as a government order, 60 minutes shall be allotted to the third reading stage of the bill, to be divided equally among all recognized parties, and at the end of that time, the Speaker shall interrupt the proceedings and shall put every question necessary to dispose of this stage of the bill without further debate or amendment; and

That the vote on third reading may, pursuant to standing order 28(h), be deferred until the next sessional day during the routine proceeding “deferred votes”; and

That in the case of any division relating to any proceedings on the bill, the division bell shall be limited to five minutes.

The Acting Speaker (Mr Michael A. Brown): Mrs Witmer has moved government notice of motion 5. Debate? Debate? If not—

Mr Gilles Bisson (Timmins-James Bay): Yes.

The Acting Speaker: The member for Timmins-James Bay.

Hon Mrs Witmer: Mr Speaker—

The Acting Speaker: I called the member for Timmins-James Bay. I’d asked for debate twice. No one stood. The member for Timmins-James Bay did. The member for Timmins-James Bay.

Mr Bisson: I know that our education critic and the member for Nickel Belt are going to want to speak on this in some detail. I want to refer all of the comments to my good colleague here. I’d like to give her an opportunity to continue debate, so I’m asking—

Interjection.

Mr Bisson: Yes, it’s going to carry on in rotation, and I look forward to the comments that will be made.

The Acting Speaker: Further debate?

Hon Mrs Witmer: I’d like to address the Student Protection Act, 2002.

The Acting Speaker: Sorry; we need unanimous consent. You had the floor when you moved the bill. We need unanimous consent to have the minister speak now. Agreed? Agreed.

Hon Mrs Witmer: I’d like to address the Student Protection Act, 2002.

This bill, if passed, will significantly strengthen the legislative safeguards that protect the students in our schools. The act would make it easier to identify child abusers and would bring them to justice. Of even more importance, this act would greatly assist in preventing this sort of abuse, abuse that we know can traumatize a child for life.

This bill would affect Ontario’s teachers and would support them in the very important work they do. Our teachers enjoy the trust and respect of students and parents in the province. Unfortunately, however, there are a small number of teachers who misuse their positions. Although their number is small, their effect can be great. It is in the interests of everyone—children, parents and teachers—that such individuals who have abused or may be likely to abuse children are identified and that their contact with our students cease.

Mr Justice Sidney L. Robins, in his report *Protecting Our Students: A Review to Identify and Prevent Sexual Misconduct in Ontario Schools*, made some important recommendations. This bill is a part of our response to that report and it is an important action that we must now take on this most sensitive issue.

Bill 101 proposes amendments to the Education Act, the Ontario College of Teachers Act and the Teaching Profession Act.

Part I of the bill proposes an amendment to the Education Act that would give school boards new responsibilities. When a board becomes aware that a teacher has been charged with, or convicted of, an offence involving sexual conduct and minors or any other offence that might place students at risk, the board would be required to ensure that none of the teacher's duties involve contact with students. The board would also be immediately required to remove the teacher from any duty which might involve contact with students, including classroom duties.

Bill 101 would fulfill the mandate for broader definitions of "sexual abuse." It would define sexual abuse by a teacher as including touching of a sexual nature and behaviour or remarks of a sexual nature by a teacher directed toward a student.

The bill also proposes changes in the reporting relationships between the employers of teachers and the Ontario College of Teachers. Employers of certified teachers would be required to report to the college whenever a teacher's employment has been terminated or his or her duties restricted for reasons of professional misconduct. Furthermore, an employer would have to report to the Ontario College of Teachers if a certified teacher resigns while an investigation of this sort of activity is underway. This provision is essential to make it even more difficult for potential abusers to avoid detection by changing employers.

With these provisions, Bill 101 demonstrates our commitment to the safety of the children in the province of Ontario.

The legislation was developed under the guidance of my predecessor as Minister of Education, the Honourable Janet Ecker. Minister Ecker worked with many stakeholders to develop and improve the legislation to protect our students, and I would like to express my sincere appreciation to those stakeholders.

At Minister Ecker's request, the Ontario College of Teachers consulted widely and presented to the ministry well-considered proposals for legislative changes. The Ontario College of Teachers has been instrumental in this process and they, in particular, deserve our sincere appreciation for their partnership in creating this legislation.

I would like to list and thank some of the groups that participated in these consultations and whose views and recommendations have contributed to the legislation presently under consideration.

First, let me thank all five of our teacher federations, our three principal councils, our school board representatives, the federation representing independent schools,

the Ontario Parent Council, the Ontario Federation of Home and School Associations, the Ontario Association for Parents in Catholic Education, the Institute for Catholic Education, the children's aid society, the Catholic Children's Aid Society and the Ontario Association of Chiefs of Police.

Yesterday, May 28, I learned that the Ontario Teachers' Federation had concluded their examination of a proposed change to the regulations accompanying this bill and they are, I am pleased to say, in agreement with the government's proposals for changes. I know we all appreciate the federation's continuing support and interest in making this legislation the best it can possibly be on behalf of our students and teachers.

I realize it is unpleasant for us to contemplate the sort of child abuse that this bill seeks to prevent. However, it is important that we address this issue.

We have today a bill that is the result of tremendous consultation and input from many groups, individuals and professional organizations, who all share a very strong interest in our education system and the welfare of our children.

This legislation, if passed, will go a long way toward addressing and preventing a problem which, while rare in its occurrence, does have, as I mentioned at the outset, grave results for its young victims. Therefore, I would invite all members of this House to support this legislation for very speedy passage.

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The Acting Speaker: Further debate?

Mr Bruce Crozier (Essex): I made it. I was in closer proximity to make it this time.

There are two things I want to discuss today. I want to discuss some issues about the particular bill, but first I want to make a few comments about time allocation and time allocation motions.

Just so that everyone understands, what we're discussing today is the cutting off of debate. In other words, if there are members of this Legislature on either side—the government side, for example—they won't have an opportunity beyond today to carry on what limited discussion we'll have at this time.

Quite frankly, I've spoken to this issue before, and I will continue to do so. The cutting off of debate—closure, time allocation, whatever you want to call it—really limits the ability of this Legislature to have any effect whatsoever. We had a hydro bill introduced today, for example. I am willing to bet—and yet, I've said before I'm not a gambling person—that we will see time allocation on that bill. It's used much too often, in my view. The constituents of every riding that is represented in this Legislature, I think, expect their member to be able to stand and voice their opinion and the opinion, therefore, of their constituents. So once again, we are going to stand today, take a legislative day's debate, and at the end of the day we're going to have to accede to the government's wishes that they simply choke off democratic debate.

I really think that's a hallmark of the previous government, the tough Mike Harris government, and it's being

carried on by the mild-mannered, new-generation Eves government. It's absolutely no different than it was in the last session. In the first bill brought before us since this session opened—excuse me, the second bill; they have been debating others. In the second bill brought before us in this session, time allocation is being used. That, to me, is not the hallmark of a government that wants to listen. It's not the hallmark of a government that wants to consult. It's the hallmark of a government that simply wants to ram legislation through.

Let's take a look at this legislation. Quite frankly, it's legislation that, if I recall previous discussion on it, we all have a basic appreciation for. We have a basic understanding that there is a need for it. So in the legislative course of events, this could have been something that was dealt with, in my view, along with some other legislation, pending certain amendments and so forth. In other words, this legislation in itself is very, very important, but I think it could have been dealt with in a different way; and we might have been here this afternoon discussing the Nutrient Management Act and some other important pieces of legislation that this government has proposed.

Let me just take a couple of minutes to speak to the bill itself. Notwithstanding the fact that we support it, we don't feel it goes far enough. As has been pointed out by the minister, it requires all employers to report to the Ontario College of Teachers a certified teacher charged with a sexual offence against a student. What about teachers who aren't certified who work in private schools, which this government wants to see flourish in the province of Ontario? If you're not a certified teacher—and private schools don't have to have certified teachers—then if there's a case of sexual abuse, it doesn't need to be reported. Quite frankly, if we're concerned about sexual abuse of students in this province—and every one of us is; I have absolutely no doubt about that—then it should cover everybody and it should cover every circumstance. It should cover every employee who is employed by a private school, a public school, a religious school. Any school whatsoever that deals with children should be dealt with in the same manner as this bill deals with them.

We know, for example, that the Elementary Teachers' Federation of Ontario and the Ontario Secondary School Teachers' Federation are officially supporting the bill in principle. It's been welcomed also by the Ontario public school boards as a necessary move, and we agree with that. But we all want to prevent sexual misconduct in our schools no matter where they be in the province, no matter what kind of school it be.

Even though we would support this bill in principle because it's part of that often-used "first step," we think there's much more that this government could do to protect children in the province of Ontario. Dalton McGuinty, the Liberal caucus and the Liberal Party have made recommendations that will do that. We only wish the government would listen.

Ms Shelley Martel (Nickel Belt): It's a pleasure for me to participate in the debate this afternoon, a debate

which actually involves a time allocation motion on Bill 101, the Student Protection Act.

It's interesting. I normally do House duties on Wednesday afternoon, and so does my colleague Mr Martin from Sault Ste Marie. It became kind of a running joke between us in the last session that if it was Wednesday, it must be time allocation day, because if you look back to the last session, almost every single Wednesday in that last session was in fact used by the government to move a time allocation motion.

Here we go again: Wednesday afternoon and the government is bringing forward a time allocation—not the first one in this session; at least the second one—to shut off debate on a bill which is very important to the people of Ontario, a bill that we continue to believe the government should have amended in the interests of students. I regret that when the minister spoke today, she did not allude to the fact that the government would be doing that, even in the time that remained. So there will be, I guess, one hour of debate on third reading when this bill is called back, and that will be it and that will be all.

It's probably worth pointing out that some things don't ever change. It appears that we are going to be governed yet again in this session by a series of time allocation motions so that the government can cut off legitimate debate and can just move on with the business of the day whether or not people are in support.

Hon Dianne Cunningham (Minister of Training, Colleges and Universities, minister responsible for women's issues): Why don't you agree with our legislation?

Ms Martel: You know, it's interesting. I hear the Minister of Colleges and Universities in here, and I hope she will speak today; I really do. I'll tell you why I hope she speaks today. It's because the Minister of Education earlier said that this bill "demonstrates our commitment to the safety of children in the province of Ontario." That was a direct quote by the Minister of Education.

I say to the government and I say to the minister who just made comments—and I hope she gets up and gives me an answer—why is it then that your government has consistently refused to afford protections to children who are in private schools as well? Why is it, Minister, that the provisions of this bill regarding sexual predators only apply to certified teachers, teachers overwhelmingly in the public school system? Many teachers in private schools, in independent schools, are not certified, meaning that they have not graduated with a bachelor of education and they are not certified by the College of Teachers to teach in independent and private schools. Those same teachers are exempt from Bill 101, the purpose of which this government alleges is to protect students. I don't understand that discrepancy.

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The reason I spend some time raising it today is because I don't think it's right that those people who teach in private schools but who are not certified should not be subject to the same provisions that will apply to certified teachers everywhere else in Ontario. If it is the

case that the purpose of this bill is to protect students against predators in the classroom, then make sure that all students in the province of Ontario are afforded the same protections. There is no rhyme or reason or reasonable explanation to have children in independent schools afforded less or minimal or no protection from teachers in those systems who could prey on them in any way.

I agree with what the government is trying to do, which, it says, is to make sure children are safe, because it is very clear that school environments offer an opportunity for those who would prey on children to do just that. When you think of the many, many hours over many years that our kids are in the school system, in an environment with teachers, and that our kids could, God help us, be subject to sexual assaults, sexual innuendo or being preyed upon by a teacher, then it just seems imperative—imperative—to me that regardless of where those kids go to school, be it a private school or a school that is publicly funded by the taxpayers of Ontario, we should be interested in protecting all of them.

I spoke to this bill before, and I welcome the opportunity again to raise this singularly important issue, because I don't understand the government rationale for protecting some students and leaving other students wide open to being preyed upon by—

Mr Rosario Marchese (Trinity-Spadina): Janet Ecker might be able to help us. She's right there.

Ms Martel: I see that the former Minister of Education is here today. I would hope she would stand in her place this afternoon and explain to me and to other members of the opposition who are going to raise the same points, and to parents out there, how it is that the government seems only interested in protecting some students and not others—

Mr Marchese: And some teachers and not others.

Ms Martel: —and only seems willing to deal with some teachers who may be sexual predators and not others. I do not understand the rationale, and I cannot see that there is any legitimate rationale for doing the same.

There were public hearings on this bill. There was an opportunity to move amendments. There was an opportunity during the debate for the government to respond to that very issue. As I read through the comments on the debate that took place on this bill in October, November and December on the three days it was debated, there was ample opportunity for the government to come forward and respond to this very issue. Goodness knows, the majority, if not all the members of the opposition who spoke to this bill raised this very point: why are the protections not afforded to kids who are in private schools? The government has consistently refused, be it the backbench members of the Conservative government who spoke to this or the former Minister of Education, who is here today, or the new Minister of Education, who spoke to it again this afternoon. There has been ample opportunity for every one of the government speakers on this bill to respond, and none have. None have.

I say to the members who are here again today—and I say this very seriously, because I don't think this is a

partisan point, and I don't think this is a philosophical point that I am raising—explain to me why this bill only applies to certified teachers, who overwhelmingly teach in the publicly funded school system, and why teachers who are not certified and yet teach in the 732 private schools in this province are exempt from this bill. Do we really think that there is no opportunity whatsoever for some of those teachers to be involved in preying on kids? None of us want to think that happens in the school system, private or public, but it does. During the course of the debate on this bill earlier in the last session there were examples raised both in the public system and in the private system where people have been charged and convicted for sexually molesting children. So we know, regrettably, that it does happen in both school systems. If the intent of the government is truly to protect all students in the province of Ontario, why do these provisions not do just that?

As I say, I hope that someone from the government side today—backbencher, cabinet minister, I don't care which it is—when they deal with this time allocation motion and have an opportunity to speak will tell me and tell my colleague Rosario Marchese and tell other opposition members and tell, most importantly, parents out there why it is that if their child is in a private school, this government will not offer that child the same protections against sexual predators as they are bound and determined to implement, rightly so, in the public school system. These provisions should be applied to both and there is no legitimate reason why the government still continues to refuse to do that. What was it about the lobby from private schools that finally convinced the government not to do that? It is wrong, and the government should have made the change to protect all students.

The second point I want to raise has to do with the work that was done by two of my colleagues to actually get the recommendations from Judge Robins that lead us to the bill we are debating today. I think it's worth pointing out that Tony Martin, the member for Sault Ste Marie, and Bud Wildman, who is no longer a member in this House but used to be the MPP for Algoma, were instrumental in finally getting a public airing of a very controversial, very ugly issue that otherwise might not have been dealt with and might not have led to the bill that's here today, a bill that we will support but should be amended to include private schools.

It is a fact that in 1996 in Sault Ste Marie a teacher by the name of Ken DeLuca was convicted. He assaulted 13 students over 21 years in that community. Both of my colleagues, after that conviction, spent a great deal of time introducing petitions in this Legislature calling on the government to hold an inquest into the Ken DeLuca affair because people were so appalled that over a 21-year period a teacher could assault so many students and nothing would have been done about it over that long, long period of time.

I commend the work of those two members. From 1996 until 1999, when the government finally agreed to

establish a commission to give an airing to this very difficult subject and to have recommendations on how to change things so that something like this could never happen again, those two members represented the interests of their community and continued to bring forward to the government the need to deal with this in a very public way so that it could never happen to Ontario students again.

So even though they began encouraging this government in 1996 to hold an inquiry and even though it took until 1999 to have the commission established so that Justice Sydney Robins would make recommendations back to the government, the fact is that finally something did happen after three years of those two members encouraging the government to do the right thing. So I commend the government for having done that—later in the day than we all would have liked, but the government did it.

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Frankly, I would like to commend His Honour for dealing with a very difficult, ugly, controversial issue—that is, sexual abuse of our students—and coming forward with recommendations for positive change, which His Honour did in the report *Protecting Our Students: A Review to Identify and Prevent Sexual Misconduct in Ontario Schools*.

We welcome the fact that some of those recommendations appear in the bill that we have been dealing with for some time now and the bill that we are dealing with today. We welcome that fact. But I think it's worth pointing out how we got to this position. It was because two of our colleagues were very committed to having a public airing of an issue that otherwise might have been swept under the carpet one more time, an issue whereby other students might have fallen prey in the same way that those 13 students over that 21-year period fell prey to sexual assault.

I want to conclude, because I know my colleague Mr Marchese, who is our education critic, has a lot to say on this particular matter, by saying that if the government was truly serious in its intention to demonstrate its commitment to the safety of children in the province of Ontario, as the new Minister of Education said today, then the government would have taken the next appropriate step and ensured that these same protections were afforded to children in private schools as well. While I disagreed with public funding of private schools—I fundamentally disagree with that—I do not disagree with the need to protect those students in every way, shape and form. The government should have amended Bill 101 to do just that.

Hon Janet Ecker (Minister of Finance): I appreciate the indulgence of my caucus to allow me to speak for a few brief minutes on what I believe is very, very important legislation, and also, frankly, to speak in support of the time allocation motion that is before us.

I think it's very important legislation. I had the privilege of working with our education partners to bring this forward last year. Despite the good work that they

had done, despite the work that our education partners had done with the Liberal Party and the NDP, at the end of the day last year while this government and the Liberal Party had been prepared to move forward with this legislation, unfortunately the NDP, for reasons that parents found very hard to understand, did not wish to support bringing forward this legislation. We had attempted to have debate and discussion, and unfortunately the bill did not go forward. I think it is important for parents and students and teachers who have worked so hard to have better and tougher protections for students against sexual abuse—it was very hard for them to understand why the third party had chosen to do that last year.

I think it is quite appropriate that with legislation that is this important, with legislation that responds to recommendations of Justice Sydney Robins and his report *Protecting Our Students: A Review to Identify and Prevent Sexual Misconduct in Ontario Schools*—this legislation is implementing many of those recommendations. He was responding to a situation where students had been abused for literally years. The system had not been able to protect students in this case. This legislation does respond to that.

I appreciate that the honourable member from Nickel Belt has talked about her concerns about independent schools, and I think it's important to recognize that this government did bring in mandatory requirements for criminal reference checks, for example, not only in the public system but also in independent schools. I think that was an important improvement.

Second, certified teachers—and there are certified teachers in independent schools, as there are in the public system—have to meet the rules and the regulations of the profession, whether they're in a public school, an independent school, wherever they are. I think that is also very, very important.

The honourable member—I know she certainly wouldn't mean to do this, but Waldorf teachers and Montessori teachers and teachers who have very specialized, different, alternative training are also people who have a lot to offer in the education of children as well. So it's not quite as stark as she would have you believe.

But to the point of this particular legislation: there has been an incredible amount of hard work, co-operation amongst the education partners. I believe we have the best bill possible for the consideration of the members. It's been reviewed and approved by the most knowledgeable stakeholders, if you will, those who work closely with Ontario children on a day-to-day basis. I've said many times and will continue to say that one of the great joys I had in the brief time I was the Minister of Education was to meet so many of those incredibly committed folks who did so much for our kids on a daily basis. Somehow, with all due respect to the new stakeholders I have in the Ministry of Finance, they don't, as part of their daily responsibilities, have that charge. That is one thing I think I will miss from my days at Education.

I do believe Minister Witmer, the new Minister of Education, is to be congratulated for bringing this for-

ward. I believe Minister Stockwell, the House leader, is to be supported for bringing it forward under time allocation to ensure that the bill does not get hijacked this time by whatever partisan politics might well be sort of seizing the moment in this chamber.

The government has worked with many stakeholders to develop the legislation that will, if approved by this Legislature, help keep our school children safe and better protected. It is part of the comprehensive plan we have brought forward over the last several years to improve school safety, not just through the Safe Schools Act, not just through the charter of rights and responsibilities, and not just through the code of conduct, which brought in mandatory penalties for things like harassing or assaulting teachers and other students. All of those, including this proposed legislation, are part of a comprehensive plan to help make sure our schools are safer. I believe that not only students but teachers and parents need to have the assurance that our schools are indeed free from abuse—sexual or otherwise—or any other professional misconduct that could potentially put our kids at risk.

We know—and I certainly heard and I know my colleague hears from both students and teachers—that a good teacher can't teach the way they want to and students are not going to learn the way they want to learn, and the way all of us want them to learn, if they're in fear for their safety. If there's one thing there has always been great consensus on, I think that is it, and I think this legislation does help to address that.

This new legislation, if passed, would help provide that safety through a couple of improvements. For example, it sets out a clear definition of sexual abuse. What that means is that in the training that teachers receive, it can be very clear what their obligations and responsibilities are. Again, many teachers instinctively know this, but what is appropriate behaviour and what is not appropriate behaviour is very clear. It gives the Ontario College of Teachers, the regulatory body, the opportunity to enforce legislation. If things go beyond that into the courts, we're setting a clear parameter about what is acceptable, appropriate behaviour and what is not. I think the definition in the legislation is very important in terms of doing that.

The other thing the bill does is put an onus on school boards—it's an important new duty—to have them remove individuals. If there is a concern about one of the teachers being a potential threat to a student, the school board has the ability it needs to remove the threat and deal fairly and effectively with the individual and with the situation. I think the authorities given to school boards in this legislation are very important for them to act as they should if there is a risk of harm for any students.

The bill also addresses very important issues about reporting requirements. The intent is to make sure that if there is a teacher who's been disciplined or charged with a sexual offence against a student, or if there are allegations or investigations going on, there is not the ability for a perpetrator, if you will, to move from school

to school, from board to board. We certainly saw that in Justice Robins's recommendations. That was actually very much the meat of what he was trying to address in his report, because it had been a concern that there wasn't a way to effectively detect and deal with individuals who had committed inappropriate acts or were in different stages of investigations, or whatever, from simply being able to flee to other schools and other jurisdictions, and to make sure the reporting is there so that boards and the College of Teachers have the authority they need.

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I think the reporting requirements, and the other initiatives in this bill as well, are sending a very clear message that sexual predators have no place in our schools. I also think it's worth stressing—and I know many of us know this to be true because of the experience we've had either with our own children or as elected members meeting so many committed teachers across this province, but I think it does bear repeating, even though many here in this chamber certainly know it—that we know and recognize that the great majority of teachers in Ontario, the vast, vast majority of the teachers in our classrooms, deserve the respect and trust they have from their students, their colleagues and from parents. They have that trust and respect from all of us in this chamber, and indeed deserve that because of the work they do.

But we also know, and our education partners know, whether it's someone in a teachers' federation or the college or a school board, that there are individuals in this sector, as there are in other sectors, who do not deserve that trust, who take advantage of that trust, abuse the position they have and victimize our students. I think we have an obligation as legislators, as a government, to take a step that helps better protect our students.

There may well be issues that are raised by the opposition about improving or making it better, making it stronger, and I'm sure the minister would be interested in that input. But at the end of the day, I think it is good legislation. I think it is legislation we should support and move forward with.

I thank my colleague the Minister of Education, who I think is doing an excellent job, for the work she has done bringing this forward. I would encourage them—

Mr Marchese: She hasn't done anything.

Hon Mrs Ecker: I would encourage them, especially the member of the third party, to reconsider the position they took last fall when I stood in this House, some few seats down, and asked for consent to pass this legislation in December. The Conservatives on this side of the House gave that consent, and the Liberals on that side of the House gave consent. Unfortunately, the third party did not. I would seriously, seriously request that they reconsider that position for the benefit of the students in our schools.

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): I think that the bill, which is the subject of time allocation, is certainly worthy of some positive comments, but at this time I'm going to begin

my remarks by saying I'm disappointed that at this early time in the session we are here again debating a time allocation motion. There is a great deal to talk about on this bill, and I think it deserves a full airing of the issues. It seems to be a habit the government has that it is not inclined to consider the issues and what all the members of this Legislature have to say.

So I am especially disappointed that I must stand in the Legislature on an afternoon so very early in this session to speak to a time allocation motion, which is basically a government initiative to close debate on a very important issue, Bill 101, An Act to protect students from sexual abuse and to otherwise provide for the protection of students. I can't think of a more important topic that would relate to our children, our youth in the province of Ontario.

The legislation is good legislation. The minister has indicated it is the best bill possible. I would not agree with that statement. I think it could be better. Had we more time in this Legislature to talk about the intent of the bill and where it is deficient, I believe the government might be convinced to understand that there should be some changes to ensure the safety and protection of all students in the province of Ontario. I'll be a little more specific on that issue in a few moments.

But first I think it's important to also offer some words of compliment to the member for Sault Ste Marie, who I believe was very courageous, as a member of this Legislature and a representative of his community, when he recognized an issue that unfortunately happened in his community and realized that in the province of Ontario we must enact laws that ensure that the kind of situation that unfolded in that community would not be repeated anywhere else in the province.

We were very fortunate as this work continued that the Honourable Sydney Robins issued a report, and it was that report that the member for Sault Ste Marie used as the basis of a private member's bill that dealt with this matter.

I had the opportunity to attend the public hearings for the private member's bill and it was in listening to the people who had taken time out of their schedules to come and talk about this issue—it was very important to them because they were concerned for the safety of students in the province, not just students in the publicly funded system but all students—that I became aware that this was an important piece of legislation but that it could be improved.

I am of course disappointed that some of the very important points that were made at those committee hearings have been overlooked with this legislation. We find ourselves in a situation where we are considering time allocation and, really, I think that there should be a much more generous time allocation so that the government could come to very clearly understand that while the bill is very good in its intention, there may continue to be children in this province who will be abused at the hands of people who would be teaching them.

I think it's probably appropriate now that I make clear some of the concern that I have with respect to the bill:

the way it is laid out and how in its application it is not consistent and does not provide equal protection for all students in either public or private schools in the province. The legislation only pertains to teachers who are members of the Ontario College of Teachers. It does not cover teachers in private schools or unqualified teachers. More and more in the province of Ontario, as we become victims of a teacher shortage across the province, boards have found themselves in situations where they must employ people who are not qualified teachers and therefore are not members of the College of Teachers. Yet these people are placed in positions of trust in our school communities.

It was also talked about at the committee hearings that it's not only teachers that have positions of trust in school communities. Education assistants have positions of trust; custodians in schools have positions of trust. Speech pathologists, therapists of various kinds who enter a school and are exposed to children are not caught with this legislation, so that it is possible that children could be taken advantage of and the board would not be able to use this as a tool to deal with those situations. I don't think that as a province we can afford or should ever even consider winking at that and saying, "Oh well, yes, that could happen but it may not or probably won't." If it happens once, that is once too often. If it happens once, it's all the more a tragedy when it could have been prevented if we had taken a little more time and been a little more careful with what we do here in this room. That's how important this legislation is and that is why I am making a plea today to the members of the government, to the minister, who would suggest that this is the best bill possible. I am saying that it is not the best bill. The best bill would ensure that no children, no youth, no students in the province would be exposed to people who could not be reported. This bill would allow that. Not just students in private schools; there are students in public schools who would be vulnerable as well. I don't care whether they're in public or private schools. No children in the province of Ontario should be vulnerable in that way.

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One other distinction that I think should be brought out in this debate, and it was brought out at the committee hearings, is the use of the term "sexual abuse" in the bill. The Honourable Sydney Robins, in his report, very clearly indicated that that may not be the best term to use to make sure that it enables a board to deal with all of the kinds of situations that may arise and, in some cases, have arisen in other experiences. The Honourable Sydney Robins would indicate that a more appropriate term to be used in the bill would be "sexual misconduct," that anyone who is convicted of sexual misconduct would have to be reported.

Those are two very important distinctions. The first is that anyone who would have a position of responsibility in a school should be caught in this because anyone who deals with youngsters potentially could abuse them, and for that reason, the language and the direction should be

that there would be a provincial registry—not just with the Ontario College of Teachers. I think that's a good idea, but for those who do not belong to the College of Teachers, there would be a registry so that conduct injurious to a student for which an individual could be convicted would be recorded and they would not be able to look for employment anywhere in the province without that register being contacted to make sure the person was not there. The other, of course, is the distinction around the terminology of “sexual abuse” and “sexual misconduct.”

I think there continues to be a lot of work that can be done to make this the best legislation for the students, children and youth in the province of Ontario.

The Acting Speaker: Further debate?

Applause.

Mr Marchese: Thank you, Speaker. I almost got distracted. Thank you, my friends from the Conservative Party. Nobody cheered from the Liberal ranks. That's OK.

But I do want to stand up, speaking to this bill, the Student Protection Act, and remind the former Minister of Education, who's probably around, and others that we New Democrats supported this bill. I did, in speaking to it the last time, raise a number of objections, which I will raise again. We did say that the bill does, by way of a definition of sexual abuse, create a comprehensive definition of sexual abuse that includes not only physical sexual abuse but also sexual harassment, and that was a good thing. We argued that removal of teachers is a good thing inasmuch as it imposes a duty upon school boards to remove from the classroom a teacher who has been charged with or convicted of a sexual offence involving minors. That's a good thing. With respect to reporting requirements, all employers of certified teachers working with students 18 years of age or younger would be required to report sexual abuse, and that's a good thing.

We at no time when debating this issue said that we were in disagreement with the issues to which I spoke and to which the former Minister of Education spoke. We're not.

The former Minister of Education spoke about 10 minutes ago or so and made reference to the fact that New Democrats in the last session did not support the passing of bills willy-nilly. We said that what we wanted was proper and adequate debate in this Legislature, what we wanted from the government was not to introduce so many bills that it could not handle them within the legislative framework and then come at the last moment, toward the end of December, and say, “We need these bills. Yes, we haven't had adequate discussion of them, but that's OK because, by and large, there's something good in every bill that we all agree to. Therefore, we should pass them.” That's not the way it works.

Our job in opposition, as New Democrats, is to oppose initiatives of the government where they are manifestly bad or where there are serious omissions of things that ought to be included in those bills. It is our duty as members of this party to point those out to the govern-

ment and to point them out, in particular, to those of you brave souls who watch this parliamentary channel. We speak to you. We address issues as they relate to bills directly to you. Because, as I often say in this House, the members of the Conservative Party are so busy in the background, back there somewhere, they've got so much else to do that they don't want to listen to Marchese. I understand that.

Hon John R. Baird (Associate Minister of Francophone Affairs): We do.

Mr Marchese: The former minister, John Baird, who's my friend—

Hon Mr Baird: I'm still a minister, a little minister.

Mr Marchese: —the former Minister of Social Services—you're quite right, not to take away from any of that.

While there are a few of them who like to listen to me speak, the majority would rather be doing something else. I understand. That's why I communicate directly to you, to give you my best advice on bills as they come forward. That's the only opportunity you will ever have to get a contrary view, which you will never get from the government, because it's not in the business of offering contrary views on its own bills. You will never hear a Conservative member stand up in this Legislature and say, “I disagree with what my minister has done.” You're not going to get that. The only place you're going to get it is from the opposition. While it is true that there may be some Conservative members, brave souls all, one or two—there may be more than that but it's hard to say—who might, in their caucus meetings from time to time, stand up and say, “I disagree, Premier”—there may be one or two brave souls, but there aren't too many. If there are, they're certainly not audible, at least to human ears.

So it's up to us to give you the goods on the bills. We opposed passing those 21 to 23 bills in the last session that this government held up till the last moment, hoping New Democrats would give in and say, “OK.” “We'll give you New Democrats one of your bills if you allow us to pass all 23 of our bills.” Is that the kind of bargaining Ontarians, those of you watching this political channel, want the New Democrats to engage in? I don't think you do.

It's our job to say to this government, “Bring bills in a timely way.” Don't bring a hundred bills, which you have done irresponsibly, recklessly, in this place, hoping that New Democrats in the end would say, “All right, we'll give you a bill,” and force us to give you 23 inadequately debated, badly framed to the extent they make omissions of things—which I will point out in a few seconds—that ought to be included. You can't do that.

Madame Ecker had lots of time to correct the mistakes of this bill. The new minister, who was herself a former teacher, had plenty of time, has plenty of time, to fix this bill. But she brings this bill forward on a time allocation, suggesting to you Ontarians watching that this bill is going to be moved along quickly. She will not spend a moment—even though, John, you were a former teacher and ought to know. You, Mr Hastings from Etobicoke—

Hon Jerry J. Ouellette (Minister of Natural Resources): North.

Mr Marchese:—North, a former teacher who ought to be on my side, Marchese's side as a New Democrat, saying we will not pass a bill—Mr Hastings from Etobicoke North, we, as teachers, would never pass a bill that has me and you covered, as a former teacher—meaning you and I have certificates. We went to faculties of education at Ontario colleges across Ontario. I think you did too; I don't know if in your time you did or not. In my time we had to go to the faculty to get that one-year degree.

1640

Twenty-five years ago or so you could get a job as a teacher after grade 13. You could. That's how Harris got in. After grade 13 you do one year somewhere and off you go, you're a teacher, high school or elementary. Mercifully, we changed the rules, otherwise you'd have loads of people—God bless, I don't mean to demean them, but I've got to say, three or four years of university helps a little bit; early childhood education helps. Any teaching in methodology, understanding kids, understanding how to teach and how kids learn is a good thing. You don't learn that in grade 13 or 12; you need time. That's how Harris got in.

Some people suggest that Harris has it against teachers. I don't think so, not because he probably wasn't a good teacher. God bless, I don't think so. No, he went after teachers because they were like welfare recipients, because you could give them the boot and there are a whole lot of people who say, "Right on."

But John, you and I were teachers. I had a teaching certificate, bachelor of education. I would be covered under this law and I say good, as it should be. But Madame Ecker was forced by Monsieur Flaherty, now the minister of opportunity and so on and so on, to accept Flaherty's behest to give money to private schools. Remember, private schools are schools like Upper Canada College. Sixty per cent of that money goes to people like Upper Canada College kids. Shelley, this is where they spend \$15,000, \$20,000. Do you have that kind of money? They spend \$15,000 to send these kiddies to Upper Canada College. Sixty to seventy per cent of private school dollars go not to the denominational private schools but to those that are private non-denominational schools. That's what Flaherty told Ecker she had to do. Poor Ecker, I'm sure she must have been carrying that load and saying, "I hate this." But poor Ecker had to do it and she did it. What are you going to do? He was the Minister of Finance and now is the minister of opportunity and so on and so on.

But here Ecker had this opportunity to fix the problem, even though Flaherty, the non-minister of education, imposed this on the Minister of Education. She had plenty of time to fix the problem. And what is the problem? The problem is that in those private schools, the ones where good taxpayers, all of you, all those fine Tories—you watch this program. I meet so many of you who watch this program, because you tell me so. You

good taxpayers are out of your own pockets taking money to support those people sending their kids to places like Upper Canada College. That's where your money is going. Anywhere from \$300 million to \$700 million of your hard-earned dollars are going there. The Minister of Finance now, the Minister of Education then, Madame Ecker, and the new minister, who is a teacher now, still have not fixed the problem that says, "Those teachers in those private schools who do not have a teaching certificate will not be subject to the law," which means the law protects potential abusers who do not have a teaching degree. Not only is it not right, it's flagrant, wilful negligence. It's heinous; it's egregious. It's stupid, certainly, but it's egregious stupidity on the part of the government.

We had Madame Ecker moments earlier say—I don't know what she said.

Ms Martel: She didn't respond. She never has. Why is that?

Mr Marchese: Thousands of people, former veterinarians from Northumberland, who don't have a teaching degree will not be subject to the law, therefore protected by the law that says, "If they abuse young people, that's OK, because the law protects them." Member for Northumberland, do you see how stupid it is? Member for Northumberland, I know the taxpayers who support you guys don't like it a bit. Not only do they not like your taking millions and millions of their hard-earned dollars to be given away to people who are wealthy to fund private education, but at the same time you're saying to those taxpayers that they do not have to worry about the fact that non-certified teachers in those private schools, denominational and non-denominational, will not be covered by the law. Taxpayers are not happy with that. They need to know.

Madame Ecker stands up and says, "We've got this great bill redefining 'sexual abuse' and removing teachers who commit sexual abuse." I say yes, mon amie Ecker, but what about the omissions? Where have you been all these months? You were out there for months. All you had to do was go and vote for the leader. That's all you had to do. I don't think you had to do much more than that in the last four or five months. You had all this time to fix the bill. Taxpayers, what have these guys been doing with all the money they're getting to be ministers, if not fixing these bills? I don't know.

Madame Ecker also made reference to the children's aid society. I was in committee, where I pleaded in a non-ideological way with these fine members who were in that committee. I said to them, "Look, the children's aid society is proposing an amendment." It was a reasonable amendment. It says, "In many instances, children's aid societies are involved in the investigation of reports of sexual molestation or sexual exploitation of children years before criminal charges are laid. Unfortunately, there are no provisions in the Education Act or the Child and Family Services Act which allow children's aid societies to report their findings to school boards." Follow me, Speaker. Follow me, taxpayers. It's a reason-

able request. They're saying, "We investigate sexual abuse, and we investigate it prior to it actually going somewhere." In other words, they know there is a problem before they go somewhere, but they can't report it anywhere. They are not, under law, obliged or permitted to report. So they said, "We would like this amended to read:

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

"(2) Boards shall be duly diligent in monitoring and investigating reports received under subsection (1)," meaning reports by the children's aid societies.

Do you understand, taxpayers? The Tory members are too busy to listen to me, even if they'd like to listen to me. The new minister was pretending to listen for a brief moment; we won't mention him by name. But surely those who are listening here would say, "That seems like a reasonable amendment." Is it a New Democratic amendment? No. It's the children's aid society that moved that amendment, and Madame Ecker was there. She was the minister then. The children's aid proposed that to them as an amendment.

Remember, they said in committee it couldn't be done. OK, I say, can you make a commitment to deal with this issue? Some of them, because I spoke to them in the background, said, "Yes, maybe there's something we could do with respect to the Child and Family Services Act." We're now almost into the month of June. We were dealing with this some time in November. Do you know, taxpayers, how many months have followed in between where they had time to fix this problem by way of a simple amendment? Ted, were you there in that committee? I forget. OK, he wasn't there. They had plenty of time, months and months, to bring an amendment that makes eminent sense. Children's aid is in the business of protecting children. They said, "We investigate sexual abuse, but we cannot report it. We're not obliged and not permitted to report it."

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Please, we want to help you to protect kids, which is the purpose of this bill. How can we protect some children and disregard other children? How can you do that? How can a government caucus, quite a few of them teachers and so many who pretend that they want to protect kids, permit such egregious omissions regarding the safety of young children from potential sexual abuse? How could you permit it?

Where are all these Tories publicly denouncing this? Where are these Tories who, if they do not want to publicly denounce this omission, privately would say, "We've got to fix it"? Where are these members of provincial Parliament, men and women, ready and willing to stand up for the protection of young kids, young teenagers? Not one has stood up either in committee, in this Legislature, in their caucus that I'm aware of, in any reporting in some small little town from which they come, suggesting that perhaps there is some frisson of worry about this and that they are likely to put pressure

on the Minister of Education, who was a teacher, who should worry about this bill. Instead, every member who comes here to speak, including the former Minister of Education, talks about the blah, blah, blah of the bill, how good it is and expects the New Democratic Party to just simply move on.

Ms Martel: Roll over.

Mr Marchese: Roll over, Beethoven.

That's not my job. My job is to criticize you when you do things wrong. And the member for Northumberland, it is my pleasure to whack you as often as I possibly can. It is a pleasure, I've got to admit. It's perhaps sadistic or masochistic, I don't know, but I do enjoy it. When you do things that are bad and/or wrong, wilfully wrong, it is my pleasure to whack you as hard as I can, because if I don't do it, nobody else will.

Mr John Gerretsen (Kingston and the Islands): Wait a minute, now.

Mr Marchese: From time to time some Liberals do it.

But I say to the member for Northumberland, I said this bill is a good bill. I did say it, didn't I? But do you just simply want me to stop there? Do you simply want this brain, whatever you might think of it, to simply disregard anything contained therein that is problematic to the protection of young kids? You don't want me to do that, member for Northumberland. You're probably going to speak next, because you always do, right? Are you speaking next? Are you up? Because you're always up, right? Yeah, the member for Northumberland is going to stand up and blah, blah, blah, the same stuff, and he's going to repeat the same stuff that Madame Ecker repeated earlier, the blah, blah, blah stuff, which I already agreed to, and he will not address the issue of why it is that those teachers in private schools who do not have a teaching certificate will not be subject to this law.

Member for Northumberland, please, try it. Listen, you know that script you're about to read? Throw it out. Just throw it out now and speak from the heart. Come on. Say what you feel. Come on. I want you to tell me what you think.

Look, Ernie Eves is giving you guys a lot of room; he is. He's giving so many a lot of room to change that cultural, political, ideological mindset, right? He's saying to you, "Look, we've got a different train. You gotta sound different." So don't parrot what you said in November. Try to be a little different culturally, politically and give the sense to the public that you've changed, a little bit.

I know it's hard for you, member for Northumberland, because your script is to a T. It's just the same; it never, never changes. Encourage me. Encourage me and encourage those who are watching this political channel that you're about to listen to Ernie Eves. And by the way, member for Northumberland, Ernie Eves, before he got elected, said he didn't like the fact that we were going to give public dollars to private schools and that they wouldn't be subject to the same rules. Then I think he said—member from Northumberland, correct me if I happen to be wrong—"Oops, I didn't quite say it like

that.” He rephrased it a little bit, because he got nervous about all the Upper Canada College types who probably pounded on him quickly, the Bay Street types, his colleagues. So as soon as they pounded and whacked him good, he said, “No, I didn’t quite say it that way.” But he did say, I believe, now that he’s the Premier, that those religious schools—and the non-religious and non-denominational—will be subject to the same kind of rules that the public, Catholic system is subject to. He did say that.

So I say to you, member from Northumberland, try to grasp this and see if you can answer it later on for me. If that is so, why isn’t Ernie, and the Minister of Education, a teacher, listening to his own advice when he says they should be subject to the same rules, the same standards? Member from Northumberland, because I know you’re next, if that is so, why isn’t Ernie moving on this? Why is he not saying that yes, they’re subject to the same standards, meaning curriculum, but what about the same standards, vis-à-vis protection for young kids, that teachers in the private schools who are not teachers will not be subject to? What about that standard?

Please help me and remind Ernie Eves that he’s got a little problemo on that, right? Because that’s what he said. He said he’s going to change the rules and the standards should be the same; on the other hand, on this issue he’s not quite clear. I don’t think Ernie thought it through. He is a lawyer, by the way, and a lot of lawyers think through things, normally. But on this one perhaps it’s a little detail I’m not sure he quite thought of.

But member for Northumberland, you can help him. The minister of post-secondary education is here. She can help him, because she is a former teacher.

Ms Martel: She’s going to tell us why.

Interjection.

Mr Marchese: Are you speaking to me?

Hon Mrs Cunningham: You made a good point—your seatmate.

Mr Marchese: Do I? But I want you—

Interjection.

Mr Marchese: Aw, she’s abusive again. Member for post-secondary education, you are a former teacher. I was saying to the member from Etobicoke North—he was a teacher—he probably had a teacher’s degree as well.

So I’m saying to you, if the rules around protection of children who are sexually abused apply to you and me, why wouldn’t they apply to the teachers in private schools who don’t have a teaching certificate? They apply to Toronto teachers, including those who have leave to teach. They do. But they do not apply to private schools. How could you as a teacher, minister of post-secondary education, allow that?

What? I didn’t hear. She’s not speaking to me.

I want you—because you guys have about 20 minutes—to stand up and say that the minister of post-secondary education—I want her to stand up and say, “I agree”—or disagree—“with Marchese, and this is why.” Two minutes, please. No, the member from Northumberland is going to blah-blah his way through this. No,

minister of post-secondary ed, don’t listen to him. He’s got nothing to say on this. He’s got nothing to say on that. Please, you take two minutes, because you were a teacher.

We need amendments to this bill. Member from Northumberland, I want you with your veterinarian skills to convince Ernie Eves to follow through on his pre-election, pre-Premier promise to give the same standards to all. He’s failing on that promise with respect to this bill. That’s why we’re standing up. That’s what we’re telling you, taxpayers. You’re getting whacked day in and day out. Your money’s going to private schools, and they’re not even going to be subject to the same rules.

Thank you, taxpayers. I hope you remind them of this.

Mr Ted Arnott (Waterloo-Wellington): It’s always a pleasure to listen to the comments of the member for Trinity-Spadina. His entertaining and eloquent comments are well appreciated by all of us.

I’m advised that on November 27 in the House, in the context of this bill in third reading debate, he said, “Yesterday I said that this was a bill we support because anything that protects students from sexual predators is a good thing.” And we welcome his support and thank him for that.

Perhaps that was a selective quote, perhaps he’s changed his opinion somewhat, but indeed we appreciate the support that he offered the bill during third reading debate.

Interjection.

1700

The Acting Speaker: The member for Trinity-Spadina has had his opportunity. He will come to order.

Mr Arnott: Thank you, Mr Speaker.

I am very pleased to rise today on behalf of my constituents in Waterloo-Wellington in support of Bill 101, the Student Protection Act, 2002, and in support of this time allocation motion to ensure its swift passage into law.

As I’m sure all members of this House will agree, nothing is more important than the safety and security of our young people in Ontario. We all recognize that the vast majority of Ontario’s teachers are not only dedicated professionals, but also caring, law-abiding people. Teachers in Ontario are committed to enriching the lives of their students and to protecting them from harm. These teachers deserve the trust and respect of students, parents and their peers, and, I might add, the provincial government. Unfortunately, the sad reality is that sexual abuse has occurred from time to time in our schools. There have been teachers in the system who have knowingly taken advantage of their positions of trust and who have victimized their students.

Our government believes that Ontario’s children need a school environment that is free from sexual abuse or professional misconduct that puts pupils at risk of harm or injury. In support of that belief, we introduced Bill 101, the Student Protection Act, 2002. This bill sends a clear message to those who would prey upon children: stay out of Ontario’s schools or there will be harsh consequences.

As members know, Bill 101 is part of the government's response to the recommendations made by Mr Justice Sydney L. Robins. In his report, *Protecting our Students: A Review to Identify and Prevent Sexual Misconduct in Ontario's Schools*, Justice Robins developed a total of 101 recommendations. Our government has examined those recommendations with great care in co-operation with our educational partners. Bill 101 represents one of our most important responses to these recommendations.

As members are aware, the bill proposes a series of amendments to the Education Act, the Ontario College of Teachers Act and the Teaching Profession Act. The legislative amendments in this bill are designed to stop sexual predators.

For example, in part I of the proposed bill, the government proposes an amendment to the Education Act that is critical to protecting students from sexual abuse and harassment. This amendment would place an important new duty on school boards to remove any potentially predatory teacher from the classroom. Under the proposed amendment, whenever a board becomes aware that a teacher has been charged with or convicted of an offence that involves sexual conduct and minors or any other offence that might place students at risk, the board would be required to ensure that none of the teacher's duties involve contact with students. This requirement would apply to all certified teachers and temporary teachers working for school boards and school authorities across the province. As I indicated earlier, it would require the immediate removal of any teacher from the classroom and from any other duties that might involve contact with pupils.

Ensuring that school boards take swift action is just one of the important aspects of this proposed legislation. In addition, Bill 101 also proposes a broad definition of "sexual abuse" which would include "sexual intercourse or other forms of physical sexual relations" between a teacher and a student, any "touching, of a sexual nature," of a student by a teacher, and "behaviour or remarks of a sexual nature" by a teacher toward a student. Members should note that this broader proposed definition of "sexual abuse" is designed to capture not only sexual assault but also inappropriate sexual remarks and behaviour.

I would like to take a moment at this point to remind the honourable members of the role played by the Ontario College of Teachers in regulating the professional teaching standards in this province. In this regard, the college has a number of important responsibilities. For example, the college determines teaching qualifications and sets standards of conduct for its members. It is also responsible for investigating and disciplining its members who are accused of professional misconduct. As members are aware, all members of the Ontario College of Teachers are bound by the professional standards that the college sets out.

In Bill 101, the government is proposing a number of important changes in the reporting relationships that

currently exist between the College of Teachers and those who employ certified teachers. Under the proposed legislation, employers of certified teachers would be required to report to the college within 30 days after a teacher's employment has been terminated or his or her duties restricted for reasons of professional misconduct.

I mentioned earlier that the government has listened carefully to the opinions of our partners in the development of this bill which is before the House. In response to the comments we received, we've made changes that we believe will strengthen and improve the proposed legislation.

For example, in response to the feedback from the College of Teachers during their presentation before the standing committee on justice and social policy, we've included a new amendment to Bill 101. This amendment would strengthen one of the new requirements for employers to report to the college in the proposed act.

The amendment is designed to deal with a teacher who resigns while his or her employer is investigating an allegation that, if proven, would have caused the employer to terminate or restrict the teacher's duties for reasons of professional misconduct.

Under the new amendment, the employer would now have to report the teacher's resignation and the circumstances of the resignation to the Ontario College of Teachers. This provision is important because it would prevent potential abusers from moving undetected from one board to another.

Another change in the reporting requirements would require the college's registrar to report back to employers on the action taken by the college. This requirement is designed to help ensure that employers are made aware of the disposition of cases that involve their employees.

Under the proposed bill, employers would also be required to notify the college when they become aware of a number of important circumstances, such as when a charge has been withdrawn, when a teacher has been discharged following a preliminary inquiry, when a charge has been stayed or when the teacher has been acquitted.

Finally, to ensure compliance with the proposed legislation, Bill 101 would make it a provincial offence punishable by a fine of up to \$25,000 for an employer to contravene the reporting requirements of the bill. These reciprocal reporting relationships are designed to inform all parties who have an obligation regarding the protection of students about any activity that might put students at risk.

I would also point out that Bill 101 sets out responsibilities for teachers, school boards and the Ontario College of Teachers that are similar to those that are already in place for some other regulated professions, including nurses and doctors. Moreover, I would like to take this opportunity to remind the House that in addition to the proposed legislation we are debating here today, our government has moved forward with a number of other initiatives that are designed to protect children from sexual and physical abuse.

These initiatives include a provincial model for a local police-school board protocol which we issued in December 2000. The protocol requires schools and local police forces to develop protocols for police involvement in schools. In addition, this government strengthened the Child and Family Services Act in 1999 to give front-line child protection workers better tools to do their jobs.

The government also committed to establishing an ongoing \$5-million fund to help teachers throughout the province identify when children, especially those in the primary years, may be at risk of neglect or physical or emotional harm. Work is also continuing to introduce criminal background checks for teachers and other school employees and on a number of other important initiatives to ensure that our children can learn in a safe and secure environment.

As members may know, the Ministry of Education, through its school-based service program, provides funding to school boards on an annual basis for projects that provide prevention education to teachers and students. The projects deal with a range of issues, including violence and sexual harassment. As well, Ontario's new, more rigorous curriculum introduces all students in an age-appropriate way to such personal safety topics as sexual harassment, child abuse and violent relationships.

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

I believe that Bill 101 is vital legislation and that it deserves the full support of this House and that it should be passed into law as soon as possible. If the bill receives the assent of the Legislature, the Student Protection Act, 2002, will guard against a number of activities by certified teachers. Those activities include any act that results in a charge or a conviction involving a certified teacher's sexual conduct and minors; any other charge or conviction of an offence that in the opinion of the employer may put students at risk of harm or injury; and any conduct or action that in the opinion of the employer should be reviewed by one of the college's committees. The proposed bill would also help prevent teachers who stand accused of sexual assault against a student from transferring undetected to another school board.

1710

One final aspect of the bill I'd like to mention today involves the responsibility of all teachers to be vigilant and to take personal action against sexual abuse in the schools. Under the existing provincial law, certified teachers who are members of the Ontario Teachers' Federation are required to notify their colleagues when they file an adverse report against them. To ensure that protecting students is the first priority, Bill 101 proposes an amendment to the Teaching Profession Act that would not require notification of adverse reports when the report involves sexual abuse by a teacher. The government is committed to working with our education partners to extend this provision to any and all situations where a student may be at risk of potential harm.

As I mentioned earlier, Bill 101 represents an important part of our government's commitment to ensuring that Ontario's schools offer a safe and secure environment. Sexual predators have no place in our schools. Bill 101 is designed to ensure that the sexual abuse of students by teachers is dealt with in an appropriate way.

As I mentioned earlier, and I want to remind honourable members, this bill was developed after considerable consultation with our education partners, and their input has led to significant improvements in the proposed legislation. I would like to take this opportunity to thank all of the education partners who devoted their time and resources to providing thoughtful advice on this important subject. In particular, I'd like to thank the Ontario College of Teachers for its advice and for the actions it has taken in response to Justice Robins's recommendations.

Our government believes that protecting children is a fundamental responsibility that our whole society shares. We all have a responsibility to do whatever we can to prevent sexual abuse and to keep our children safe. By supporting Bill 101, the Student Protection Act, 2002, all honourable members have an excellent opportunity to ensure that Ontario's schools are safe and secure.

I would like to conclude my remarks by asking my colleagues in this House to join me in taking positive action to ensure that Ontario's children can learn in an appropriate environment by giving their support to Bill 101.

Mr Alvin Curling (Scarborough-Rouge River): I just want to say how much I appreciate the opportunity to speak on Bill 101. As a matter of fact, I'm not going to be able to speak on Bill 101 because they have forced us to speak on a closure motion, a shutdown of democracy again in this Legislature. This is quite the habit of this government.

But before I do that, I just want to commend my colleague from Waterloo-Wellington. You gave an excellent speech about what's in the bill, and I want to commend you for that. But you did not say what was not in the bill, and that is one of the concerns we have. He's one of the most respected individuals in this House, and I know that if they had given him something outside of that script, he would have spoken very well about what's not in the bill.

But let's talk about what could have been in it. I've got a few minutes here to speak. I want to divide my remarks in two respects: one is the fact that there is this motion in the House today to say that we will limit you from speaking about the issue; we will make sure that the people of Scarborough-Rouge River, who have elected me to express their concerns about legislation in this House and concerns about this government, are limited to do so.

They also tell me too that this government refused to meet in the House for six months, closed this place down for us not to debate, and say that when we do come back they will limit me again in the time I will speak on this motion. So I'm restricted to speak about the limitation of

democracy, the shutdown of democracy that is such a habit of this government. This concerns my constituents very much.

As I speak to many of those members on the government side who are backbenchers, they have expressed to me their concern about that: how much they have not gotten the chance to speak about their constituencies. But even today we saw an example, the muzzling by the minister who had taken the time of the backbenchers to speak. The former Minister of Education didn't give the others a chance to speak. That tells you again how muzzled they are in speaking on the issue.

Mr Rick Bartolucci (Sudbury): They're muzzled all right.

Mr Curling: Yes, muted in a way.

But isn't that disgusting, to know that an election was held, where they have given those people the democratic right to come in to represent those individuals, and they did not get a chance to speak? This is disgraceful.

But as I always say, there's always hope. I believe in the democratic process.

Mr Gerretsen: No, not with this group.

Mr Curling: Not in this group, but in the people who have seen the light of these individuals, who are very much waiting for an election to throw this undemocratic government out of power.

However, I want to spend a little time on Bill 101, about the fact that I would have been able to speak at length on the things that people talk to me about in the constituency of Scarborough-Rouge River, that wonderful riding, where people are so concerned; that diverse riding; that riding that has some wonderful teachers, that profession that people are committed to, who, as a matter of fact, have been subjected to a lot of abuse by this government and by the ministers of the past, the Minister of Education, who have seen these people being so abused that most of them speak to me about leaving the profession because their employer has abused them so much. But I have hope in these people. They are committed to their jobs. They are committed to the wonderful people of our province, our students, who need that protection.

Here we are. We have this very important bill, Bill 101, that came, of course, out of a very tragic situation, and then immediately these reports were being published that said we should do something immediately, first, to protect students from sexual abuse and otherwise that were provided for the protection of students in any other legislation that they have.

What is happening here is that this bill completely fails to realize that those who interact with students within that environment are not only teachers. They are people who are custodians. They are librarians. There are many other professional people who are in the institution who interact with students. We would like to say, then, that what this bill is saying is, "We're only targeting teachers." Again, it almost looks like they're picking on teachers. Sure, if there is any individual, any teacher in this institution who abused a student, I think they should

be dealt with severely and should be taken out of the profession.

The fact is that we have completely ignored the other professionals. Is this because we're limited and not to have it debated? If this legislation, Bill 101, was given outside to be debated, if it was given a chance to be debated, these issues would have been raised. One of the most important parts of democracy is to hear from the people. This government, of course, doesn't like to do that, because then they hear the truth.

You know, there's a rather interesting thing happening lately. People are saying that there seems to be a change of government attitude over there since Ernie Eves has become Premier. What they say is that he says yes to everything. He's even saying yes to things he doesn't even know. I'm quite sure he's not familiar with this Bill 101, the limited aspects of this bill. Therefore, by saying yes, we are saying to him, "Give it a chance, then, for public hearings. Give it a chance so that we can debate and discuss this in more detail." But, oh no, he said, "Let's shut it down."

Can you also imagine, Mr Speaker—and I will have the discussion with you afterwards about this, in the House and afterwards—that this government has not yet introduced a bill that we can really debate? They're just trying to hustle in things. They're hustling one in today. But can you imagine, that after all this time—six months out of the House—they're in here for almost two weeks, June is coming and the House will be closing and we have no budget to go on? This government hasn't done anything. You're just saying yes to everything. As a matter of fact, we're wondering if he has a mandate. He realizes he has no mandate, so he's borrowing from everywhere else. As my colleague said, maybe he should call an election. If he calls an election, then it forces him to direct himself accordingly.

1720

I would say in the short time I have—and my colleague will indicate to me when my time is up—that what we should be doing right away is opening this legislation back up. Let us have it debated publicly—I challenge the government to do that—because there are many things that people would like to discuss. What we should do is keep this government accountable. We will continue to do that. Dalton McGuinty and the Liberals will continue to make this government accountable, especially for the limiting and undemocratic way they have behaved in the past, in the present and likely in the future.

Mr Doug Galt (Northumberland): I appreciate the opportunity to speak on this time allocation motion. Like some of the members in the opposition—the members from Essex, Nickel Belt and Hastings-Frontenac-Lennox and Addington—I'm disappointed about having to have a time allocation motion. I too think it's unfortunate, because I have so many quotes here from members in the opposition who support this bill that I can't for the life of me imagine why they want to drag it out any longer when they have that kind of support. I can go back to

October 3. There's support after support after support from both of the parties in opposition. Then on November 26 and again on November 27, there are unlimited numbers of quotes of support.

They talk about cutting off debate, but when are we going to get on with other things if they support this? This is the kind of thing we would just move along. As a matter of fact, we've had two hours and 53 minutes in third reading. If you go back and have a look at what was happening during the lost decade from 1985 to 1995, you'll find periods when the average length of debate at third reading was 20 minutes. That's what your average would be. This is a bill you've agreed on, and it's two hours and 53 minutes. We have to take it to time allocation just so we can get moving along.

Take, for example, the kind of foolishness that was going on in this House last evening, when a member of the NDP moved adjournment of debate within two minutes of ending his speech and then moved adjournment of the House. I think that was very much out of order.

When we talk about consultation and the extent of consultation that our government has had, there's no question that it's been a hallmark of our government—the Ernie Eves government, the Mike Harris government. You can go through the list: after second reading, we've gone out; after first reading; we've even taken draft legislation and gone out before first reading—that's unheard of—to get comments from the public and their opinion of the legislation. When you talk to members in other provinces, they don't go out on the road and travel as we do here. We got out on the road and have extensive consultations in every part of this great province.

I think that if the opposition was really interested in getting on with legislation, they would work with a bill like Bill 81, the nutrient management bill, which is so important to our environment. It should have been through a year ago, but, no, they dragged their feet and played games, and it's something that could be doing so much. We could easily have had the nutrient management bill through and in place at this point in time. I think it's a real shame.

I also refer to what happened the other day in the House, and this has actually happened on several occasions. I'm thinking of when the Honourable Ernie Eves responded to the member from Toronto-Danforth when she was questioning him about her safe water act. He agreed with her that, yes, with amendments, it would be a good idea; we'll work on it, and we'll get it through. With that kind of support coming from our leader—the Eves government doing a tremendous job supporting the opposition with some of their good private members' bills—I would think they would be prepared to start working with our new leader in the same spirit of co-operation. But obviously it doesn't seem to be there quite yet.

I think the last two speakers should go back to some of the comments they made. I would think the member for Scarborough-Rouge River would be quite interested in

some of his comments. This is from October 3 in Hansard: "I want to say how much I appreciate being able to comment on this Bill 101. I think it's an extremely important piece of legislation. I also want to commend the government for bringing this forward and acting upon the Sydney Robins report." He goes on to say, "We have a good system here and we are moving also to a good system of education"—this is a member of the Liberal Party—"good teachers, the other sorts of changes that you're putting forward. I really applaud those teachers in this very complex and challenging society." This is the kind of support coming from the official opposition.

The other speaker we heard just a little earlier, the member from Trinity-Spadina, back on October 3 said, "I have to tell you that on this particular bill she's got 90% of my support, that it's a good bill, and that they have clearly followed the advice of Justice Robins and used his report as the basis of this bill. That's to be complimented." He goes on to say, "I just want to say to the public that's watching this debate that from time to time Liberals, New Democrats and Tories agree for the most part. But by and large we support the bill, and I support the comments made by all of the Liberal members who have spoken."

You can go back through. In October the member for Parkdale-High Park said he supported it. The member for Windsor-St Clair said he supported it. The member for Don Valley East said he would support it. The member for Prince Edward-Hastings did. I've also just quoted from the member for Scarborough-Rouge River. On October 10, the member for Renfrew-Nipissing-Pembroke did. Then on November 26, the member for Sarnia-Lambton supported it. Again on November 26, the member for Prince Edward-Hastings and the member for St Catharines supported it.

It's beyond my understanding why we would have to bring in time allocation to get on with this piece of legislation when there's so much support from the other side of the House. Not only did they say that as individuals they supported it, but they were saying their party supported it. I would expect their leaders had given them permission to be able to say that in the Legislature. After listening to some of the debate here this afternoon, it's really difficult to understand why we're into this particular debate.

I go back to some of the other legislation that our government has passed; for example, Bill 110, the Quality in the Classroom Act—what an excellent piece of legislation that has been; the change in the curriculum that we've brought in; the college for teachers that's really brought teaching into a self-disciplining profession. But I think the one that kind of parallels and goes along with this particular bill is the Safe Schools Act. Here was an excellent piece of legislation to improve safety in our schools. We've heard some of the incidents that have been happening in our schools of recent years, and they just shouldn't be happening. Our students, our young people sitting around you here on the dais, Mr Speaker,

are the kind of people who need that kind of protection in their schools. They shouldn't have people coming into the school who are not on staff or who are not students without registering at the principal's office so their presence in the school is known. We need that kind of safety in the schools. We've made a requirement for school boards to draw up a police-school protocol which lays out when the police are to be called. We also brought in the requirement for a criminal record check of all staff working in our schools, another step to ensure that our students will indeed be protected.

I see Bill 101 as being a very, very positive bill, moving forward, accomplishing quite a bit for our students and our young people, ensuring safety in our schools and ensuring that there will not be sexual predation there.

To summarize, the Student Protection Act would catch the following activities by certified teachers: any act that results in a charge or conviction involving a certified teacher's sexual conduct and minors; secondly, any other charge or conviction of an offence that in the opinion of the employer may put students at risk of harm or injury; and third, any conduct or action that in the opinion of the employer should be reviewed by one of the college's committees.

In closing, I'm pleased to be able to support not only the time allocation motion that is before the House this afternoon, but also Bill 101, a very important bill and one of the many bills that we have been bringing in for education, but that more particularly in this case will protect students. I look forward to its speedy passage once we vote on this time allocation motion.

1730

Mr Gerard Kennedy (Parkdale-High Park): It is my pleasure to rejoin this debate. It is unfortunate, as the member for Scarborough-Rouge River, my colleague Alvin Curling, mentioned, that we are under this constraint, and only for this reason: the government has had this bill out of committee since November. If the government had wanted to bring this bill in, if it was very sincere, like some of what we heard on the other side of the House, they would have had this in front of the Legislature by now. Further, Justice Robins reported more than two and a half years ago, and this is the best the government could come forward with.

This is and ought to be a non-partisan issue, but I'm here to report today what happened at committee. Instead of the member opposite motioning to some of the students on the dais, what we heard at committee from the children's aid society was something very startling and something none of the members opposite have acknowledged. They are here to do their duty for children around this province, and yet the children's aid society, with the statutory powers of protection, asked this committee and asked this House to wait, to make this a better bill. That's what they said. In fact, having investigated the very incident that happened that got Justice Robins to conduct this investigation, they said this: the bill we have in front of us would not have prevented the very situation that brought it about in the first place.

So we have, instead of some backbone from the Tory backbench, instead of some idea on behalf of the individual members sitting here that they could take this issue and do something with it that we could feel good about—because, as the gentleman from the children's aid society said to us, this only happens once in a rare while. This affects three different bills. We could have done this right. Unfortunately, what we see here is again the intrusion, the rude interruption, of ideology of the members opposite who are so concerned about talking too much because of what isn't in this bill. Specifically, it's a bill that doesn't extend itself; it's completely impossible to understand based on the kind of language that we've heard in this House today around protection, around public duty and the duties of this House. It doesn't extend protection to children in private schools. The government decided they didn't want to do that, they didn't want to intrude, they didn't want to get in the way of those children's protection.

They told us the premise of this bill and the premise of Justice Robins's report is that actions are needed because of the special vulnerability that exists, and I think we're all willing to concede and acknowledge that's true. In a classroom, between a teacher—or quite frankly any adult—and children there is a trust relationship. If there is a need for this special legislation, then surely this special legislation should apply in every single classroom in this province. But we have 50,000 children, about half of those in the private schools, who will not be touched by this legislation. Nor in those same committee hearings were the government members willing to consider extending this protection to volunteers, to other people in positions of responsibility. They voted down those amendments.

Again, this is not a question of doing anything but better legislation. There was no one on the side opposite who was willing to take up the real role of acting on behalf of children and saying, "Look, let's do some of this instead. Let's take the time; let's roll up our sleeves. If the Liberal amendments aren't good enough, let's find some better amendments and let's do what Justice Robins asked."

Justice Robins did his job. He's a member of the judiciary. He sat down with due probity, he looked at the issues, he looked at a very sensitive subject about the abuse of young people, and he came back to us with a very substantive report, and significant portions of that report are missing in this legislation. There has never been a response from the government side, any significant utterance, to say why. What is the government afraid of doing that would actually give full justice to Justice Robins's report and, more importantly, to the experiences that beget the need for the report in the first place?

So we have a situation where we have a bill that will be supported, I believe, by most members of this House, but it will be done so not so much reluctantly as with a sense of having missed not just an opportunity but our obligation. Our obligation in raising these kinds of

subjects that are still difficult for people to talk about is to do them well. I think every member in this House shares some of that responsibility.

Instead, we're being asked to deal with a very limited bill, a bill that doesn't look at the full scope, a bill that only concerns itself with the conduct of teachers when Justice Robins was absolutely clear that every adult in that position of responsibility needed to be included, a bill that doesn't address the most substantive things. If you look at Justice Robins's very significant large book on this particular subject, he says that what really matters here is that prevention take place. Justice Robins is not necessarily interested in just nailing people who may have committed some of these kinds of acts; he doesn't want them to happen. I would like to believe that's the shared outlook, the shared desire, of everyone in this House.

This bill doesn't do that. Bill 101 does not offer advance protection to students. It is only after the fact that this bill actually does some level of screening. But because of the nature of the acts we're talking about, where many of the people who may be—I also want to add, by way of perspective, that we're talking about a minuscule number of people around the province, a minuscule number of people who abuse their trust. But when we're talking about the case of those people, many of them don't have criminal records, so the other part of what Justice Robins is talking about is actually more important: the kind of conditioning, the kind of educating, the kind of awareness-raising that he believes, having spent his time at the discharge of this Legislature—we asked him to do this. Unfortunately, and I'm sure Justice Robins in his non-political position from the bench can't tell us this, I get a very strong sense that we're letting him down. I get a very strong sense that there isn't the courage on the part of this government to actually do what he has asked us to do.

Instead, they not only voted down opposition amendments but they've sat on this bill. We are not dealing with this bill in an expedited way because the government tried its hardest to get this through; we're dealing with this in an expedited way because the government is rearranging the agenda to its particular convenience. It has had two and a half years to do things with Justice Robins's bill, and instead of letting us have substantive debate on it—and we only need as much time as it takes for the government to explain why it decided to leave these huge loopholes in the bill, why it is that it decided to do better than Justice Robins and that it was not going to act on the things he said we needed to do. I think each member of this House has to take that as a personal duty because we're the only ones who are going to consider this.

Bills and reports like Justice Robins's are the kinds of things that I think go right to the heart of the trust nature that we find ourselves in in this House. There are very few people except the families that are affected who are going to be concerning themselves with these things, because they happen so rarely, but they're so heinous

when they occur that we have that higher duty. For whatever reason, the government simply isn't up to it, isn't prepared to make that happen.

What I'm saying is that when we find that the government doesn't wish to do this, I don't think it's sufficient reason for us not to vote for the bill. I certainly am prepared to support their limited measures. But I do believe that before this debate is finally over, we deserve from the Minister of Education or from any member opposite an explanation about why they couldn't offer what Justice Robins asked for, which is a full measure of protection of the very vulnerability that brings us here today. Instead, we have thousands of kids and dozens of situations that are not subject to protection.

I want every member of this House to at least have been subjected, through this debate, to the knowledge of that responsibility. I see the member opposite who is the new parliamentary assistant for education and who spoke on behalf of this bill and is perhaps not fully aware of the committee hearings. I don't want to be the member of this House who learns something happened that we could have prevented with this bill today.

So I say to the government, reconsider. Have a look at what Justice Robins said. Have a look at the amendments that were brought forward to committee. They were brought forward in a spirit of non-partisanship. If you don't want to talk about private schools, fine. There are other parts of this bill that need fixing. I cannot understand why you've not only let it sit there but now you're time-allocating it, and why you don't find this subject worthy of protection. But I say again to each member of this House, we'll all bear the responsibility if this bill proves, at the end of the day, to be deficient.

1740

Mr Gerretsen: I would like to join this debate and deal with a couple of the issues that the member from Parkdale-High Park has mentioned because, as we all know, he is a gentleman who works extremely hard in his critic capacity dealing with education.

I also listened earlier to the parliamentary assistant. He gave a very good speech, but why didn't he answer the fundamental questions that people on this side of the House have been asking: why are private schools excluded? Give us one reason. There are 50,000 children going to private schools who are somehow excluded from the parameters of this bill. We haven't been given one reason. I know if the parliamentary assistant had an opportunity to say something more about this bill, perhaps he would address that. Maybe we'll hear on third reading.

The other issue is the children's aid societies' concerns about this bill. I take it this bill basically came forward out of the Robins report that was done, and here we have children's aid societies that deal primarily with abuse situations saying that the contents of this bill don't deal with the problems that were identified by Justice Robins. Why did the ministry not deal with those concerns? Why were those amendments not included in the bill?

I think the last time we discussed this bill was when it came out of committee, on November 17, which is about six months ago. We sat for at least another six weeks after that. We haven't been sitting at all in this Legislature over the last four and a half months, until about two weeks ago. Why has it taken the government so long to bring this bill back, and why didn't it make the necessary amendments that the children's aid society talked about, that the Robins report talked about? The government just refuses to answer that. For the life of me I cannot understand why they're doing it.

There is one reason why I think they're doing it. This government, when it comes right down to it on these kinds of issues, is interested in only one thing, and that's optics. It looks as if they're doing something, but when you really examine the essence of the legislation, they're not dealing with the real issues and the real problems. That's the only thing I can think of. We've seen it in so many other bills, from the squeegee kid bill—I could just go on and on. All of these so-called tougher bills, when you look right into them, there's nothing there.

What I am really concerned about is the actual substance of what we're dealing with here this afternoon, and that deals with the time allocation motion and the closure motion. I've spoken about this many times in the past, and perhaps people and certainly the members here may be getting sick and tired of it, but I think this is an extremely important issue.

During the recess I had the legislative research people in our parliamentary library, who are non-partisan people who work for all parties to get the necessary information, do a report for me as to how often closure has been used, not only here but also in other parliamentary systems, and how closure is dealt with in other parliamentary systems. I think it's important for me just to list some of the statistics so that the people of Ontario have some idea as to the scope of the problem that we have with this government currently.

You might be interested in knowing that during the five years of the Liberal government there were 312 bills passed in this House, from 1985 to 1990. Do you know how many were time-allocated? Five. There was a total of five out of 312 bills.

I know the member opposite will say, "A lot of the bills only took 20 minutes of debate." The reason why they only took 20 minutes of debate was that, generally speaking, they were good bills that everybody in the House agreed upon.

Let's go on. During the NDP years of 1990 to 1995, there were a total of 163 bills passed. Do you know how often time allocation was used? Eighteen times: 11% of the time.

Let's go back to the Harris years from 1995 and now the Eves years. Do you know how many times time allocation has been used? In 191 bills, time allocation has been used 73 times. As a matter of fact, since 1999, time allocation has been used in 32 out of 37 bills that we have discussed here. That's 86% of the time. They say, "Well, why?" I have a suggestion to you, sir, that you

instruct your House leader to get together with our House leader and the NDP House leader to come up with a meaningful process whereby the members and the House leaders can decide how much time certain bills ought to be given that may be more important in the totality of things than other bills. But the current way of dealing with it, that whenever you don't like what's going on you just bring in a time allocation motion, certainly is not the way to go, not when you've used it 32 out of 37 times just since the 1999 election.

We have been back here for two and a half weeks, and do you know how many government bills have been introduced since that time? One. That was the electricity bill that, according to the Premier today, really doesn't mean very much. It only clarifies the fact that the government owns Ontario Hydro, or something to that effect. When the matter is before the appeal court right now, and whereas in many other matters they basically say, "We can't deal with the issue, because it's before the courts right now," in this particular case they're saying, "No, we don't care if it's before the courts or not. We just want to pass this very simple bill that's just going to say that we actually own Ontario Hydro and we can deal with it in whichever way we can." You and I know, Speaker, that the real reason for passing this bill is so that they will actually do something with Ontario Hydro, such as the sale of Ontario Hydro during the summer, when most people are at the cottage or are away and certainly the House will not be sitting at that point in time.

I would say to the government House leader—and I'm very pleased to see that he's in the House today—get together with your colleagues and straighten out this mess so that you don't have to time-allocate 86% of bills, which is totally unacceptable.

The other suggestion that I have for him—and this is a rule that has now been adopted by the federal House and other parliamentary jurisdictions as well—is to take a look at standing order 67 of the federal House. Do you know what that says, sir? It basically says that if you time-allocate a bill, the minister will be in the House during the last hour of the discussion of the time allocation and the closure and will be subject to questions from any member in the House—opposition, third party and government members—and basically give the reasons as to why you want to time-allocate it. I still haven't heard a reason as to why closure is being invoked on this bill.

Mr James J. Bradley (St Catharines): It's because they didn't have the House sitting.

Mr Gerretsen: I know, the House hasn't been sitting until about two and a half weeks ago.

The point I'm simply trying to make is that this party that currently governs Ontario has a total disrespect and disregard for the democratic system. The fact that just about every bill that comes through here is time-allocated—and it's time-allocated even after, in this particular case, it has advice from the children's aid society that the bill isn't really dealing with the issue that Justice Robins identified in his study in the year 2000. I say to

myself, this is an undemocratic government. They really don't care about the opposition, certainly, but they also don't care about the will of the people. All they are interested in is optics. I'm saying that is not in the best interests of the people of Ontario.

I would suggest to you, sir, that you pull the bill back, deal with the necessary amendments and include the private schools as well so that we can actually have a bill that will do something about this horrible problem that has been identified in the bill.

The Acting Speaker: That concludes the time allotted for debate. I will now place the question.

Mrs Witmer has moved government notice of motion number 5. 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. This will be a 10-minute bell.

The division bells rang from 1750 to 1800.

The Acting Speaker: All those in favour will please stand one at a time and be recognized by the Clerk.

Ayes

Arnott, Ted	Hardeman, Ernie	Newman, Dan
Baird, John R.	Hastings, John	O'Toole, John
Barrett, Toby	Hodgson, Chris	Ouellette, Jerry J.
Beaubien, Marcel	Hudak, Tim	Runciman, Robert W.
Chudleigh, Ted	Jackson, Cameron	Sampson, Rob
Clark, Brad	Johns, Helen	Spina, Joseph
Clement, Tony	Klees, Frank	Sterling, Norman W.
Cunningham, Dianne	Marland, Margaret	Stockwell, Chris

DeFaria, Carl	Martiniuk, Gerry	Tascona, Joseph N.
Dunlop, Garfield	Maves, Bart	Tsubouchi, David H.
Ecker, Janet	Mazzilli, Frank	Turnbull, David
Elliott, Brenda	McDonald, Al	Wettlaufer, Wayne
Eves, Ernie	Miller, Norm	Wilson, Jim
Galt, Doug	Molinari, Tina R.	Witmer, Elizabeth
Gilchrist, Steve	Munro, Julia	Wood, Bob
Gill, Raminder	Mushinski, Marilyn	Young, David

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

Nays

Agostino, Dominic	Cordiano, Joseph	Marchese, Rosario
Bartolucci, Rick	Crozier, Bruce	Martel, Shelley
Bisson, Gilles	Curling, Alvin	Peters, Steve
Boyer, Claudette	Dombrowsky, Leona	Phillips, Gerry
Bradley, James J.	Duncan, Dwight	Prue, Michael
Bryant, Michael	Gerretsen, John	Pupatello, Sandra
Caplan, David	Hampton, Howard	Ruprecht, Tony
Churley, Marilyn	Kennedy, Gerard	Smitherman, George
Colle, Mike	Kormos, Peter	Sorbara, Greg
Conway, Sean G.	Lalonde, Jean-Marc	

Clerk of the House (Mr Claude L. DesRosiers): The ayes are 48; the nays are 29.

The Acting Speaker: I declare the motion carried.

It being past 6 of the clock, this House stands adjourned until 6:45 of the clock.

The House adjourned at 1803.

Evening meeting reported in volume B.

LEGISLATIVE ASSEMBLY OF ONTARIO
ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lieutenant Governor / Lieutenant-gouverneur: Hon / L'hon James K. Bartleman

Speaker / Président: Hon / L'hon Gary Carr

Clerk / Greffier: Claude L. DesRosiers

Clerk Assistant / Greffière adjointe: Deborah Deller

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

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

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Algoma-Manitoulin	Brown, Michael A. (L)	Guelph-Wellington	Elliott, Hon / L'hon Brenda (PC) Minister of Community, Family and Children's Services / ministre des Services à la collectivité, à la famille et à l'enfance
Ancaster-Dundas-Flamborough-Aldershot	McMeekin, Ted (L)		
Barrie-Simcoe-Bradford	Tascona, Joseph N. (PC)	Haldimand-Norfolk-Brant	Barrett, Toby (PC)
Beaches-East York	Prue, Michael (ND)	Haliburton-Victoria-Brock	Hodgson, Hon / L'hon Chris (PC) Minister of Municipal Affairs and Housing / ministre des Affaires municipales et du Logement
Bramalea-Gore-Malton-Springdale	Gill, Raminder (PC)		Chudleigh, Ted (PC)
Brampton Centre / -Centre	Spina, Joseph (PC)	Halton	Agostino, Dominic (L)
Brampton West-Mississauga / Brampton-Ouest-Mississauga	Clement, Hon / L'hon Tony (PC) Minister of Health and Long-Term Care / ministre de la Santé et des Soins de longue durée	Hamilton East / -Est	Bountrogianni, Marie (L)
Brant	Levac, Dave (L)	Hamilton Mountain	Christopherson, David (ND)
Bruce-Grey-Owen Sound	Murdoch, Bill (PC)	Hamilton West / -Ouest	Dombrowsky, Leona (L)
Burlington	Jackson, Hon / L'hon Cameron (PC) Minister of Tourism and Recreation / ministre du Tourisme et des Loisirs	Hastings-Frontenac-Lennox and Addington	
Cambridge	Martiniuk, Gerry (PC)	Huron-Bruce	Johns, Hon / L'hon Helen (PC) Minister of Agriculture and Food / ministre de l'Agriculture et de l'Alimentation
Chatham-Kent Essex	Hoy, Pat (L)		Hampton, Howard (ND) Leader of the New Democratic Party / chef du Nouveau Parti démocratique
Davenport	Ruprecht, Tony (L)	Kenora-Rainy River	Gerretsen, John (L)
Don Valley East / -Est	Caplan, David (L)		Wettlaufer, Wayne (PC)
Don Valley West / -Ouest	Turnbull, Hon / L'hon David (PC) Associate Minister of Enterprise, Opportunity and Innovation / ministre associé de l'Entreprise, des Débouchés et de l'Innovation	Kingston and the Islands / Kingston et les îles	Witmer, Hon / L'hon Elizabeth (PC) Deputy Premier, Minister of Education / vice-première ministre, ministre de l'Éducation
Dufferin-Peel-Wellington-Grey	Eves, Hon / L'hon Ernie (PC) Premier and President of the Executive Council, Minister of Intergovernmental Affairs / premier ministre et président du Conseil exécutif, ministre des Affaires intergouvernementales	Kitchener Centre / -Centre	Beaubien, Marcel (PC)
Durham	O'Toole, John R. (PC)	Kitchener-Waterloo	Sterling, Hon / L'hon Norman W. (PC) Minister of Transportation / ministre des Transports
Eglinton-Lawrence	Colle, Mike (L)		Runciman, Hon / L'hon Robert W. (PC) Minister of Public Safety and Security / ministre de la Sécurité et de la Sécurité publique
Elgin-Middlesex-London	Peters, Steve (L)	Lambton-Kent-Middlesex	
Erie-Lincoln	Hudak, Hon / L'hon Tim (PC) Minister of Consumer and Business Services / ministre des Services aux consommateurs et aux entreprises	Lanark-Carleton	
Essex	Crozier, Bruce (L)	Leeds-Grenville	Cunningham, Hon / L'hon Dianne (PC) Minister of Training, Colleges and Universities, minister responsible for women's issues / ministre de la Formation et des Collèges et Universités, ministre déléguée à la Condition féminine
Etobicoke Centre / -Centre	Stockwell, Hon / L'hon Chris (PC) Minister of Environment and Energy, Government House Leader / ministre de l'Environnement et de l'Énergie, leader parlementaire du gouvernement		Wood, Bob (PC)
Etobicoke North / -Nord	Hastings, John (PC)	London North Centre / London-Centre-Nord	Mazzilli, Frank (PC)
Etobicoke-Lakeshore	Kells, Morley (PC)	London West / -Ouest	Tsubouchi, Hon / L'hon David H. (PC) Chair of the Management Board of Cabinet, Minister of Culture / président du Conseil de gestion du gouvernement, ministre de la Culture
Glengarry-Prescott-Russell	Lalonde, Jean-Marc (L)	London-Fanshawe	
		Markham	

Constituency Circonscription	Member/Party Député(e) / Parti	Constituency Circonscription	Member/Party Député(e) / Parti
Mississauga Centre / -Centre Mississauga East / -Est	Sampson, Rob (PC) DeFaria, Hon / L'hon Carl (PC) Minister of Citizenship, minister responsible for seniors / ministre des Affaires civiques, ministre délégué aux Affaires des personnes âgées	Scarborough Southwest / -Sud-Ouest	Newman, Hon / L'hon Dan (PC) Associate Minister of Health and Long-Term Care / ministre associé de la Santé et des Soins de longue durée
Mississauga South / -Sud Mississauga West / -Ouest Nepean-Carleton	Marland, Margaret (PC) Snobelen, John (PC) Baird, Hon / L'hon John R. (PC) Associate Minister of Francophone Affairs, chief government whip, deputy House leader / ministre associé des Affaires francophones, whip en chef du gouvernement, leader parlementaire adjoint	Scarborough-Agincourt Scarborough-Rouge River Simcoe North / -Nord Simcoe-Grey	Phillips, Gerry (L) Curling, Alvin (L) Dunlop, Garfield (PC) Wilson, Hon / L'hon Jim (PC) Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines
Niagara Centre / -Centre Niagara Falls Nickel Belt Nipissing Northumberland Oak Ridges Oakville	Kormos, Peter (ND) Maves, Bart (PC) Martel, Shelley (ND) McDonald, Al (PC) Galt, Doug (PC) Klees, Frank (PC) Carr, Hon / L'hon Gary (PC) Speaker / Président	St Catharines St Paul's Stoney Creek	Bradley, James J. (L) Bryant, Michael (L) Clark, Hon / L'hon Brad (PC) Minister of Labour / ministre du Travail Cleary, John C. (L)
Oshawa	Ouellette, Hon / L'hon Jerry J. (PC) Minister of Natural Resources / ministre des Richesses naturelles	Stormont-Dundas- Charlottenburgh Sudbury Thornhill	Bartolucci, Rick (L) Molinari, Hon / L'hon Tina R. (PC) Associate Minister of Municipal Affairs and Housing / ministre associée des Affaires municipales et du Logement McLeod, Lyn (L) Gravelle, Michael (L)
Ottawa Centre / -Centre Ottawa-Orléans	Patten, Richard (L) Coburn, Hon / L'hon Brian (PC) Associate Minister of Municipal Affairs and Housing / ministre associé des Affaires municipales et du Logement	Thunder Bay-Atikokan Thunder Bay- Superior North / -Nord Timiskaming-Cochrane Timmins-James Bay / Timmins-Baie James	Ramsay, David (L) Bisson, Gilles (ND) Smitherman, George (L)
Ottawa South / -Sud	McGuinty, Dalton (L) Leader of the Opposition / chef de l'opposition	Toronto Centre-Rosedale / Toronto-Centre-Rosedale Toronto-Danforth Trinity-Spadina	Churley, Marilyn (ND) Marchese, Rosario (ND) Sorbara, Greg (L) Arnott, Ted (PC)
Ottawa West-Nepean / Ottawa-Ouest-Nepean	Guzzo, Garry J. (PC)	Vaughan-King-Aurora Waterloo-Wellington Whitby-Ajax	Flaherty, Hon / L'hon Jim (PC) Minister of Enterprise, Opportunity and Innovation / ministre de l'Entreprise, des Débouchés et de l'Innovation
Ottawa-Vanier Oxford Parkdale-High Park Parry Sound-Muskoka Perth-Middlesex Peterborough Pickering-Ajax-Uxbridge	Boyer, Claudette (Ind) Hardeman, Ernie (PC) Kennedy, Gerard (L) Miller, Norm (PC) Johnson, Bert (PC) Stewart, R. Gary (PC) Ecker, Hon / L'hon Janet (PC) Minister of Finance / ministre des Finances	Willowdale	Young, Hon / L'hon David (PC) Attorney General, minister responsible for native affairs / procureur général, ministre délégué aux Affaires autochtones
Prince Edward-Hastings Renfrew-Nipissing- Pembroke Sarnia-Lambton Sault Ste Marie Scarborough Centre / -Centre Scarborough East / -Est	Parsons, Ernie (L) Conway, Sean G. (L) Di Cocco, Caroline (L) Martin, Tony (ND) Mushinski, Marilyn (PC) Gilchrist, Steve (PC)	Windsor West / -Ouest Windsor-St Clair York Centre / -Centre York North / -Nord York South-Weston / York-Sud-Weston York West / -Ouest	Pupatello, Sandra (L) Duncan, Dwight (L) Kwinter, Monte (L) Munro, Julia (PC) Cordiano, Joseph (L) Sergio, Mario (L)

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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