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of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Tuesday 10 June 2003

Mardi 10 juin 2003

Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

Clerk
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LEGISLATIVE ASSEMBLY
OF ONTARIO

Tuesday 10 June 2003

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Mardi 10 juin 2003

The House met at 1845.

ORDERS OF THE DAY

THE RIGHT CHOICES FOR
EQUITY IN EDUCATION ACT
(BUDGET MEASURES), 2003

LOI DE 2003
SUR LES BONS CHOIX POUR L'ÉQUITÉ
EN MATIÈRE D'ÉDUCATION
(MESURES BUDGÉTAIRES)

Mr Runciman, on behalf of Mrs Ecker, moved second reading of the following bill:

Bill 53, An Act respecting the equity in education tax credit / Projet de loi 53, Loi concernant le crédit d'impôt pour l'équité en matière d'éducation.

Mr Peter Kormos (Niagara Centre): On a point of order, Mr Speaker: We're seeking unanimous consent for the two opposition parties, the official opposition and the third party, to stand down their leads with respect to the debate during second reading on this bill.

The Acting Speaker (Mr Michael A. Brown): Mr Kormos has asked unanimous consent for the two opposition parties to stand down their leads. Agreed? Agreed.

Minister?

Hon Robert W. Runciman (Minister of Public Safety and Security): I don't know. This seems rather unusual, with respect to a point of order in the middle of a call of an order. Apparently there has been an agreement. I am not privy to what the agreement is. But I've been advised that the time from our party's perspective will be shared by the member for Halton and the member for Durham.

Mr Kormos: On a point of order, Mr Speaker: Seeking unanimous consent that the evening proceed as follows: each caucus speak for a maximum of 20 minutes, and at the end of that time there shall be—well, the minion is saying no, so pay attention—and at that time the House will adjourn for the day and it shall be deemed a sessional day, but the minion has already indicated no.

The Acting Speaker: Mr Kormos, I understand you're asking that each caucus speak for 20 minutes, with the questions and comments?

Mr Kormos: No.

The Acting Speaker: No questions and comments?

Mr Kormos: And it be deemed a sessional day.

The Acting Speaker: And it be deemed a sessional day. Agreed? Agreed.

Mr Ted Chudleigh (Halton): I'm going to take my somewhat fascinating 40-minute speech and pare it down to 10 minutes, but I want to assure you, you'll get the very best in the 10 minutes.

The member for way up north is finding that amusing.

1850

Interjection.

Mr Chudleigh: Well, Bruce, Grey, Owen Sound and points beyond.

Interjection: That's not northern Ontario.

Mr Chudleigh: Well, it's way up north as you get to the—

Interjections.

Mr Chudleigh: Mr Speaker, can you get—

The Acting Speaker: Order. I'm having great difficulty hearing the member from Halton, so would the House try to keep under control while I listen attentively to the member from Halton?

Mr Chudleigh: Thank you, Mr Speaker. I was having difficulty hearing myself as well.

The 2001 throne speech promised parents in Ontario flexibility and choice in education for their children—a very important promise to the people of Ontario, I think. It proposed a partial tax credit for parents of children attending kindergarten, elementary and secondary class levels at independent schools.

The Right Choices for Equity in Education Act would assist parents who want more choice for their children's education—and that is the essence of what I'll speak to tonight—including the choice to send their children to schools that offer religious and cultural education. Providing a tax credit to parents who choose to send their children to independent schools builds on that commitment we made in 2001.

We believe in a strong, publicly funded education system—make no mistake about that—and we respect a parent's right to choose. We believe that our children and their parents must come first in Ontario's education system.

In 1995, we were spending about \$12.9 billion on public education. In the coming school year, our government will invest over \$15 billion, and that will rise to over \$16 billion in the 2005-06 school year. This will enable our education system to focus on what every parent wants in Ontario: improved learning and higher achievement for our students as they prepare themselves for the 21st century.

The tax credit is funded from the tax system and does not remove—I repeat—the tax credit does not remove funding from public education, which has been widely suggested by the opposition parties. What it does do is increase the number of educational opportunities available to children in the province of Ontario.

In the 2003 Ontario budget, we proposed to accelerate the tax credit phase-in schedule that was announced in the 2002 budget. That would increase the tax credit rate to 20% of eligible tuition fees for 2003 and further increase it by 10% a year until the credit is fully implemented in 2006 at a 50% rate. The tax credit can be claimed on up to \$7,000 of eligible tuition fees per child.

The 2003 budget also proposed to legislate the remaining steps of the tax credit phase-in to establish this plan in law.

Our government has made a commitment to measure student progress by imposing additional requirements on independent schools for tax credit eligibility. We have consulted with the independent school community on ensuring that parents can measure the progress of their children in core subjects. Consultation is a very important part of this program.

Starting in the 2003-04 school year—that will be next September—-independent schools will be required to assess students in the core subjects of reading, writing and arithmetic, or mathematics in the higher levels. They will also inform parents how student progress will be measured, including any standard tests that may be used. This will help ensure that parents will have the information they need to make the decisions about how best to educate their children. Independent schools would have to meet criteria by the 2003-04 school year to be considered an eligible independent school.

Consultations with parents were done in 2001 and again in January of this year. The participants included representatives of various school associations and related organizations from the independent school sector.

Some of the recommendations for eligibility of independent schools from the 2001 consultations include: having the required number of students—it has to be a real school; offering instruction primarily in Ontario, with each student receiving at least 75% of his or her instruction in Ontario; and requiring criminal reference checks of every individual associated with the school who comes into regular contact with students by January 1, 2003. That is something we require in the public system and that is something we require in the independent or private school sector, providing that they are eligible for the tax credit. Also, we have to provide parents and the Ministry of Finance with other relevant information as required.

A recommendation from the second consultation that was created this past January stated that independent schools will be required to verify the status of their instructors with the Ontario College of Teachers. This will ensure that schools have all available information about a teacher's background. This information will also be shared with parents so parents will be able to make the

right choices about the educational opportunities of their children.

Our government recognizes that in a diverse society such as ours, parents will choose schools that are appropriate for their children's needs or that offer a curriculum that the parents desire. Some independent schools provide different types of education which often require unique teaching standards. For instance, the Montessori or Waldorf schools have their own independent teaching certification programs. It's different than our certification of teachers. That's not to say it's better and it's not to say it's worse; that is to say that it is different, and it's important that we recognize those differences in our educational system so that parents will have the choice that they believe will be best for their children. Who better to make that decision about children in Ontario than the parents of Ontario—not the government, not the Liberal Party, but the parents of Ontario? They should make the decision on how their children are educated. They are in the best position to make that decision.

Some independent schools provide different types of education. At religious or cultural schools, parents may prefer teachers with certain linguistic or religious training. Parents may seek standards they feel are important or more relevant to their way of life, to their life choices. The Right Choices for Equity in Education Act is about supporting parental choice in education, and that's particularly important in a province like Ontario. Ontario—I'll give you about 10 minutes. Oh, I'm about over. Mr O'Toole is splitting my time with me, and he's concerned about how much time he might have. But I'm going to do the House a favour tonight. I'm going to cut Mr O'Toole's time down just a bit.

Mr John O'Toole (Durham): I don't need any. Just use it all. Excellent speech.

Mr Chudleigh: Thank you. You're a wonderful member, the hard-working member from the region of Durham.

At religious and cultural schools, parents make those choices. Parents make those choices on the basis of what they believe is relevant for their children in a population such as Ontario has, especially Ontario, which has perhaps one of the most diverse populations in the world. There are few places in the world where you can imagine that a more diverse population lives. When all of those people from different parts of the world come and make this such a strong community of diversity, providing them with the opportunity to educate their children the way that they were educated, to educate their children in religious and cultural methods, only makes this province stronger, when we have that kind of background to enforce the future of our province.

This particular act is one I would support strongly. I really can't understand the opposition's opposition to it, other than their being the opposition and therefore they would be opposed to it. To give Ontario's culture the kind of strength it needs for the future, to enhance the needs of Ontario's parents: this act will do that, it'll do it in spades and it will help create the kind of Ontario I

believe every member of this House wants to have in the future. It'll make for a stronger Ontario, a better Ontario, a better educated Ontario, and that will make us stronger in the 21st century.

1900

Mr O'Toole: I certainly appreciate the member sharing his time with me, although it was completely unexpected. I would like to find the member for Erie-Lincoln a bit of time as well because there's more to be done, as we all know, to make the right choices. Certainly the equity in education act we're debating is one I take great interest in.

I must put on the record here, just to start in a fair-minded way—I'll set that pen down because it's gotten me into trouble lots of times—that the equity in education tax credit is, of course, controversial. Just earlier today the estimates committee was sitting. Out of respect, in that committee we have Mr Gerretsen, the member for Kingston and the Islands, and we also have Mr Kennedy, who is the member for Parkdale-High Park, as well as Mr Marchese, who is from Trinity-Spadina, and on the government side I'm privileged to sit there with the parliamentary assistant, Ted Arnott.

The Minister of Education, Elizabeth Witmer, in very respectful form talked at some length about her commitment to public education. I can tell you that as a parent—I've always said this and perhaps it's a bit redundant for members sitting here who have probably heard me give this speech many times—I have, as have many of us here, followed education since the time I was elected as a trustee, I think it was in the 1982 election.

At that time, education reform was just beginning. The genesis of education changes was taking place. Of course it was a Conservative government under Bill Davis that introduced a couple of very important changes to education at that time. The first one was Bill 82, which introduced for the first time ever the funding of special education in a direct sense, and it also encouraged integration. Integration was not embraced, as most changes are, at the beginning very readily. But today I would put to you that any parent with a child with special needs would be very much insulted if there was a thought to segregate children with special needs, which of course is not the case. Shortly after 1982, there was another bill, the extension of funding to the Catholic school system.

In the equity of education, tax issues start to come up. This has been long debated, over 20 long years, equity in education. It becomes quite controversial. I'm sure there's a diversity of opinions, not just whipped opinions on each side of the House here. In the three parties, there are probably six or seven opinions on this very important issue. But one thing I've heard consistently, and in most senses in a fair way, is that seniors, persons on fixed incomes, have always had a challenge facing that annual increase in property tax that was assigned to the education portion of the municipal tax bill, the assessment tax bill you pay at home.

The province has actually taken that over, and the rate now, Mr Speaker, you would know, is going down 20% I

think this year. It's now at 0.335. So if your assessment on your House was \$100,000, you would pay \$335 in taxes as the education amount. That education amount is basically transferred directly to the school board and represents a significant change in policy, going back to the whole equity in education thing.

Now we have a student-focused funding model, and equity in education in my view is working. I think Dr Rozanski said the same thing, that it is working, and for the most part most children are funded equitably across this province. There are still areas of rich assessment that achieve more, and there were transitional funds set up for that.

I know the tax credit issue has been controversial for some time. I also have the greatest degree of sympathy—respect probably is a more appropriate word—for senior citizens. That's what, in my view, this is partially about.

I think education takes three important partners, and this is my last minute before I share my time with the member: first, the parent or parents must be engaged; second, the education system, that is, the teachers and support workers, must be engaged, equal partners; third, of course, come the students. Without all three partners doing the best they can for that individual student to achieve their best potential—that doesn't mean equal outcomes—the system won't work.

There's more to be said on this topic, and out of respect for the member from Erie-Lincoln, I would certainly relinquish the floor.

Hon Tim Hudak (Minister of Consumer and Business Services): I thank my colleague for offering to share time this evening to speak of an issue that is of great importance to many people in the riding of Erie-Lincoln. In fact, I remember that when I had declared my candidacy for the new riding of Erie-Lincoln, I met with many parents, strong supporters of the independent Christian schools, particularly in western Niagara. They asked me, as their candidate for MPP, and then as MPP, to be their advocate, to work within the Conservative Party and work within the caucus to try to bring some sort of tax relief to parents who send their children to independent schools.

I know many colleagues on this side of the House had taken a similar undertaking to work within the party and the caucus. I'm very pleased with the budget from two years ago, when this initiative was brought forward by then-Finance Minister Jim Flaherty, and is now introduced by Finance Minister Janet Ecker.

It is not only important to my constituents, but it is very important, in my view, as the member for the area. I think there is a justice issue here; I think there is an equity issue. I know the parents in my riding—I think I have about eight or nine independent schools in Erie-Lincoln—work very hard. They pay their full taxes into the education system, whether it's public or Catholic, just as you or I do, just as those watching at home do, and on top of that they pay the tuition to help support their child's education, in these examples, to have a Christian education in their schools. Tuition on top of regular

taxation: I think it's just, fair and equitable that they be given some form of tax relief on that tuition.

I remember very clearly that day not too long ago when Premier Ernie Eves came down to Smithville, part of the community of West Lincoln. I don't know the last time a Premier of Ontario visited Smithville, the home of Poultry Fest, at the Covenant Christian school. One of the most moving presentations and ceremonies was Premier Ernie Eves's announcement that we are accelerating the independent tax credit and introducing it into law. There were probably 500 or 600 people there. Children, parents, supporters and neighbours were there to welcome the Premier and thank him for this initiative. There was probably the most powerfully sung rendition of O Canada I've heard, because of the pride in the announcement, the pride in their school. They have pride in their heritage and in the work and sacrifice of the parents so they can go to these schools.

It was a great day, and I look forward to voting for this bill on second and third reading.

Mr Richard Patten (Ottawa Centre): I'm very pleased to speak to this bill this evening, Bill 53, An Act respecting the equity in education tax credit, so-called. When you look at the bill, essentially it is two pages, one an explanatory note that talks about a schedule, and then it's a schedule of payments. So there is not too much substance in terms of the significance of this particular move and of resources. When we talk about resources we have to look at things in the context of how much money this government really has to spend, and if we're talking in the neighbourhood of \$400 million to \$500 million when this is fully implemented, we're not talking about chicken feed here; we're talking about something extremely important.

1910

What I'd like to establish tonight is to refer to some third party people commenting; take a look at some of the issues in terms of this particular tax credit, what it might do; and talk perhaps a little more philosophically about one of my favourite Canadian philosophers, who talks about the importance of public education and what that means. In a nutshell, it seems to me at this particular time, when public education has been so eroded in terms of its quality and in terms of the resources that it has to deal with, that we can ill-afford to be more divisive and to create more factions than we have at the moment.

I'd like to refer back to close to 1990. There were 492 schools and there were about 63,700 various students in the private school system. Around 1999 that grew to 722 and 102,000 students. We don't have this year's, 2003, but 2001-02: 766 private schools and 112,000 students; then the most recent, on the rolling tab that the Legislative Assembly research officers take a look at, 804. So you can see that it's growing; it's now more than 5% of all the students who go to school in Ontario. It's growing at a pace that is scary, and one of the reasons why it's growing at such a pace is because the government is providing incentives for people to take their children out of public education and put them into private schools. I

must also tell you that I recall various principals of various independent, non-religious private schools who have said, "We don't need the money. We never asked for this money. All we'll do is add it to the tab of the rich people who send their kids here."

Is this what the role of government is all about, to target and favour the rich? Of course, so does that tax credit for seniors for their rent; that does the same thing. And the mortgage rates, the same thing. Those who have the least get the least, and those who have the most get the most. That is the value system of the Progressive Conservative Party, so-called progressive, of the day.

When we look at private school growth—"We give money to families to take their children out of public schools," says our education critic, Mr Kennedy, whose job it is to critique, along with the rest of caucus, this government's approach to education. Mr Kennedy provided more figures for the estimates committee, showing that 200 new private schools have opened in Ontario and 440 public schools have closed since the Tories took power in 1995.

When we look at the general state of the nation related to education, one of the things that has popped up as an indicator is the ability of our system to retain its teachers. We're not alone in facing that challenge; other provinces do that. They have challenges in retaining teachers as well, but the highest rate of teachers leaving the system is in Ontario, where more than 60% of school boards say they are having difficulty retaining young teachers. Then when you ask what the reason might be, "The classroom looks nothing like it did a generation ago. Class sizes are not only bigger, but students with increasingly complex learning disabilities are now integrated into the regular classroom. This dynamic is accompanied by less funding and more public scrutiny.

"Class size and class composition seems to be the biggest single issue causing the difficulties. That's what's driving the teachers crazy. That's what's driving the young ones out," says Doug Willard, president of the Canadian Teachers' Federation."

Another teacher said, "I think the teacher retention issue has something to do with the public perception of teachers, which is so low now." She is retiring after 33 years. She says, "When I started teaching, it was" seen as "a noble profession, and people thought highly of teachers. You didn't feel like you were constantly battling the government. For young teachers, that kind of battleground and lack of respect, if you're finding it really hard to do, it's easy to ask, 'Why am I doing it?'"

Recently, a well-known Premier, Bill Davis, who was in my opinion a progressive Conservative—

Mr Chudleigh: Hah.

Mr Patten: The member from Halton just said, "Hah." I guess he feels he wasn't a progressive Conservative.

Interjection: He's reading.

Mr Patten: Oh, he's reading. I'm sorry. He's reading another book. I don't know what book it is.

But, “Bill Davis showed all the signs of a man who has held his tongue for too long when he spoke last week at the Toronto City Summit Alliance.

“The former Ontario Premier launched an emotional defence of the public education system and its teachers, reminding his audience that everyone will pay a price down the road if we shortchange young people’s education. Davis earned a standing ovation when he pleaded for the public to show support for teachers, who he says work hard, are not overpaid, and perform one of the community’s most important jobs.

“‘Show me a good doctor, a good lawyer, a good whatever and I’ll show you a good kindergarten teacher, a good high school teacher and a good university professor,’ Davis said.

“He went on to chastise the provincial government for fragmenting the public education system with its new tax credit for parents whose children attend private schools....

“Like him, many in the province have watched in despair as the Conservative government over the last eight years has continually attacked teachers and instituted deep spending cuts that have left schools unable even to buy proper textbooks....

“Davis’s words should give us pause for reflection. Many who grew up in the Davis era are standing by silently as schools deteriorate, government policy encourages families to desert the public system, and post-secondary education grows beyond the financial means of students....

“In recent years, cutting taxes has been the government’s top priority. Davis reminds us it’s past time for the pendulum to swing back.

“Davis served as education minister for nine years before becoming Premier. He became known as a champion of public education throughout the province. It was an unofficial title he carried with pride.

“What, if anything, does Premier Ernie Eves champion these days?” says the columnist.

It seems to me that the private school tax credit really epitomizes the Tory value system and attitude towards public education, because what they are really doing is providing incentives. It would appear to be cheaper, because every child who leaves the public system essentially carries with him or her out of the public system about \$7,000 per student. That means the board has less to work with, because they’re funded at the moment on a per pupil basis. Then of course they are subsidized up to the tune of \$3,500, which gives you a difference of \$10,500 of resources, all of which is government-controlled. That kind of money could surely be well placed in the public system as we know it.

1920

It’s our estimation that this tax credit will cost a minimum of \$500 million when fully implemented—and we notice that the government didn’t implement that portion last year. They had to bring in legislation in order not to make that contribution.

Independent elementary schools in Ontario are not regulated in any manner, beyond the requirement that operators of private schools notify the Ministry of Education of their intention to operate a private school.

Private secondary schools can request inspection—imagine that—by the ministry in order to authorize the principal to grant credits in subjects leading to the Ontario secondary school diploma. The inspection relates to the standard of instruction.

The ministry does not inspect health equipment or practices related to safety and staffing issues. They do require, of course, a criminal screening of any staff who work with children. You would expect that.

Private schools do not have to teach the provincial curriculum.

Private schools do not have to participate in standardized testing, with the exception of schools that wish to participate in such testing.

Private schools do not have to hire certified teachers.

There was, as most people know, a challenge that was brought forward to the United Nations Human Rights Committee by, I believe, Mr Waldman, fighting for equality for parochial schools, presumably. Their decision stated there had been a violation of rights under article 26. It was found by the United Nations in this decision that there were two equally satisfactory resolutions to the discrimination, as they saw it: funding could be extended to all denominational schools or funding should be removed from all denominational schools, along with the elimination of funding for the Catholic school system as well.

The Tory government initially rejected the UN decision. Premier Harris and Education Minister Janet Ecker went on record as opposing any extension of government funding to private schools.

Mr Harris predicted that extending government aid to private religious schools “would remove from our existing public education system at least \$300 million per year, with some estimates as high as \$700 million.” Mr Harris argued, “Obviously, such an action would run directly counter to Ontario’s long-standing commitment to public education.” That was Mr Mike Harris.

On the same issue, Mrs Ecker, the present finance minister, wrote, “Extending funding to religious private schools would result in fragmentation of the education system and undermine the goal of universal access to education.”

In a letter to Lloyd Axworthy, who was the foreign minister for the federal government at the time, Mrs Ecker said, “We believe that our commitment and resources must continue to focus on preserving and improving the quality of our publicly funded system.” She stressed, “The government of Ontario’s policy of not funding private religious schools has been thoroughly examined and considered by Canadian courts.”

But of course, as you know, times change and people change their positions—this government certainly has.

As I mentioned before, every student who leaves the public system for the private system represents a loss of

over \$7,000 to the public system. The number of children enrolled in private schools in the province has increased by over 60% since 1995.

I'd like to refer to someone whom I have great respect for, His Excellency John Ralston Saul, who is one of Canada's intellectual giants, I believe. I read one of his books called *The Unconscious Civilization*. It's not an easy read. It's a very challenging way, and of course the members on the other side wouldn't like him, because he is challenging.

Hon Tony Clement (Minister of Health and Long-Term Care): I read Voltaire's *Bastards*.

Mr Patten: You've read Voltaire's *Bastards*? Well, the Minister of Health and Long-Term Care read Voltaire's *Bastards*. He didn't tell me whether he enjoyed it or not.

What he says is, "What is the tragedy of a class-based society? Quite simply, it is a society which has institutionalized selfishness...."

"As for public education, it is a simile for civilized democracy. You could say that public education is the primary foundation in any civilized democracy. That was one of the great discoveries of western civilization in its modern form in the middle of the 19th century."

He goes on to say, "Any weakening of universal public education can only be a weakening of democracy. I personally do not believe that citizens—Canadian citizens in particular—have any desire to abandon the true strengths of their society. I believe that there is a profound understanding in our society of the long-standing essential role universal public education plays in making us a civilized democracy...."

"The ideologies of our day are comfortably ensconced in various schools of economics which have embraced late 19th century simplistic theories of inevitability. You can also find them in various schools of managerialism...."

"All of this represents a tidal wave of specialists who have drawn as their principal conclusion that inclusive systems which serve the public good are no longer viable. In other words, the ideologies and fashions of our day are devoted in good part to a return of the tragedy of the class-based society. They are devoted to weakening the universality of the very public education system which has made Canada such a remarkably successful society.

"Let me point out something which is difficult to accept for many people who are themselves devoted to managing—and managing well—classes, schools and the school system. Managerialism encourages and rewards agreement among professionals. It admires discretion and conformity, it encourages us all to believe that through detailed work, we can rectify enormous problems...."

"Yet the managerial solutions of today are carrying us toward larger classrooms. Why? Because no matter how modern these managerial theories sound, they are usually rooted in the industrial theories of the late 19th century. And those theories are based upon a belief in the economies of scale. What is more, we are consistently bombarded by statistics which assert that class sizes are

not actually too big. This is where the business of discretion of conformity and attempting to solve problems behind the scene comes in."

One more example regarding the closed arguments of inevitability:

"Principals, teachers and parents find themselves obliged to go out and raise money ... engage in private fundraising." We've all seen this. I've been asked many times to go to schools for some fundraiser. "This presents two very real problems. The first is that raising funds for a public school in a middle- or upper-middle-class neighbourhood is not all that difficult. Raising funds in a working-class or lower-middle-class neighbourhood—or indeed a neighbourhood with many new immigrants trying very hard to begin their lives in Canada—is a much more difficult undertaking. The whole idea of private fundraising for public schools is the first step toward introducing a class-based society into Canada. Private funding is, in and of itself, a form of exclusion...."

"By going out and spending a good deal of their valuable time fundraising, principals, teachers and parents are actually collaborating in the gradual privatization of the public school system."

The final statement that I will read tonight—he goes on further—is, "Our success as a country is built upon this system"—the public school system. "It is only with great difficulty that I could imagine a greater betrayal of the principle of Canadian democracy than the piecemeal reduction of public education to private education."

Therefore, we must turn away from fragmenting our school system. Our public school system has brought people from all over the world together, to learn together, to appreciate each other, to see differences not as a negative, to see differences not as something to be afraid of but something to embrace, something to build upon this great Canadian society.

Mr David Christopherson (Hamilton West): I'm pleased to join in the debate this evening. I want to start by first suggesting that the difficulty of this bill, for many of us, is not quite as clear as the government seems to make it for themselves and their supporters. They see it as a right and a wrong, and when it's a right and a wrong, all you have to do is be a moral person, an ethical person, and you do what's right and that's the end of it. Most of us were raised to choose right over wrong.

1930

But this case is another one of those where it's the rights of one versus the rights of another, so it's right versus right. In most cases in our system only one right can prevail. So here we are with this struggle, and this struggle, as I see it, comprises two components. One is, and my friend Mr Patten spoke to this to some degree during his remarks, do we support the concept of a publicly funded school system or not? The second piece is, if you agree such a system is a cornerstone of our society, which I do, do we agree there can be an exception or an exemption from that clear right, the right of the public from any walk of life to have access to that public system, that there be one exception? Can we

accept that exception should be allowed and still maintain the integrity of the argument for a public system?

On the first question of whether or not there should be a public system, if anybody had any doubts as to whether thinking from a few decades ago—and again, alluding to Mr Patten's remarks, going back even further—is still germane in this millennium, I think former Premier Bill Davis answered that question, and I think his comments reflect the overwhelming majority of public opinion in the province. So the notion that there be a public system that everyone would attend and that all the focus go on to that public system is one that is as relevant today, and one could even argue more than ever, for us here in Canada, and in Ontario even more so beyond that, because value added to work is what gives us our competitive advantage.

Notwithstanding that the government has not raised the minimum wage for eight years, in the main our competitiveness in terms of productivity comes not from whether we have the lowest wages among those we are competing with, not from whether we have the lowest and weakest health and safety laws, not from whether we have the lowest rate of unionization, and certainly not from whether we have the weakest environmental protection laws—quite the contrary. We're able to have some of the strongest, most public-benefiting legislation in all those areas because there's one area where we are so head and shoulders above almost every other jurisdiction that we can afford to still be competitive but also have the best of all the other areas I've talked about in terms of protection. It's value added. Our workforce is so skilled, so reliable, so healthy that we can produce in a quality as well as in a quantity that other jurisdictions can't compete with.

With skills now being a marketable item, I know that in Hamilton, and I'm sure it's the same in every community across Ontario, there's a recognition that there is now and there is going to be an increasing skills shortage over the next decade or two, as far as we can somewhat reliably see. That means that in addition to bringing in skilled workers from other countries, it's imperative that we continue to turn out generations of Canadians and Ontarians who will find their place in that value-added, competitive world.

If you think about that at its core, it starts with the education system, right from the beginning, all the way through. In my mind, there's not much of an argument left, if there ever was one, about whether or not a publicly funded education system as the focus of the provincial government is relevant and crucial to our future. That issue I am very clear on. The government says they are. Where we have a little bit of trouble accepting that is that the money they're saying is not going to be diverted from education, at the end of the day is still money that's going into the education world and it's not going into the public education system. So I have some difficulty with what you're saying versus the reality of what you're doing.

Now we get into the issue of Catholic school funding. This is the one that a lot of opponents—or I should say

“supporters,” to put it in the positive—of this legislation feel gives them the rightness that I was speaking of earlier. Since there's such a blatant exemption and exception to this rule, how can you possibly say it's still a pure public system? Fair enough, as far as the argument goes. But I am not one who's prepared to say that the founding agreement that created this country can so easily be just thrown overboard because some people don't feel it fits their view of what the country should or could look like in 2003.

The fact of the matter is, we wouldn't have a country right now were there not the Catholic system. Let's remember too that this is not the only anomaly in terms of political theory. The Charter of Rights and Freedoms is a basic document that says, “These are your rights and you have these rights by virtue of being a citizen.” That's all it takes to be a member of that club, to have those rights. In fact, we extend them beyond that and some of those fundamental rights are extended to any human being that lands at our borders. That's how powerful a document it is. That's how central to our existence as Canadians that document is, yet there exists within that document a clause that basically blows the whole thing out of the water and makes it totally—I'm not sure “unapplicable” is the right word, but it means it's not applicable and has no force or relevance, and that's the notwithstanding clause.

We all know that at the time former Prime Minister Trudeau was prepared to kill the deal that was coming together with nine of the 10 provinces around the Constitution being brought home because of the notwithstanding clause. The notwithstanding clause says basically that in a democracy there are certain times when there are exceptions allowed, and it's all spelled out. But the fact of the matter is that a provincial government has the right, through majority vote, to cancel the Charter of Rights of every citizen in that province, regardless of what the federal government might think. But do we consider ourselves to not have those rights because that exists? No.

What about other constructs of our nation? Well, the Senate: there are senators from certain provinces who aren't there based on any population; quite the opposite. According to population, they shouldn't have any. But to make the country work, to make sure all the provinces feel the rights of their equality, there are Senate seats given for that alone, just for that reason. Am I going to hear Tory members stand up and say, “Well, that's not equal any more, so we don't think that should apply”?

There are more House of Commons seats in some of the smaller provinces, again, than the population should demand, but it's meant to make sure they have a presence and voice in the House of Commons, and they were offered those, that formula, at the time of their coming into Confederation, whether it was in the original founding or whether they were one of the provinces that came into the country afterwards. Are we going to now say that doesn't count because it happened so long ago and it doesn't fit the way we view the world now, so throw that

out the window too? If you're going to do that, you might as well take it to Supreme Court appointees.

1940

I don't pretend to know all the ins and outs of the Constitution—this isn't a federal House—but I do know there's at least one province which is guaranteed X number of Supreme Court justices for the sole purpose, quite frankly, of giving them the assurance that they would feel their rights and their place within the new Confederation that was being created—just for that reason. But I don't hear anybody on the other side suggesting that suddenly those provinces shouldn't have those rights and that those Supreme Court justices who got there because of that thinking should be removed. Why would you use the argument, then, that things have changed and the whole notion of Catholic school funding should now no longer be?

So what do we have today? We have that argument with a cute twist. What they're now saying is that because that exists, that then gives legitimacy to the argument that we should turn around and be giving credits to people who send their children to other private schools, because that's what we've done with the Catholic system, and if you don't want to extend it here, then I guess by virtue of further extension of thought you're saying we should change that; one or the other. Not at all—not at all.

The fact of the matter is that this is money which is being spent because it works for the politics of the government of the day.

We know it's divisive. Even the official opposition party is divided. My understanding is that the overwhelming majority of them are against the bill but that there are some individual members of the Liberal caucus who support it. Why? I have no doubt in my mind that it's because in their hearts and their minds they honestly believe it's the right thing to do.

But I think one also has to maybe take a look at some of the political realities. We are here to reflect our constituents as much as our consciences will allow us. So there's nothing wrong with taking a look at what the political and demographic makeup of your riding is.

All that is a nice way to say that some people are perhaps doing this for political reasons. I don't know. I don't want to impugn motive. All I'm suggesting is that it is a vote-getter. I'm not sure how many people are going to lose votes over this, but I know that some of the members who are getting on their feet and making sure they get a few moments on the floor are doing so because those Hansards are going to be mailed back, and that's going to cover off a certain constituency.

That's all fine and dandy, except that at the end of the day I stand here now representing a community which this government has imposed a virtual dictatorship on in terms of our education system. You may not like those words—

Interjections.

Mr Christopherson: Well, I know you don't. I hear one of the cabinet ministers and a former chirping cabinet minister behind her saying that they don't agree.

Look, the fact of the matter is that Hamiltonians elected trustees, and you took away all their powers and rights and said, "They no longer make the decisions; our appointee does." There's nobody there to be held accountable, because the supervisor doesn't answer to my constituents, doesn't answer questions here during question period and can't be voted out of office for doing harm, perceived or otherwise, to our kids or our education system. By extension, Minister Witmer is the school board of Hamilton. Well, thanks very much, but we have our own trustees, and we'd like them back.

I point this out because I think it is one more example—and certainly the attack on teachers and the change in the whole funding to the public education system, especially for those of us who represent inner-city schools. Although if you go into Dundas, which is in the suburban area of our new city, they're facing school closures too for the same reasons we are at Central School and in other parts of Hamilton: because of the lack of funding, the way you've cut funding.

So I don't believe for a moment that there's the kind of commitment that Bill Davis had to public education, that David Peterson had to public education or that Bob Rae had to public education.

If you think about it that way, which obviously I do, then it puts this whole Bill 53 in a very different light—very different. I don't believe for a moment that this is helpful. I don't think it's going to give us a better education system. I don't think it's going to help us on any front except perhaps the government's political front in certain key areas where they think this is going to attract votes.

So be it. They have the right to do that. They're the elected government. We have the right also to stand up and express ourselves, and I am expressing an opinion that says you have so devastated the public education system that, quite frankly, I don't think you even have the moral legitimacy or right to move into an area like this. If you believe what you say about the public education system and that this really is in some way an addition, an add-on, something to complement the public education system, before you can even begin to make that argument, in my opinion, you should be doing the opposite of what you're doing with our public education system. Rozanski should already be funded, all those changes should be made, and then you'd at least have the legitimacy to raise this issue.

But I say this is the slippery slope. If this approach to education in Ontario continues, then in 20 years or 30 years, there will be a group of parliamentarians in this place, likely not a single one of us, who will look back at the pre-Bill 53 days and say, "You know, we had it right then." We had it right then. It worked for us. It worked for Ontario. It made us the economic powerhouse that we are. It gave our citizens, rich or poor, one of the best educations the world has to offer, and we're about to blow that—you're about to blow that. That's wrong.

As much as there are people in this province who support what you're doing, and I understand why, overall

for the majority of people, for the majority of children in this province, and in the best interests of education and its place in the lives of the ordinary citizen as well as their economic futures, this is a mistake. If this bill didn't pass, that to me would be the correct thing to happen. I suspect with a majority government, that's not likely.

Those are my concerns and I appreciate the opportunity to express them here today.

The Acting Speaker: Given the unanimous consent, this day is now deemed to be finished. This House stands adjourned until 1:30 of the clock tomorrow afternoon.

The House adjourned at 1948.

CONTENTS

Tuesday 10 June 2003

SECOND READINGS

The Right Choices for Equity in Education Act (Budget Measures), 2003, Bill 53, <i>Mrs Ecker</i>	
Mr Chudleigh	1053
Mr O'Toole	1055
Mr Hudak	1055
Mr Patten	1056
Mr Christopherson	1058
Debate deemed adjourned	1061

TABLE DES MATIÈRES

Mardi 10 juin 2003

DEUXIÈME LECTURE

Loi de 2003 sur les bons choix pour l'équité en matière d'éducation (mesures budgétaires), projet de loi 53, <i>M^{me} Ecker</i>	
Débat présumé ajourné.....	1061