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## **Official Report of Debates (Hansard)**

## **Journal des débats (Hansard)**

**Tuesday 1 May 2007**

**Mardi 1<sup>er</sup> mai 2007**

Speaker  
Honourable Michael A. Brown

Président  
L'honorable Michael A. Brown

Clerk  
Deborah Deller

Greffière  
Deborah Deller

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## LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 1 May 2007

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 1<sup>er</sup> mai 2007

*The House met at 1845.*

### ORDERS OF THE DAY

#### TIME ALLOCATION

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** I move that, pursuant to standing order 46 and notwithstanding any other standing order or special order of the House relating to Bill 212, An Act to amend the Education Act in respect of behaviour, discipline and safety, when Bill 212 is next called as a government order the Speaker shall put every question necessary to dispose of the second reading stage of the bill without further debate or amendment and at such time the bill shall be ordered referred to the standing committee on general government; and

That the standing committee on general government shall be authorized to meet, in addition to its regularly scheduled meeting times, on May 14, 2007, from 10 a.m. to 12 noon and May 16, 2007, from 10 a.m. to 12 noon for the purpose of conducting public hearings on the bill; and

That the deadline for filing amendments to the bill with the clerk of the committee shall be 12 p.m. on May 23, 2007. No later than 5 p.m. on May 28, 2007, those amendments which have not yet been moved shall be deemed to have been moved, and the Chair of the committee shall interrupt the proceedings and shall, without further debate or amendment, put every question necessary to dispose of all remaining sections of the bill and any amendments thereto. The committee shall be authorized to meet beyond the normal hour of adjournment until completion of clause-by-clause consideration. Any division required shall be deferred until all remaining questions have been put and taken in succession, with one 20-minute waiting period allowed pursuant to standing order 127(a); and

That the committee shall report the bill to the House not later than May 29, 2007. In the event that the committee fails to report the bill on that day, the bill shall be deemed to be passed by the committee and shall be deemed to be reported to and received by the House; and

That, upon receiving the report of the standing committee on general government, the Speaker shall put the question for adoption of the report forthwith, and at such

time the bill shall be ordered for third reading, which order may be called on that same day; and

That, on the day the order for third reading for the bill is called, the time available for debate shall be one hour, and the time shall be apportioned equally among the recognized parties; and

That when the time allotted for debate has expired, the Speaker shall interrupt the proceedings and put every question necessary to dispose of the third reading stage of the bill without further debate or amendment; and

That there shall be no deferral of any vote allowed pursuant to standing order 28(h); and

That, in the case of any division relating to any proceedings on the bill, the division bell shall be limited to 10 minutes.

**The Acting Speaker (Mr. Ted Arnott):** Mr. Bradley has moved government notice of motion number 352. Does the government House leader wish to lead off the debate?

**Hon. Mr. Bradley:** I will, Mr. Speaker. Thank you very much.

We are dealing with the timetable for Bill 212. I want to, first of all, commend the House leader of the official opposition for endeavouring to accommodate things. We had some interesting discussions with the three parties in the House and attempted to come to a conclusion that was satisfactory to all. I think that, in good faith, there was an opportunity to try to do so. It is not always possible to do so. I've observed this over the years: that the closer you get to the date of an election, the more difficult it is to find a suitable time that is agreed to by all three parties.

**1850**

The allocation motion allocates a certain time for the debate. We have had three days of second reading, which I think is substantial on a bill where I know that all three parties are in agreement. I think all three parties are going to vote for the bill; that's my knowledge, anyway. So I would have thought that perhaps there was an opportunity where we could have agreed to a timetable. That did not prove to be the case. But, as I say, it wasn't as a result of people not trying to do so. There was a definite effort, I think, on the part of the three parties to agree to it. That could not be agreed to. So in order to have some idea of when bills are going to conclude, particularly after they've had three days of second reading—and that's the reading on principle, second reading, where all three parties have expressed agreement with the bill—that perhaps it could go to committee, and we have allocated

time for committee: two days for committee. That's something that wasn't always the case with time allocation motions. My friend from Owen Sound—the area of Owen Sound, at least—would remember that there were time allocation motions that allowed for no committee time in some cases, and no third reading. This bill allows for two days of committee time, and I think that's a good allocation of time on a bill where we have not really anticipated that there would be much in the way of—in fact, in some of our discussions we thought that perhaps even one day might have accommodated the hearings necessary. But we've put in two days for that.

We've put in time for third reading as well and, in doing so, have allocated time equally so that each recognized party in the House has an opportunity to debate an equal amount of time. Though it is a motion which allocates a specific time, I think the government has tried to be fair in allocating that particular time.

So we see a different circumstance. My good friend the opposition House leader will remember when he was part of a government that often didn't want to give committee time or third reading, and I understood his frustration in those days. I spoke to my good friend the member for Nepean—Carleton—Norm Sterling, as we know him on a personal basis—and I know he used to want to tear his hair out over the fact that the opposition—

**Mr. Robert W. Runciman (Leeds—Grenville):** He can't afford to do that now.

**Hon. Mr. Bradley:** The House leader says he can't afford to do that now.

But I can understand the frustration of the government House leader of the day, because I can certainly admit this today—this could be a confession today to my friends on the other side—but the opposition in those days was not always as co-operative as it might be. I know that'll shock you to hear that, having sat on the other side. So, as a result, the government would bring in a motion which would give specific time for the bill to be discussed.

This bill is a pretty moderate bill. I don't think it has radical change in it. I heard an excellent speech, by the way, last night from the member for—let's see; I'm going to look this up because it's very important that I get it right, the riding, and we're only supposed to use ridings—Simcoe North. I thought he gave a good speech last night in this House, or yesterday. It was either the afternoon or the evening. He gave a very good speech in the House on this particular bill, and he said he was in favour of it and so on. I suspect that we can always expand the time, because I was accused of doing that—probably with some justification, when I was on the other side: of expanding the time to whatever time there was available. Again, all these confessions come, as they say, on the road to Damascus, and these conversions to new approaches.

But I do appreciate that the opposition will be opposed to this. They should vote against it; I always did when I was in opposition. They will speak against it, but I think

that in their heart of hearts they will recognize that we really tried to accommodate them.

I want to, one more time, thank the House leader of the official opposition for endeavouring to come up with a solution along with the government. It just wasn't possible to do so. I would never criticize him, even though he has the right now to criticize the government for this motion.

I thank you, Speaker, for the opportunity for that explanation. I am waiting with anticipation to hear my good friend the House leader of the Conservative Party now.

**The Acting Speaker:** Further debate?

**Mr. Runciman:** I think the House leader for the government has a mole in our caucus. How did he know that I was going to be the next Speaker?

I obviously have to comment on some of the remarks put on the record by the government House leader and indicate that indeed we were, in the official opposition, quite prepared to try to reach an accommodation in moving this bill forward in a timely way and try to make this place work in as co-operative a fashion as is possible, given the challenges that I guess we all have to deal with from a political perspective. But I think, as the House leader indicated and as our critic for the Ministry of Education has indicated, who for our part has carriage of this legislation, we are, at the end of the day, going to be supportive of the bill. That was certainly a primary reason for our being prepared to see it move in a timely way through the House in terms of second reading and on to committee. We were quite prepared, and this was indicated to the government, not to look at extended hearings in committee. We weren't prepared, obviously, to make the commitment on third reading because we don't know what's going to come out of committee. We don't know, in terms of people appearing before the committee, the kinds of concerns that may be brought to our attention that we're not aware of at this stage of the process. So it would be, I think, really not appropriate for us to make a commitment in that regard.

I have to assume that the government House leader knew when they approached us in that regard that we can't make those kinds of commitments. Obviously, we have to approach the committee hearings in an open-minded way. Hopefully there are not going to be, in terms of our support for this legislation and I think the third party support, significant concerns or significant problems. But if there are some that we are not aware of at this point in time, we have to reserve the right to ensure that those are addressed in an adequate way. So for us to make some kind of very restrictive commitment in terms of third reading is totally inappropriate.

I think we went a long way to try and make this place work. I'm not blaming the House leader. I know he does the best he can do and that he has certain forces he has to deal with in terms of how this place should operate. At the end of the day, he's not the final authority, and I respect that. I understand that. It certainly in no way diminishes my respect for the job he does or the way he presents himself to us and the case he makes before us.

That mutual respect is, I think, going to continue, because I understand the challenges.

*Interjection.*

**Mr. Runciman:** You understand the kinds of aggravations I have to put up with as well from the opposition benches, challenges on a regular basis from my old friend. We've been together for a long time, but still it never—

*Interjection:* —gets ugly.

**Mr. Runciman:** No, it never gets ugly, but I'm not sure. I'm never as aggressive as my colleague feels I should be. There's never an answer. He is a significant player in our caucus and a conscience for us and someone who always is there to make sure that we know his views. I have to say that I respect that as well and I value him as a friend and colleague, and he knows that.

**1900**

I don't want to speak to any extended length in terms of the bill itself, because that's not what we're dealing with. We're dealing with a motion here tonight to effectively close off debate or, if you want to be generous, to limit debate and discussion on this legislation. So for anyone who may be tuning in to the parliamentary channel, I want to explain—I guess there's no hockey game on; or there is a hockey game on, so anyone who is tuning in is a real, true aficionado of provincial politics, and we have to respect that. You probably understand what's happening here: that this is a form of closure. The government has decided that they want to get a number of bills through the House as quickly as possible. We can all debate the reasons for that. I think there's some suspicion, on this side of the House anyway, that they want to get out of this place. They've had about four or five weeks now of very difficult times in question period, first with the Ontario Lottery and Gaming scandal, which has never been dealt with by the government in an adequate way in terms of allowing the light to shine on what happened with respect to the operations within the office of the Minister of Public Infrastructure Renewal and how they dealt with it, and within the Premier's office with respect to certain officials in his office being involved in trying to ensure that this matter never became a significant issue in the public domain.

So we have been frustrated time and time again, certainly with the lottery and gaming scandal. The last week and a half we've been dealing with the Liberal slush fund scandal—one scandal after another—where millions and millions of tax dollars have been poured out the government doors to, in many respects, organizations and agencies with Liberal connections. We've been trying, again, to shine a light on the processes, how decisions were made, who was involved in those decisions, why they were made, a whole range of questions, which the government has refused to answer.

Earlier today, our legislative colleague the member for Timmins—James Bay moved adjournment of the debate and adjournment of the House when we were dealing with a democratic reform bill. We supported the NDP with respect to ringing the bells on this issue. I have to

say, it ties in with what we've experienced in this House not just for the last week and a half but for the last six or seven weeks, where, when we ask, I believe, our legitimate and important questions, we are stonewalled, effectively stonewalled, by government ministers who have prepared lines. We could speculate on who prepares them, but in some respects I'm sure the fine hand of Warren Kinsella is involved here. But in any event, we never get any real answers to very important and, I think, serious questions.

Also, with respect to the current situation, the slush fund scandal, another option for members of the opposition is the public accounts committee. We asked the public accounts committee to pass a motion to request that the Provincial Auditor, the Auditor General, come in and review the circumstances surrounding the issuance of these monies. Again, that was rejected by the Liberal majority in the committee.

Yesterday, we had an opposition day motion which catalogued the concerns regarding the issuance of these monies, if you will, under the cover of darkness, under the table, with no application process, no approval process, no follow-up audit process. Again, that was defeated by, if you will, the tyranny of the majority, and we were not able to pursue that any further. Every door we've attempted to open has been slammed shut in our face.

I gave a statement earlier today in the House where I clearly indicated the frustration of the opposition parties with respect to this issue and the OLG issue, and that we were going to take a look at what limited tools are available to opposition members to convey our concern about the way we've been dealt with.

I want to indicate our support for the NDP's action today, and I have to put on the record again that this is going to continue. We're going to look at the legislation that is called by the House leader of the government, and, where we feel it's appropriate and based on the failure of the government to respond in any way, shape or form in an adequate fashion to our concerns related to the expenditure of hard-earned tax dollars, we're going to utilize what tools are available to us. They're very limited, as you know, Mr. Speaker. One of them is moving adjournment of debate and another is moving adjournment of the House. We may look at committees, we may look at a number of other limited options available to us, but I can assure you that what we can do, we will do.

I think it's unfortunate, having spent eight years in government and now revisiting opposition and taking a fresh look at how this place operates from the opposite side of the House, and I have to say that we have real problems in this place. Perhaps, being in the government benches, I was too preoccupied with my responsibilities to sit back and reflect on it. I think it's fair to say that all three parties have played a role in the way this place has been transformed over the past 15 or 20 years. When we look at the disaffection and disillusionment amongst the electorate in this province, all of us have a responsibility to carry for what has happened.

If I have any role to play going forward with respect to the positions our party takes, I would like to see extensive changes take place. I would like to see the restoration of the filibuster. We can define a filibuster and we can provide provisions in the standing orders to provide an override. What happens in the US Congress and the US Senate: The filibuster has never been eliminated, but there are override provisions. I'm not sure what the number is, if it's 60% or 75% of the assembly that votes to override a filibuster and that's the end of it. I think we have to look at that kind of a process as well.

My friend mentions committees, and I think this is a significant aspect. If we can look at the structure of committees, I would hope that they could perhaps be equal representation—that may be the ideal—and that we give these committees authority to subpoena witnesses, to call people before them. Right now, the process is convoluted. We have to have a motion from the committee. It has to come and be approved by the assembly to have a Speaker's warrant issued to call someone before a legislative committee. We should give the committees significant independence. I think we have to have equal representation on these committees and give them more authority in terms of the agenda they set and their ability to subpoena and call witnesses to appear before them.

If we start to do these kinds of things, the public is going to start to be re-energized in terms their interest in this place and their hopefully renewed belief that this place really represents the people of Ontario and can really carry forward their concerns and make substantive changes to what's happening in the province of Ontario. Those are growing frustrations on my part.

#### 1910

I think we sit around the House leaders' table—the three of us are veterans in this place. We've all seen the changes occur, and I think we all, to some degree, share the frustrations. We've all sat in government and we've all spent some time in opposition, and we know the limitations that are placed on individual members of this place. I think we see it at the federal level. We see it at every provincial level across this country, where effectively what has happened is that the real power is with non-elected folks, primarily in the Premier's office, the circle of advisers in the Premier's office, and another group of advisers outside who have the ear of the Premier or the Minister of Finance or other significant players in the government of the day.

They're the people who really make these kinds of decisions that impact the people of Ontario, not the rest of us in this place, not the—what is it?—70 or 80 of us who sit outside of cabinet. We don't make the real, effective changes. Rarely, on occasions, there may be something brought forward by a backbencher on either side of this place that will have an impact, but the real, day-to-day decisions on how this place operates are effectively made by people who have not put their names before the public, who do not have any accountability to the millions of people who pay their taxes and work hard on behalf of all of us in the province of Ontario.

Obviously we're going to be voting against this. I hope there's enough sentiment on both sides of this place, whatever the results are of the October 10 election, that we can work together to find ways to make this place more reflective of the province, the desires and needs of the province and the people of this great province.

**Mr. Peter Tabuns (Toronto–Danforth):** As has been said, the issue before us is closure, not the substance of the bill. We have to look at the context of this particular initiative on the part of the government. This government has something like two months left to run before we recess for the summer, and it may be that the government House leader will correct me and say that there are a few days more here or there, but it's about two months. It's a fair amount of time.

We are in a situation where we seem to be getting bill after bill allocated. I was in a meeting just yesterday, setting hearing times for the water bill. The time is already set. It's a very substantial piece of legislation. It is of consequence to this province; it's of consequence continentally. Debate time has been set; it's finished.

We're in a situation where this government has decided that over the next two months, it's going to allocate as much as it possibly can, and it may be that this is a government that's planning to scoot out of the House much sooner than most of us currently understand to be the schedule.

There are some comments that have been made by people previously about time allocation, and I'll just read a few quotes into the record. Here's a quote from the now Minister of Finance, Mr. Sorbara. This was December 2001: "I stand here today to condemn this time allocation motion and to say to you that—let me put it this way—governments are defeated for two reasons: one, because of what they do, because of the policies they bring forward and the things they do to the people of a place like Ontario, and the second reason they are defeated is the way in which they go about doing them.... This time allocation motion is just another example of why people are so anxious to get to the ballot box in a general election and send them packing."

The current Minister of Finance put it pretty strongly. He also had to say, about the same period, "That's why this time allocation motion is such a tragedy. I certainly will be voting against it."

The now Minister of Municipal Affairs and Housing, in June 2003: "It is shutting off debate. We've got many ... members on this side of the House who want the opportunity to speak on this bill, and that's being denied," and, "Closure is not the way a democratically elected Parliament should operate." I guess, now that he's a minister, he has a different perspective.

Here's another quote, 28 October 2002: "I'm pleased to join this debate as well. Actually, I'm not pleased with the subject matter we're dealing with, which is, of course, another time allocation motion. I know people have heard this before, but I think it's absolutely outrageous the number of times this particular government has used closure, in which it's cutting off the parliamentary debate

that we believe in with our democratic system.” Others have had a chance to speak to this as well.

The current chief government whip, 25 November 2002: “First, in a nutshell, time allocation itself, the reality of what time allocation means: basically, the stopping of debate.... It’s a new device with which this government has been stifling democracy.”

Then, on the same day there’s another comment: “Stop the closure stuff.”

In December: “I rise with some consternation as to whether or not speaking to this bill will have an impact on the government’s decision to use time allocation, so what I want to do first is explain very clearly to the people that time allocation is a tactic used by governments that simply want to remove the opportunity for too much debate, for one of two reasons: They’re fearful of what might be said, or they need to better manage their time in terms of how the legislative agenda and calendar has come apart. So whether it’s the first one or the second one, it’s really irrelevant because the fact is the government shows it’s doing one of two things. It’s either not listening to the people out there ... or this government’s agenda is falling apart and they just simply have to get this legislation passed to prove that they’ve done some work, without any dedication to finding out whether or not the people out there truly want to debate this issue.”

The current chief government whip spoke very well. I would advise him strongly to go back and read his Hansard, listen closely to the words that he used and take the advice of the now Minister of Finance, who talks about how governments can defeat themselves through the—what can I say?—constant use of time allocation measures.

I have to say that those I quoted were not alone. The now government House leader, Mr. Bradley: “How I wish we didn’t have to debate this time allocation motion.... I simply want to say that once again we see the government using its iron fist on the opposition.”

Or Mr. Bradley on 28 November 2001: “Thank you very much, Mr. Speaker, for the opportunity, unfortunately, to speak on yet another time allocation motion. That is a motion, of course, where debate is choked off in the Legislative Assembly by the dictum of the government; that’s most unfortunate, but it does happen only too often.” Sort of like with the water bill, most recently.

He goes on at another time, on 3 December 2001: “I too will be opposing the time allocation motion.... But I think more and more people should realize that this Legislature has become largely irrelevant in the democratic process in Ontario.

“The member who served at a period of time from 1985 to 1995 probably didn’t recognize the rules when he came back, how badly they’ve been mangled so that the House has become just about irrelevant. That’s unfortunate for all of us in the House. The government whip over there mumbles and grumbles in a gruff voice about this”—I have to say, this is good stuff—“but I tell him, if you ever have the opportunity to sit on this side of the

House, you’ll find out what I’m talking about and why it’s relevant.”

Mr. Bradley, I’m sure, made very well aware, those who are sitting on this side, of what he’s talking about. Again I would advise him strongly to go back to Hansard and read his words.

The current Minister of Agriculture, Mrs. Dombrowsky: “I have to say that it is with regret that I have to stand in my place again today to speak to yet another time allocation motion. I think the point I would like to stress in this debate is that this is probably one of the most significant issues that this House will consider in terms of business on behalf of the people of the province of Ontario. The bill was introduced a little more than a week ago”—I think this bill was introduced a little more than a week ago—“and already the government has moved to close debate on this most significant issue.”

The same year, in October: “Here we go again. Sadly, again, we’re here debating a time allocation motion. We’re here talking about all the reasons why we would like to see this bill get full debate in the Legislative Assembly. The government, on the other hand, doesn’t want that debate. They want to shut down debate. They will have one day of hearings on the bill in Toronto on a substantive piece of legislation.

“I know that some of the members opposite are sighing over there and they don’t like the fact that we always stand up and we resent the fact that we have been elected as the voice of the people and so regularly our voice is being stifled by time allocation motions. It seems to be something that government members are very prepared to accept and obviously promote. But I take it very seriously. I think it’s an offence and an affront to the people of Ontario that so regularly this mechanism to stifle debate is used in the Legislative Assembly.”

#### 1920

Since she was on a roll, I want to read one more of her quotes.

“Sadly, again I stand to speak to a time allocation motion. As a member who was elected on June 3, 1999, I really thought that as a voice for the people of my part of Ontario I would have a reasonable opportunity to speak on their behalf and make points on behalf of the people of Hastings–Frontenac–Lennox and Addington, as well as the perspective of Dalton McGuinty and the Ontario Liberal Party. Here we are again addressing another time allocation motion on a matter of great importance to the people of Ontario.”

It’s always entertaining and instructive to read Hansard, but I want to talk for a moment about the principle of taking time to actually go through legislation, and the reality: changes in information that are made available to government and to members as time passes.

I want to use the example of the proposal to put power lines through my riding of Toronto–Danforth, because I think this is a substantial issue and one where we’ve seen interesting developments every few days in the House and in the media that’s covering it in my riding.

Last November, the Ontario Power Authority published a report on transmission, on future power plans, and in that report, on page 94, it showed an option: a third transmission line coming down through Toronto, down through Scarborough. I'm sure people in Scarborough will be thrilled witless as that power line is built through their neighbourhood, down to Leaside and then down, with a large line covering almost my whole riding, to the Hearn generating station.

On April 3, 2007, this month, the Globe and Mail published an article, "Plan for New Hydro Line Has Opponents Buzzing," and a map for which the Globe and Mail credited Hydro One as its source, showing a power line coming down from Markham through Scarborough.

**Mr. John Wilkinson (Perth–Middlesex):** On a point of order, Speaker: I was sure that we were discussing the time allocation motion tonight that had to do with the education bill. I thought that's what we were talking about this evening.

**The Acting Speaker:** That is indeed what we are discussing tonight.

I would ask the member for Toronto–Danforth to continue.

**Mr. Tabuns:** I'm talking to the whole principle of why one needs to have adequate debate and adequate time for debate, and to that end I'm putting forward evidence to show that what is said to be true one day by this government may well not be true the day thereafter. On that basis, I feel that I entirely have the right to speak about the evidence before us.

**Mr. Wilkinson:** Are you for the bill or against it?

**Mr. Tabuns:** I'm against the bill. Frankly, I'm against the bill in part. I thought I had made that clear, but for those who weren't listening, I'm against the bill.

This time allocation motion is wrong. I don't think it should be adopted. I think it should be chucked out.

I want to note that this is a government that plays very interesting games and, frankly, when you start pointing out what's real, this is a government that gets extraordinarily jumpy.

When the Globe and Mail reported a hydro line going down Pape Avenue in my riding, citing Hydro One as the source of their information, we didn't get any questions from backbenchers to the minister that day—nope. When the Ontario Clean Air Alliance published maps showing lines coming through my riding, we didn't get any questions from backbenchers to the minister. Why? Because the reality is that this is a government that's jumping this way and that.

Last week, we had a question from a backbencher to the minister. The minister said, "Nope, not that." But today in the East York Mirror, a fascinating article saying that although no line was going to be going down Pape—the words being, "That option is now off the table," which leads me to believe that an option was on the table in the past. I think that's fairly good evidence. It isn't that an option was never on the table; it's now off the table. But what is on the table is a power line coming down

through the east end and through my riding. The spokesperson couldn't say in detail where that line would go.

The simple reality is that this is a government that tries to ram things through because they know that evidence will come to light that will undermine their position on a regular basis. We've gone through this, and Mr. Runciman made this case. We're going through this now with the whole debate about slushgate. We have a government that acted entirely improperly, made sure that all its friends knew that there was an opportunity to get at some cash, made sure that when they were questioned, we got tons of obfuscation. We were told that all kinds of people were informed when, in fact, in my riding people weren't informed. In other ridings, people weren't informed. There was no application process. There was simply—and we are yet to have all the details—some sort of obscure, in a black box, political process in which some people, some organizations were allocated money and others weren't. That is instructive. That is a part of how this government operates. It's a government that takes people in one direction while it's actually doing work in the other direction.

So when you actually speak against a time allocation bill, one needs to bring in the evidence, one needs to show that, in fact, this government is engaged in that kind of distribution or throwing of red herrings in the air to try to confuse, distract and, frankly, obscure the reality for people.

I know that some of the backbenchers on the other side get very cranky when I talk about this hydro line, and my guess is that their constituents are going to get extremely cranky about this hydro line when public meetings start happening in their ridings, as they will. I know that they will do everything they can to obscure that reality, but they're soon going to have a fight on their hands with their constituents because, instead of listening to their constituents, they're taking marching orders from the Minister of Energy.

So you can obscure all you want. You can put in as much closure as you want. The truth will out, and the truth is that you need to ram things through because the longer you're in the House, the bigger the problems you have. You don't want things coming out.

*Interjections.*

**Mr. Tabuns:** They don't like it. They're getting cranky. I can hear them back there. They don't like it when you point out what's going on. That's simply reality.

It's interesting to me as well that we hear all kinds of stuff about incineration. It's the same thing. We get statements from the Premier that incineration has zero impact; zero pollution is produced. The simple reality is that that's not true.

John Barber wrote a very enlightening and useful article in the Globe this past weekend citing studies done in Niagara, studies published in Solid Waste and Recycling Magazine about the simple fact that "making power from Ontario garbage will be far dirtier and more

dangerous than making power from coal—the dirtiest fuel in current use.”

*Interjections.*

**Mr. Tabuns:** No, I'll actually read Mr. Barber, because there's some doubt. What he said:

“The Niagara experience not only demonstrates the new reality of inciner-omics, it sharply contradicts trendy beliefs that the technology, currently euphemized as ‘waste-to-energy,’ has somehow become clean and green since the days when a more sensible generation banned it. Without even considering the bugbear of dioxin, industry data gleaned from the environmental assessment of the proposed Niagara facility show that making power from Ontario garbage will be far dirtier and more dangerous than making power from coal—the dirtiest fuel in current use.”

Well, gee, what about that, eh? What a shocker. Here's a government willing to set aside environmental assessments for incineration plants, and then when the stuff comes out that it's very dirty, what you get is obscurity, obfuscation.

I think there are a lot of reasons for the opposition and the third party to be upset with the performance of this government. There's no question: slushgate; very bad performance on environmental issues; very problematic approaches to energy—problematic. I'm far too generous; far too generous. But I have to say, this is a government that provokes objection. This is a government that provokes anger and outrage. If you look at this situation in which the government didn't allow inquiry into slushgate, blocked access of the auditor, would not move to bring in the auditor, made sure that friends were looked after and that there was no process of application forms, no vetting, no standards, none of that, I think there's good reason to protest the actions of this government.

Speaker, I move adjournment of the debate.

**The Acting Speaker:** Mr. Tabuns has moved adjournment of the debate. Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please say “aye.”

All those opposed will please say “nay.”

In my opinion, the nays have it.

Call in the members. This will be a 30-minute bell.

*The division bells rang from 1931 to 2001.*

**The Acting Speaker:** All those in favour of the motion will please rise and remain standing while you're counted by the table.

All those opposed to the motion will please rise and remain standing.

**The Clerk of the Assembly (Ms. Deborah Deller):** The ayes are 5; the nays are 29.

**The Acting Speaker:** I declare the motion lost.

I return now to the member for Toronto–Danforth, who still has the floor.

**Mr. Tabuns:** As we would say in my old days at Toronto city council, I have room for growth. I appreciate

the fact that we've had an opportunity to vote on this—

*Interjections.*

**Mr. Tabuns:** It seems that I've stirred up the Liberal benches. It's nice to see that people are awake and commenting.

This is a government clearly on edge. It's no surprise that they're bringing in closure. It's no surprise that when we speak about certain subjects, they get extraordinarily cranky. When I talk about the hydro corridor through the east end, almost invariably I get some retorts from a number of members of the House for whom the idea is highly problematic politically, and one they simply don't want to have talked about. When I talk about slushgate, Collegiate, we also get yowls—no question.

*Interjections.*

**Mr. Tabuns:** Ah, you can hear them now. They're alive; they're kicking. It's so good to hear them speaking out on behalf of this province in the way they speak out.

This is a government that disposed of money at the end of the last fiscal year through its Minister of Citizenship and Immigration in a way that has provoked debate and questions for the last few weeks. It's very clear that when we asked in this Legislature for the paper trail, none was provided. When we asked about application forms, finally they were conjured up. When the Premier was asked in scrum about how this was handled, at first what he had to say was, “Well, you know, we made some mistakes. There were some problems here. We can do better.” But when the Premier is pushed, when his minister is pushed, what we get are accusations that somehow we on this side of the House don't like immigrants.

My parents emigrated to this country in the 1950s. My colleague Paul Ferreira is from good immigrant stock. A number of us on this side of the House are immigrants. So for this government to say that we're asking questions about their political irresponsibility, about their unaccountable approach in dealing with government funds—to throw out those kinds of insults shows the lack of substance, the lack of defensibility of the position they've taken.

Then the Premier descended to the whole area of talking about racism or a racist approach on the part of the opposition when we're asking these questions. In the last few days we have had people in from immigrant groups talking about the fact that they were ignored. This government that seeks to say it is the one, true voice for new Canadians happened to ignore a whole bunch of new Canadians when it dished out its cash.

This government is a government that has substantial problems, that is doing its best to set those problems aside, to cover them over, to time-allocate its way to the end of this session so it can get on with running the advertising campaign that it so desperately wants to run and not be in the House answering questions, not be caught up in scrums where they get asked embarrassing questions. Clearly, this is a government for whom closure is becoming much more a habit.

*Interjections.*

**Mr. Tabuns:** They're alive, they're awake on the other benches. I can hear them now. I can hear them well. Speaker, doesn't it delight you to hear them?

In any event, they will go on—

**The Acting Speaker:** It may delight you, but I need to be able to hear you as well, and I would ask the government members to come to order.

**Mr. Tabuns:** Why, thank you, Speaker.

There's no question that democracy is a crucial tool—"tool" is too narrow—a crucial instrument for society to protect itself. In the last few decades, if we look around the world and look at countries that have had difficulties, it's those that have non-responsive governments that have the greatest difficulties. In the 1980s, Scientific American did a very good, extensive article on the correlation between democratic government and famine. Those countries, whether they were poor or not, that had democracies had a far lower incidence of famine—of death from famine, to be more precise—than those countries that were not democracies. When the people have the ability to throw out a government, then governments tend to be more responsive. When governments shut down debate and close off a society, close off debate, then that government is less accountable.

There's a social foundation to any society, and that's an agreement between rulers and ruled to look after one another, and to the extent that you have a functioning democracy, you have the opportunity for the rulers to be held accountable and to actually do what the ruled—the mass of people—want done in their lives.

We need an informed democracy in this society. We know, in the last few decades in the fight around climate change, that oil companies have been extraordinarily active throwing dust in people's eyes around the simple physical reality of what's happening in this world. They've obscured the truth to people. They tried to say back in the 1980s and 1990s that there was no such thing as climate change. Well, they lost that because the evidence became too clear. Then they said, "Well, it'll change but we'll all like the heat." We're starting to see problems that are profound and, thus, they can't say that anymore.

What they're saying now, and which I find a very interesting tactical retreat, is simply, "Well, you can't go too fast on this stuff. You've got to be real slow. Can't go too fast, now." At every stage we've seen this retrenchment that has been a very effective rearguard movement. When the era that we have just lived through is written up in history books, we will see, in fact, that the oil companies and the interests connected to them were extraordinarily effective at pulling a veil in front of democracy on this continent and others.

I asked myself at times: Why is it that in other places things have moved more quickly? If you look at Europe and the green consciousness there, you see in fact a continent where people went through difficulties in the Second World War that built into their culture the idea that things could come apart in a profound way, so in those cultures there's an understanding that, yes, human

beings can make a big mistake, society can go in the wrong direction and things can come unglued.

**2010**

That's part of the reason there was such a powerful movement in the 1980s against the introduction of tactical nuclear weapons to West Germany and, frankly, to East Germany. Just as there were people in the west who fought against those weapons, there were people in the east. People understood what was happening there. In the late 1990s and the early part of this decade in Europe, the thing that started shifting consciousness was flooding; flooding in areas that had not seen flooding in many centuries. People started to realize that there was an impact on their lives and that there was going to be more of an impact on their lives.

In the early part of this decade, I remember reading the Guardian from the UK. They have their daily edition in the UK and they have the overseas edition. In their newspapers when they talked about the flooding they saw in unprecedented locations, their insurance companies would refer to it as being climate change-related. Here in North America, we would report the same floods but with no commentary published crediting it to climate change. So we, here, still don't have as thorough a debate on these matters as we need to have.

I had an opportunity about two weeks ago to meet with a church group in my riding, Kairos, a group of activists in the faith community looking at different aspects of the water situation in Canada. They actually wanted to talk about the impact of climate change on rivers in western Canada, particularly the Athabasca River and its relationship to the oil sands. It's interesting to do the research in preparation for that talk, because when you look at western Canada and you look at the great rivers that flow through western Canada, you don't often think about the reality that those rivers are fed by glaciers and those glaciers, in turn, are being eliminated by global warming. Glacier National Park in the United States is projected to be gone, to be free of glaciers, by 2030. The process of change is extremely rapid, and cities like Calgary and Edmonton and places like the Athabasca River are all being impacted by this change in climate.

Here in Canada, we haven't had the full democratic debate. We started to have that democratic debate in the last half-year or so, maybe the last year—a very brief period of time.

Here in this Legislature we've had debate about a number of bills. The water bill was put through time allocation, closure, very recently. I don't have a problem with most of what's in that bill, although when I had an opportunity to speak to it, I noted there was, and is, a very substantial flaw in that bill, and that's that it doesn't control the transfer of water from one Great Lakes basin to another. It purports to stop the flow of water out of the Great Lakes basin but not from one Great Lake to another. That's a substantial problem. That bill has been time-allocated. There are many people who are extremely concerned about that substantial loophole in the bill that

has consequences for the effectiveness of the bill as a whole.

Now, this government has decided, for whatever reason, that it doesn't want to continue debating its bills. It doesn't think it has the support. I would say that in a lot of ways that's probably true. It's a government that's scrabbling around, hoping to get things through before this election, before the end of this House, trying to ram things through so it doesn't have to sit through June and leaving us in a situation where things are going to continue dribbling through.

We will see if, in fact, this government brings in midnight sittings. We've offered to sit through June and we've offered to sit through July. The government has important business. It can sit down with us. We're happy to meet with them. We're happy to debate with them.

*Interjections.*

**Mr. Tabuns:** Now, Speaker, it's very interesting to me that you intervened before, and I'm starting to find once again that I can hear the delightful sounds of the government as it bays in the distance. Can you hear me, Speaker?

**The Acting Speaker:** Take your seat.

I would ask the government members once again to come to order.

I'll return to the member for Toronto–Danforth, who has the floor.

**Mr. Tabuns:** Thank you, Speaker.

It was interesting to start off this debate actually reading Hansard, different members of this government who railed mightily against closure when it was imposed by the previous government. Frankly, I would probably have opposed closure by the previous government as well, but the biblical terms, the apocalyptic terms, talking about how the last government was evil in its closures suddenly have disappeared when this government is talking about its closure. This is a government that's very, very happy to impose closure, because they're doing it on a regular basis. They don't like hearing that, having it pointed out. It makes them cranky, but it's the simple reality.

This is a government that is going to have to face the voters in a not-much-longer time, a government that is trying to get through whatever it can get through in the last few weeks remaining to it. It's a government that, frankly, is trying to look as good as it can, with as much makeup as it can put on, but I don't think a lot of people are buying that, because when people hear things about slushgate, about Collegate, when they look at the record, when they look at who has done what with what money, when they listen to the very weak and feeble defences of the Minister of Citizenship and Immigration, they're not pleased. You hear about it.

My colleague the member from Beaches–East York went through editorials that have been written in newspapers decrying the poor behaviour of this government, talking about its failure to act in a way that is defensible, failure to act in a way that's at all methodical, fair, open, transparent; a government that is just simply deciding

that, "It's the end of the year. We've got some extra money." What was the process that we had described in the paper? The members were told that. Money is available, so let's hear proposals. It's absolutely fascinating.

I have to say that here's a government that could bring in Ontario's Auditor General to look at the whole process. It's a government that could call on the Auditor General to come in and check out its books, say, "Yep, everything is dealt with fair and square. Everything is fine. Everything is on the up and up." But frankly this is a government that wouldn't do that. No, this is a government that would prefer to close that door and then close the door on debate; a government that would prefer to heckle from its benches, make as much noise as it can, try to obscure people when they ask questions in question period and get as far away from those issues as it possibly, possibly can. It wants them gone. It wants this whole issue gone. It just wants to put things through so that the flyer that they put out in the next election has stamped on it, "We did this." Whether there was substance to "this" or not doesn't matter; it's a stamp on their flyer.

It's a government that has run its course. Like an old windup clock, it's just winding down and winding down. There's very little left to it except for the spin, and we see that spin. We see it with Mr. Kinsella's efforts, we see it with the efforts of the Minister of Citizenship and we see it with the whole issue around Lottogate—a government that didn't know what it was doing on Lottogate. It was sort of swept away by all that was going on, responded to what was going on by simply trying to cover it all over.

Again, when you start talking about those issues, when you start stirring up their benches, they get very excited. They don't get that excited on questions of substance or policy, but when you actually start talking about what they've done to offend the sensibilities and the well-being of this province, they get mighty cranky—mighty, mighty cranky.

They may well assure you, "No, Speaker, we don't get cranky. We don't mind. You can say whatever you want." They can say that, but I hear them. They're speaking very loudly with this time allocation. "Let's get it through, let's just ram it through, and then get to the hustings," because that's where they want to be. They don't want to be in the House; no question, they don't want to be here. They want to be out. They don't want to answer questions. They don't want to have to deal with the Queen's Park press gallery, let me tell you that. They don't want to have questions put to them on a daily basis, week after week, because the questions don't show them in a good light. They can't show them in a good light because too much is going on that is contrary to the interests of people in this province; too much is going on that people object to, certainly that people who follow this House, who follow the news about this House, object to.

So once again I move adjournment of this House because I believe that this House has had it.

**The Acting Speaker:** Mr. Tabuns has moved the adjournment of the House. Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the nays have it.

Call in the members. This will be another 30-minute bell.

*The division bells rang from 2022 to 2052.*

**The Acting Speaker:** All those in favour of the motion will please rise and remain standing while you're counted by the table staff.

All those opposed will please rise and remain standing.

**The Clerk of the Assembly:** The ayes are 8; the nays are 29.

**The Acting Speaker:** I declare the motion lost.

The member for Toronto–Danforth still has the floor, I believe.

Further debate?

**Mrs. Liz Sandals (Guelph–Wellington):** I'm delighted to have the opportunity to speak for a while tonight.

As you know, I had the opportunity to chair the safe schools action team, which included some people who were just wonderful to work with and who were real experts in the fields of both bullying and school safety. Bill 212 came out of the work done by the safe schools action team, so I'm very pleased to have the opportunity to speak on it this evening.

I'd like to first of all thank the official opposition and their House leader, because they have indicated that they will be supporting the bill. They agree that we have substantially repositioned it and fixed it and that these are amendments that we do need to make to the Education Act. The opposition House leader has also indicated that as far as they're concerned, the opposition would be ready to have a vote, that they think the second reading debate has been quite adequate.

Part of that process that the safe schools action team did involved two very extensive consultations. The action team wrote two reports, both of which are involved in the current amendments. The first report was on bullying prevention, and when we looked at bullying, I think we were at nine different locations around the province. We did a very extensive consultation, going around the province and speaking to people about bullying, and then tabled our report on what we needed to do about it. One of the things we found at that stage was that one of the problems in many schools is that, in fact, people really weren't taking bullying seriously. There wasn't the understanding of the damage that bullying can do to a child if they are subject to incessant bullying. We were also made aware at that point that Internet bullying is frequently becoming more and more of a problem. When we looked at that, we said, "You know, there really needs to be a way that we make it clear to educators that bullying is a problem that must be taken seriously." We also said, "Yes, we need to do a lot of work in terms of training principals in making sure that they actually know how to handle incidents of bullying in their schools."

So we've actually already done a lot of work in the interim. We've spent a considerable amount of money training each, in co-operation with the three principals' associations in the province—the English Catholic, the English public and the French principals. We worked very closely with all three associations and provided training on how to handle bullying for every principal and vice-principal in the province. That was one set of consultations.

The second set of consultations was specifically around the Safe Schools Act, and in that case we visited six different locations in the province, had a tremendous response from the public in terms of people who wanted to talk about the Safe Schools Act. Those consultations had an attendance collectively of over 700 people. In addition, we spoke to a number of the stakeholder groups, both the conventional education stakeholder groups and also community groups and parents of special education children, people who had a specific interest in the whole area of this existing Safe Schools Act. So we did a very extensive consultation.

This is where I need to tell you that I'm feeling a little bit like Alice in Wonderland tonight because, obviously, being the parliamentary assistant to the Minister of Education, I've been in the House for most of the debate on this bill. And what I have heard on previous evenings or afternoons, as the case may be, of debate from the third party is a concern that, in fact, we weren't moving quickly enough, that we had been wasting time consulting with all these people, when they had heard from two or three groups who told us exactly what we should do and why were we wasting our time talking to all these other people?

So you can understand how I find it very strange that tonight the third party seems to have quite a different position, which is that we should take more time to talk about the act, that we haven't had enough debate, and we should stay here and debate this act some more. I'm quite confused as to why the position yesterday, which was "too much consultation; get on with it," has changed tonight to "not enough consultation; we need to talk more." I don't know. I just don't understand it. But we will deal with that shortly.

So what did we really find when we went looking at the Safe Schools Act? When we went looking at the Safe Schools Act on that consultation, we heard people tell us about a number of concerns they had. But what it basically boiled down to is that there is a huge variability in the way this act has been implemented as you move around the province. In fact, if you look at the data on suspensions, they run from a low of 2% of the students in one board being suspended in each year up to a high of 35% of the students in one board being suspended during the course of the year. That's over a third of the kids in the board being suspended in one year.

**2100**

Clearly, when you've got a piece of legislation that has that much variability in its implementation, there's something wrong with the way the act is structured. In

fact, when you look at the way the act is structured, it's not surprising that there's all the confusion, because the act says that for one list of offences the student shall be suspended—in other words, it's mandatory—and for another list of offences, the student shall be expelled—mandatory. So you would think, on the face of it, that it's a zero tolerance act, and that's the way a number of boards throughout the province have in fact behaved. They've taken it as a zero tolerance act: "Do this and you're out."

Other boards have looked at another clause in the act which says, "But the principal, if they want to, may take into consideration some mitigating factors." Those are things like, is the student really a danger to other students in the school, or has the student got the capacity to understand the consequences of their action? But the problem is, the way the current act is structured, that's entirely up to the principal in the individual school. Some principals used that clause and other principals didn't use that clause; hence the confusion around how the act should be implemented.

But what we heard from people was that they didn't want the zero tolerance interpretation of the act. What they wanted us to do was clarify that what we mean is progressive discipline, and that's actually what Bill 212 does. It clarifies the act and makes it clear that what we really want is to have a regime of progressive discipline in which the schools and the boards have the flexibility to make sure that, yes, consequences are mandatory, but the consequence is designed to fit the particular circumstance rather than it automatically being suspension or automatically being expulsion.

The other thing we found when we went and talked to people was that the way the current act is structured, it says that if a student is fully expelled, permanently expelled from a school, the board is required to offer to send that student to something called a strict discipline program. That seems very good. Strict discipline programs, despite the name, which sounds perhaps a little bit scary, have actually turned out to be very good in some cases—alternative programming where the student is provided not just with an opportunity to continue their academic studies, but also with a lot of counselling and intervention in terms of their social skills and the other issues they have in their life that are preventing them from getting on with schooling and causing the bad behaviour that got them expelled in the first place.

So what people said to us was, "These strict discipline or alternative programs are really very valuable, but the problem is, there are only 12 of them in the entire province." So if you get expelled under the current act and you're fortunate enough to live somewhere near a strict discipline program, then the expelled student has the opportunity to go to one of these alternative programs and, in essence, earn their way back into the system. If, on the other hand, the luck of the draw has it that you're a student who lives far away from one of these strict discipline programs—and, given the huge geography we cover in Ontario, many kids are three, four, five hours

away from the nearest program, or even farther in northern Ontario—what happens in those cases is that if the student is expelled, they're out permanently, they have no access to alternative programs, and essentially what you've got is a dropout.

People said to us, "That's really not right." It doesn't make sense that the school system is really encouraging dropouts. We know from all the data that if students drop out of school, they don't complete their education, that they will never have access to good-paying jobs, and in many cases, particularly with younger people, they'll become a burden on society because education is becoming so critical to getting any sort of permanent, good-paying job. People said, "We really need to think more carefully about what we're doing here. This idea of, 'Do this and you're automatically out,' isn't working. We need to make sure that if a student is expelled, they have access to an alternative program."

Let's have a look at what we're actually doing with this act. First of all, Bill 212 will bring progressive discipline into practice. While there isn't a lot about how to do progressive discipline in the bill, there will be a policy program memorandum following on. Once the proposed legislation has been passed—presuming it will be passed—then we would go ahead and put policies and guidelines in place that the boards will have to follow. That will give them more guidance around how to implement the progressive discipline regime. That's what we heard in our consultations: People wanted a lot of clarification around how to implement progressive discipline.

When you look at the act itself, it has been changed too. What it says now is that for the list of suspendable offences—it's actually almost the same list as in the current act—it is mandatory that the principal consider whether there should be a suspension, but only that they are required to consider. As part of that consideration, they are required to think about mitigating factors and whether, given the circumstances, suspension or some other form of discipline is appropriate. Similarly, with expulsion it is still mandatory that the principal think about whether or not they should recommend to the board that the student be expelled for a very serious list of infractions like bringing or using a weapon, trafficking drugs in schools, assault causing bodily harm—those sorts of things. In those very serious things, we still expect that principals would be considering whether this student should be expelled.

But again, it's also mandatory that they look at the circumstances around the incident. For example, if they found that there was a special education student who didn't have the developmental capacity to understand the consequences of an aggressive action, the principal might well decide that some other form of correction—actually, just working with the student to understand how to better control their behaviour—would be more appropriate than suspension or expulsion.

We are actually also adding to the list of things that are considered to be mitigating factors. We will now be saying that the principal needs to look at age, because we

find that we have students as young as five years old who have been permanently expelled from the school system as a result of the current act. Clearly, it makes no sense to permanently kick out five-year-olds. So we are saying that it's mandatory that the principal look at age and really consider whether it is age-appropriate to be suspending or expelling kids.

We're also adding to the mitigating factors—because again, we heard this from a number of communities, but also from the Ontario Human Rights Commission—considering whether there has been some form of racial- or gender-based discrimination or harassment that is really at the root of the problem that got the student in trouble in the first place, and having a little bit more sophisticated look at what's really going on in the life of the student.

**2110**

One of the things I mentioned was that the list of suspendable offences is almost the same. There's one difference. We're adding bullying to the list of things for which a principal must consider whether a student should be suspended. They won't necessarily be suspended, but what that does say is that when bullying is occurring, a consequence is mandatory. Schools can no longer say, "We're just going to pass off bullying." It's on the list of things that they are required to do by this new law: to deal with instances of bullying.

We will be further defining "bullying" when we look at the regulations and the policy guidelines for the boards, but what I can tell you is that when we talk about bullying, we're talking about not just physical bullying, which is how people used to think about bullying—you know, the schoolyard bully who was knocking the other kids around—but we understand today, when we look at the bullying research, that bullying also includes verbal bullying. It can include social bullying, which is the bullying of ostracism, when one group of kids will gang up on a poor little fellow or little girl. Actually, it's often girls, because girls are really good at social bullying. And you get—

*Interjections.*

**Mrs. Sandals:** I can say that. I'm a woman; it's okay. Women go, "Uh-huh." Girls are very good at social bullying, unfortunately.

**Mr. Wilkinson:** We'll let it go this time.

**Mrs. Sandals:** We'll let it go this time? No, actually, I think that the research would probably show that that is a fact: that boys are more likely to use physical bullying and girls are more likely to use verbal or social bullying. For a student who is ostracized at school day in and day out, it can be an absolutely devastating experience.

Then, of course, we have the new phenomenon of Internet bullying and the fact that the verbal and social issues can take place in person or over the Internet. To make sure that it's absolutely clear that Internet bullying is an issue that we want to deal with, we're expanding the circumstances in which the act will now apply.

The existing act talks about the act applying in the school or at school events. We're adding that the legislation also applies in the event that an act has a negative

influence on school climate, and that of course includes Internet bullying, which, although it happens off-site usually, has a very negative impact on the climate and what's going on within the school. So that will allow principals to be quite clear that they do have the authority within the act to deal with Internet bullying. That, to date, has been rather a grey area. So there are a number of things here that will be helpful.

I talked about alternative programs, and what we are also requiring in the act is that when a student is expelled or long-term suspended, the board will be required to provide an alternative program. And we're not just saying that. We have already committed in our budget to \$31 million on an annual basis to be directed at the implementation of the new act around discipline and behaviour and safe schools. Of that \$31 million, \$23 million is specifically directed towards helping the boards set up the alternative programs.

We understand that that will be a challenge in some of the more rural areas, so we have made it quite clear within the act that boards may work together to set up alternative programs, particularly in some of the more rural areas of the province, where we would anticipate that the school boards will want to work together to set up those alternative programs. It will make sense for them to work co-operatively in terms of making sure that all their jurisdiction is covered with alternative programs.

One other issue I wanted to bring up: When we talked to special education parents—and you'll recall that special education students was one area that the Human Rights Commission identified—we found from them that the practice of exclusion, which is neither suspension nor expulsion, is actually the thing that has the more negative effect on special education. Regulation 474 in the current act allows a principal to exclude someone from a school with no right of appeal, and what we found was that with special education students, principals were often just excluding the students from the school. Because it's neither suspension nor expulsion, there's actually no legal requirement for the principal to record that, and because there was no requirement for anybody to record this, we quite frankly couldn't collect any data. But we certainly heard over and over again from special education parents all around the province that exclusion is a big problem. So, in fact, one of the amendments that we will be making in the regulations is to amend regulation 474 so it makes it very clear that students cannot be excluded from their own school. That clause was really put in place to deal with parents or intruders and to make sure that people who shouldn't be on the premises at all could be excluded. So we'll get that regulation back to its original intent.

I think what we are hearing from people is that this act has had a great deal of support in the community. It certainly follows the recommendations that the safe schools action team made in terms of the changes that the team said should be made in the act, and there was substantial agreement around that, so I'm very pleased that the Minister of Education has acted on the team's recom-

mendation. I'm very pleased that, in fact, the opposition—at least the official opposition; it's totally unclear to me where the third party is—at least is recognizing that even though this was originally their act, these are sensible amendments as we go forward.

One of the other things that we will be doing is clarifying who it is who actually suspends and expels. So we will be clarifying that only principals suspend and that if you are going to permanently expel a student, or even temporarily—for six months—expel a student, then it would be necessary for the board to have a quasi-judicial hearing—again, a recommendation that we heard from people all over the province.

So I'm very much looking forward to this act going to committee, and hearing the up-to-date input and bringing it back for further debate at third reading.

**Mr. Jim Brownell (Stormont–Dundas–Charlottenburgh):** On a point of order, Mr. Speaker: I would like to take a moment to recognize an individual in the members' gallery, a former student of mine from Long Sault, Ontario—I taught him in grades 7 and 8—and now a student at the University of Guelph. I'm proud to have Brad Crepeau here.

**The Acting Speaker:** It's not a point of order, but we welcome you to the chamber.

It now being 9:20, we will now vote on the time allocation motion.

Mr. Bradley has moved government notice of motion number 352. Is it the pleasure of the House that the motion carry?

All those in favour of the motion 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 10-minute bell.

*The division bells rang from 2120 to 2130.*

**The Acting Speaker:** All those in favour of the motion will please rise and remain standing.

#### Ayes

Arthurs, Wayne	Kular, Kuldip	Peters, Steve
Bradley, James J.	Lalonde, Jean-Marc	Racco, Mario G.
Brownell, Jim	Leal, Jeff	Rinaldi, Lou
Chambers, Mary Anne V.	Levac, Dave	Ruprecht, Tony
Chan, Michael	McNeely, Phil	Sandals, Liz
Crozier, Bruce	Meilleur, Madeleine	Sergio, Mario
Dombrowsky, Leona	Milloy, John	Smith, Monique
Duguid, Brad	Mitchell, Carol	Van Bommel, Maria
Flynn, Kevin Daniel	Mossop, Jennifer F.	Wilkinson, John
Gravelle, Michael	Parsons, Ernie	
Jeffrey, Linda	Patten, Richard	

**The Acting Speaker:** All those opposed will please rise.

#### Nays

Barrett, Toby	Miller, Norm	Tascona, Joseph N.
MacLeod, Lisa	Tabuns, Peter	Yakabuski, John

**The Clerk of the Assembly:** The ayes are 31; the nays are 6.

**The Acting Speaker:** I declare the motion carried.

It being past 9:30 of the clock, this House stands adjourned until tomorrow at 1:30.

*The House adjourned at 2131.*

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