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Official Report of Debates (Hansard)

Monday 31 May 2010

Journal des débats (Hansard)

Lundi 31 mai 2010

**Standing Committee on
General Government**

Post-secondary Education
Statute Law
Amendment Act, 2010

**Comité permanent des
affaires gouvernementales**

Loi de 2010 modifiant des lois
en ce qui concerne
l'enseignement postsecondaire

Chair: David Oraziotti
Clerk: Trevor Day

Président : David Oraziotti
Greffier : Trevor Day

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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES**

Monday 31 May 2010

Lundi 31 mai 2010

The committee met at 1408 in room 151.

**POST-SECONDARY EDUCATION
STATUTE LAW
AMENDMENT ACT, 2010**

**LOI DE 2010 MODIFIANT DES LOIS
EN CE QUI CONCERNE**

L'ENSEIGNEMENT POSTSECONDAIRE

Consideration of Bill 43, An Act to amend the Post-secondary Education Choice and Excellence Act, 2000, the Private Career Colleges Act, 2005 and the Ontario College of Art & Design Act, 2002 / Projet de loi 43, Loi modifiant la Loi de 2000 favorisant le choix et l'excellence au niveau postsecondaire, la Loi de 2005 sur les collèges privés d'enseignement professionnel et la Loi de 2002 sur l'École d'art et de design de l'Ontario.

The Chair (Mr. David Oraziotti): Okay, folks. Good afternoon and welcome back. Bill 43, An Act to amend the Post-secondary Education Choice and Excellence Act, 2000, the Private Career Colleges Act, 2005 and the Ontario College of Art & Design Act, 2002—we're here for clause-by-clause.

I don't know if there are any introductory comments anybody wishes to make? Mr. Wilson, go ahead.

Mr. Jim Wilson: Yes, just from the beginning my colleague Mr. Clark and I, on behalf of the PC caucus: Generally, we haven't changed our minds since we heard from the witnesses, all of whom were negative except for the Ontario College of Art and Design, who are obviously in favour of their name change to "University." I met with them, as did Mr. Clark, just a few moments ago in our offices to reassure them that we're very supportive of that section of this act. It's unfortunate, unlike Algoma College, which became Algoma University during my time; Ryerson Polytechnic, which became Ryerson University during my time; and I think three or four others in the 20 years that I've been here—they all had separate bills where they could get them framed and signed by the minister and be very proud of them and not have stuff like the private career colleges here.

What we heard from the witnesses was that the rest of the bill dealing with private career colleges and other colleges is heavy-handed; it's not necessary. It won't address the stories we've been hearing in the media from time to time about rogue colleges that aren't even col-

leges and shouldn't be allowed to call themselves career colleges if the current laws were enforced. It doesn't address the Ombudsman's comments, in his two scathing reports, that we need to go after the unregistered colleges that are pretending to sell legitimate services to students. This bill doesn't do that. It gives more power to the minister and his minions in the ministry while not addressing the real issues.

Some of the things we heard were that the government does not need these amendments to the Private Career Colleges Act in order to close the bad schools. That came from the Canadian Welding Skills college. This bill tars well-run private career colleges with a brush that should be applied to illegal schools; that came from the Academy of Learning in Belleville. You should go after the scoundrels, the illegal private trainers; don't injure private career colleges; that comes from the Association of Private Colleges. Speed up the approval process for private career colleges; that came from the Academy of Learning and a couple of other groups.

We heard that the current bill is not enforced—and that came from Secta Global Education Solutions—that there are inspectors out there who are without training, without an understanding of what career colleges try to do.

All in all—Mr. Clark may have some comments—generally we're trying to make it clear that we're not supportive of the act. We are supportive of the one section of the act, but given that we understand from legislative counsel that we can't get rid of most of the act and just keep in the part that deals with the College of Art and Design, we'll be voting against those sections until we get to the College of Art and Design.

If there aren't substantial amendments to this legislation put forward by the government—and I don't see any on the table—then we'll be voting against the legislation. We just don't think, other than window dressing, it does what the public might think this does, which is go after the bad apples. It does not go after the bad apples. If you want to go after the bad apples, introduce fraud legislation. That's what's happening out there when people present themselves as career colleges and they're not even registered.

With that, I'll give it to my colleague Mr. Clark.

Mr. Steve Clark: Again, just to echo what Mr. Wilson was saying, it became pretty obvious during the hearings that the Ontario College of Art and Design was being messed in with a badly written bill. I know that on

the other side we had Mr. Kwinter, who spoke very, very eloquently about the need and the fact that the college is so tuned in to becoming a university. It's just sad that it's being lumped in with this private career college vendetta that the government is on.

The question I have, and I can't understand—perhaps the counsel can talk about how and why we can't separate this Ontario College of Art and Design bill making it a university and move forward with it, because the other parts of the bill have some significant issues. Could someone address this at this point?

The Chair (Mr. David Oraziotti): Thank you, Mr. Clark.

Mr. Rosario Marchese: It's a political question.

Interjections.

The Chair (Mr. David Oraziotti): If Mr. Nigro wants to comment, he certainly is welcome to, but the bill was drafted in the form that it is by the government. You have the opportunity to vote against various sections of the bill or the amendments that are put forward.

Mr. Nigro, do you care to comment?

Mr. Albert Nigro: Only to echo the comments made by the Chair: If the members don't like parts of the bill, the members can vote against those sections. The effect of it, if the motions were successful, would be that you'd be left only with the amendments to the Ontario College of Art & Design Act.

The Chair (Mr. David Oraziotti): Mr. Marchese, do you have any other comments—

Mr. Steve Clark: Mr. Chair, can I just interject one more issue? There was a late submission by the Academy of Learning, Hamilton Mountain, that came after the hearing. I feel it's appropriate that their comments be read into the record, if I might be provided that leeway, sir.

The Chair (Mr. David Oraziotti): All members have it; all members have a copy of it. We had sort of a loose deadline for that—

Mr. Jim Wilson: We'd like it read into the record.

The Chair (Mr. David Oraziotti): If you can do it within the time—you have 20 minutes for your introductory comments, as do all caucuses. So you've got about another 10 minutes or so.

Mr. Steve Clark: Sure. I'll be quick, then. The submission was dated May 27 from the Academy of Learning, Hamilton Mountain. Basically, it's from both Lino D'Souza and Rachel D'Souza. It reads as follows:

"Dear Mr. Day,

"As a private career college respected owner/operator in Hamilton for the last 20 years, I want to once again register my opposition to Bill 43, which is currently before the legislation. This bill and its amendments to the PCC Act, 2005 needs to be stopped immediately. 'Authority without accountability' always leads to trouble even when it is initiated with the best of intentions. I am concerned about the effects this will have on my ability to operate my college without risk of unnecessary government intervention. Proper input from colleges is re-

quired before appropriate amendments can be made to the PCC Act 2005.

"This bill, as drafted, will contribute to:

"(a) the demise of the private career college sector;

"(b) the denial of re-training and re-skilling of many Ontarians including recent immigrants who migrated here in pursuit of a better life for themselves and their families;

"(c) protectionist measures (in support of publicly funded educational institutions only) which are antiquated in an otherwise global economy;

"(d) an encroachment on the federal power of trade and commerce, which is constitutionally entrenched under s.91 of the Constitution Act, 1867;

"(e) expropriating from investors and stakeholders to whom the government promised a set of rules that the government no longer wishes to adhere to;

"(f) providing overly broad and subjective powers to persons with no specific expertise in education or curriculum standards, with widespread consequences;

"(g) the government compromising a core value of the PCCA, 2005, namely an owner's ability to be 'financially responsible.' To be financially responsible, one must be financially stable first, and that means the law must be known and not arbitrary.

"I urge you to hold wider consultations and a more rigorous debate to discuss the intended and 'unintended' impact on the PCC sector. Career colleges provide a valuable service to the community. Academy of Learning Career and Business College provides programs with a hands-on approach to training ranging from business to health care, to technology and design. Over 35,000 PCC graduates enter the workforce each year in Ontario alone! The recent regulatory changes seem to increasingly cast the entire sector as a group of semi-criminals that need to be policed. There is a definite need to change this perception.

"Your careful consideration in this important matter will be much appreciated."

I believe both documents were identical, so—

The Chair (Mr. David Oraziotti): Okay. Done. In the record. Everyone has a copy of it.

Any further comments? Mr. Marchese.

Mr. Rosario Marchese: We're going to have third reading debate and we will get an hour, so we'll have plenty of time to be able to raise all of our opinions.

Interjection: It won't be an hour; it's time-allocated.

Mr. Rosario Marchese: Even 20 minutes will be—

Interjections.

The Chair (Mr. David Oraziotti): Folks, we're going to move to section 1. I believe everyone has a copy of the proposed amendments; there are 21 of those. For section 1, there are no proposed amendments. Shall section 1 carry? Carried.

Section 2, first government motion: Mr. McMeekin.

Mr. Ted McMeekin: Mr. Chairman, I've still got a bit of an allergy problem so I'll speak to provisions but some of my colleagues are going to—

The Chair (Mr. David Oraziotti): Mr. Levac, go ahead, read.

Mr. Dave Levac: I move that paragraph 2 of subsection 1(4) of the Post-secondary Education Choice and Excellence Act, 2000, as set out in subsection 2(2) of the bill, be struck out.

The Chair (Mr. David Oraziotti): Any debate?

Mr. Rosario Marchese: Explanation?

The Chair (Mr. David Oraziotti): Mr. McMeekin, go ahead.

Mr. Rosario Marchese: Sorry, Ted, just for the record.

Mr. Ted McMeekin: Sorry, I was fiddling with my notes here, thinking I'd speak for 20 minutes and decided that I would forego you having to listen to that.

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The specific provision, as I recall, had to do with some recommendations we gleaned from consultation with Meritus University, I believe on the east coast, that had to do with some recruitment issues and the definition of "recruitment." We felt that it was appropriate to drop that reference from the legislation because the inclusion of "recruitment activities" could be inadvertently restrictive, and that's not in keeping with our government's intent to promote more international students in Ontario. We felt this was a helpful change to make based on the input we got from Meritus University in New Brunswick.

The Chair (Mr. David Oraziotti): Any further comments? Seeing none, all those in favour? Opposed? The motion is carried.

Shall section 2, as amended, carry? Opposed? That's carried.

Sections 3, 4, 5, 6, 7, 8 and 9: There are no amendments. Shall they carry? Carried.

Section 10, Conservative amendment number 2: Mr. Wilson, go ahead.

Mr. Jim Wilson: I move that subsection 10.2(8) of the Post-secondary Education Choice and Excellence Act, 2000, as set out in section 10 of the bill, be struck out and the following substituted:

"If review requested

"(8) If a person who has received a notice of contravention applies for a review under subsection (6), the minister shall conduct the review in a reasonable time and shall commence the review within 30 days after he or she has received the notice under subsection (6) and shall otherwise conduct the review in accordance with the regulations."

This amendment deals with private universities. Private career colleges asked for this change, so we wanted to make sure it applied to private universities as well. It would ensure that any school charged with an offence under the act be able to appear quickly before the Licence Appeal Tribunal so that their case can be heard within 30 days.

The Chair (Mr. David Oraziotti): Mr. Marchese, go ahead.

Mr. Rosario Marchese: I wanted to say that I support this Conservative amendment because it's a reasonable

request. The government's motion simply says, "and shall otherwise conduct the review in accordance with the regulations." Clearly what the Tories are trying to get at, which the private colleges expressed, is that they need some certainty, and the government's language doesn't give the certainty that there will be timely review of any contravention. And I agree with that. What the Conservative motion does is to put in that a review shall happen within a reasonable time, and then they say that it shall happen "within 30 days after he or she has received the notice under subsection (6)...." I think that is a reasonable request, and I'll be supporting it.

The Chair (Mr. David Oraziotti): Mr. McMeekin.

Mr. Ted McMeekin: I guess we were maybe hearing different things when the presenters were making their case on the various issues. One of the concerns was that we not rush these particular reviews. We were swayed to in fact go with that line of thinking.

The inclusion of rigid timelines, particularly given the kind of burden that falls already on the Licence Appeal Tribunal—I know as a former minister who had some responsibility in that area just how backed up they can be—just seemed inappropriate. We do agree that time is always of the essence, and we'll undertake to move as quickly as we can. But we don't feel a rigid timeline is helpful to the government or the private colleges, which, in fact, pointedly said that they wanted us to take time whenever these kinds of reviews were called for. So we won't be supporting that.

The Chair (Mr. David Oraziotti): Mr. Marchese.

Mr. Rosario Marchese: I'm not sure I'm clear, Parliamentary Assistant. What your motion says is that if there's a contravention, you shall "conduct the review in accordance with the regulations." What the Conservative member is saying, and which I am supporting, is that we don't know what that regulation states or will state. Will it happen within a day, two days, 10, 20, 30 days, two months? We don't know.

What they're proposing is a time limit. That means you could rush, as Marchese has said, when there are rogue folks involved who are hurting students. You can rush. What this motion says is that if there is a contravention, it shall be done within 30 days. So it could happen after one day, if you wanted to, assuming it's a rogue college that's set up. But if it's one of the colleges that is saying, "We're living by the rules. If there's a contravention, we don't want to wait three or four or six months, we want it to happen soon"—the point is, you could have it both ways, and I'm not quite sure I understood what you were saying.

Mr. Ted McMeekin: We think that, out of a spirit of administrative fairness, we would move on any review as expeditiously as we can, but we just don't agree that we need a rigid timeline to do that. The principle of administrative fairness would of course involve a commitment to moving as quickly as we can, but there are some, perhaps, difficulties with that. The rogue situation, where there was some urgency, obviously would be responded to more quickly. We just don't want to tie our hands, or

the hands of the career colleges, some of whom were saying, "Go a little bit slower. Make sure you get it right." So that's why we're going to oppose this motion.

The Chair (Mr. David Oraziotti): Any further comments? Seeing none, all those in favour? Opposed? The motion is lost.

Shall section 10 carry? Carried.

Sections 11 and 12: no amendments. Shall 11 and 12 carry? All those in favour of sections 11 and 12? Opposed? It's carried.

Section 13, Conservative motion number 3: Mr. Wilson, go ahead.

Mr. Jim Wilson: I move that clause 12.1(c) of the Post-secondary Education Choice and Excellence Act, 2000, as set out in section 13 of the bill, be struck out.

This concerns private universities. This would strike out the portion of the bill that allows for service of court documents by addressed mail. This was requested in public hearings by colleges, so we added it to the universities portion of the bill too. Colleges feel that this denies them due process, the way the bill is written now.

The Chair (Mr. David Oraziotti): Further comment? Mr. Marchese.

Mr. Rosario Marchese: I just wanted to make an argument in support of this: The elimination of (c) is contained in (b) on page 10. What section (b) does is to say, "sent to the ministry using a method of mail delivery that permits the delivery to be verified...." So (c) is the same as (b), except it allows for verification. That is, I think, the argument the Tories want to make with respect to getting rid of (c), and it's for that reason that I would support it. Because what that does is to eliminate the excuse that would say, "I didn't get it." So (b) does that: They get a notice, it's verified and there is no excuse. Whereas if (c) is applied, they get a notice and say, "Oh, we didn't get it," and then there's an excuse. So eliminating (c), in my mind, is okay.

The Chair (Mr. David Oraziotti): Response? Mr. McMeekin?

Mr. Ted McMeekin: Of course, Mr. Chairman. There are several motions that relate to the way the notice is received, and we'll be opposing all of those.

It's important to point out that we're talking about routine notices here; we're not talking about notices where there's a provincial offence that's being registered. That, of course, would be subject to judicial review. We're talking about other kinds of things.

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Nothing in the proposed legislation would affect a person's legal rights under existing legislation. If there was some offence that we were drawing attention to or some charge that was going to be laid, the person has rights before the courts. So this is to do more with the routine correspondence that needs to be made. It's consistent, by the way, with other provisions and other acts in terms of contacting stakeholders. We intend to support this—or, not support this—sorry; oppose it.

The Chair (Mr. David Oraziotti): Mr. Marchese.

Mr. Rosario Marchese: Parliamentary assistant, I'm trying to understand it. So (b) is the same as (c), except (b) says that if you send something, it's got to be verified, and that gives you, the sender, certainty. I'm not quite sure. You made an argument about, "These are routine notices." I understand that. But (b) covers it. It's not enough for you; you need (c) as well?

Mr. Ted McMeekin: Yes, we feel we do.

Mr. Rosario Marchese: It doesn't make any sense, but there you have it.

The Chair (Mr. David Oraziotti): Any further comment?

Mr. Rosario Marchese: No. We've had more than enough.

The Chair (Mr. David Oraziotti): All those in favour of Conservative motion number 3?

Mr. Rosario Marchese: The NDP supports it.

The Chair (Mr. David Oraziotti): It's noted. Opposed? The motion is lost.

Conservative motion number 4: Mr. Wilson.

Mr. Jim Wilson: Dealing with the same section of the bill: I move that subsection 12.1(3) of the Post-secondary Education Choice and Excellence Act, 2000, as set out in section 13 of the bill, be struck out.

Mr. Rosario Marchese: This is pertinent to the previous motion that failed. Is this necessary?

Mr. Jim Wilson: Yes, it's a subsequent motion.

Again, just for the record, this concerns private universities. This would strike out the portion of the bill that allows for service of court documents by addressed mail. This was requested in the public hearings by colleges, so we applied it to universities as well. Stakeholders feel that this is a denial of due process. It is very similar to the previous one.

The Chair (Mr. David Oraziotti): Any further comments? Legal counsel, do you want to comment on that?

Mr. Albert Nigro: Currently, the section limits the use that ordinary mail can be used in serving documents. The effect of the motion would simply remove that limitation. So, in effect, it would broaden the ability of the ministry or the minister to use ordinary mail, if this motion were to pass, in law. But the motion does stand alone. It is not contingent or dependent on the previous motion.

The Chair (Mr. David Oraziotti): Okay, thank you, Counsel.

Any further comments? Mr. McMeekin.

Mr. Ted McMeekin: Our arguments are the same.

The Chair (Mr. David Oraziotti): Okay. All those in favour of Conservative motion number 4? Opposed? The motion is lost.

Conservative motion number 5: Mr. Wilson, go ahead.

Mr. Jim Wilson: I move that clause 12.1(4)(b) of the Post-secondary Education Choice and Excellence Act, 2000, as set out in section 13 of the bill, be amended by striking out "or (c)" at the end.

This concerns private universities. Colleges asked for this clause to be removed, so we added it to the universities portion of the bill too. This would strike out the

portion of the bill that allows for service of court documents “on a director or officer of the corporation or on any manager, secretary or other person apparently in charge of any business premises” or by mailing the documents to the last known business address. This was requested in public hearings. They feel that it is a denial of due process as currently written in the act.

The Chair (Mr. David Oraziotti): Any further comment? Mr. McMeekin, go ahead.

Mr. Ted McMeekin: We think this is an unnecessary duplication because the fines are publicly available on the government’s e-Laws website, currently. It would be an additional, duplicatory and unnecessary provision, so we intend to not support it on that basis.

The Chair (Mr. David Oraziotti): All those in favour of Conservative motion number 5? Opposed? The motion is lost.

Shall section 13 carry? Opposed? It’s carried.

Section 14: no amendments. Shall it carry? Carried.

Section 15: Conservative amendment number 6. Mr. Wilson.

Mr. Jim Wilson: Do you want to read it?

Mr. Steve Clark: Yes, sure. I’ll move it, Mr. Chairman.

The Chair (Mr. David Oraziotti): Mr. Clark, go ahead.

Mr. Steve Clark: I move that section 13 of the Post-secondary Education Choice and Excellence Act, 2000, as amended by subsection 15(2) of the bill, be further amended by adding the following subsection:

“Publication of penalties and fines

“(3) The minister shall ensure that the amount of the penalties prescribed under clause (1)(h) and the amount of any fines prescribed in respect of this act under the Provincial Offences Act are publicly available on a website maintained by the ministry and are otherwise reasonably made available to members of the public.”

Again, this concerns private universities. It would require that the minister post the fines under the act on the ministry website. It was requested at public hearings that the information be easily accessible, and for the layman, this would provide that option.

The Chair (Mr. David Oraziotti): Okay, thank you. Mr. Marchese.

Mr. Rosario Marchese: This is another reasonable request made by the Tories, which is unusual—that they make a number of reasonable requests.

Interjection: You’re killing us.

Mr. Rosario Marchese: Tell me when you think my support is hurting you, okay?

What they’re saying is that the fines should be posted and made publicly available. I think this is okay. I’d like to hear the argument.

Mr. Ted McMeekin: Well, they are publicly available right now on the e-Laws website, so it’s a duplication.

Mr. Rosario Marchese: If you support this, it wouldn’t hurt you; it would simply state the obvious, right?

Mr. Ted McMeekin: We’re not in favour of unnecessary duplication, if that’s the question.

Mr. Jim Wilson: This is to ensure that under this act and this ministry, you actually do it.

Mr. Rosario Marchese: You understand that Jim is now going to go look on the website to make sure it’s there, because he doesn’t believe you. You know that.

Mr. Ted McMeekin: I’m sure he is.

Mr. Rosario Marchese: Okay.

The Chair (Mr. David Oraziotti): Conservative amendment 6: All those in favour? Opposed? The motion is lost.

Shall section 15 carry? Carried.

Section 16: It’s a notice, number 7. Go ahead. It will speak to the section.

Mr. Jim Wilson: We were asking that the section be struck, but legislative counsel has indicated that we can’t really do that. Our only option is to vote against the section as a whole.

The Chair (Mr. David Oraziotti): Any further comment? Mr. Marchese, go ahead.

Mr. Rosario Marchese: I just wanted to make an argument here, but I won’t be supporting this one.

It was interesting that the private career colleges came and told us that there was a gathering they had where the minister went, and the minister said to them, “Don’t worry, the changes are very minor. It won’t affect you very much,” or “It won’t affect you.” I forget whether the minister told them, “You’re going to like it.” I forget whether he said that. But clearly, the private colleges came a couple of days later and were horrified when they saw the bill, because they hadn’t seen the bill when the minister said, “The changes are technical in nature, minor.”

I simply want to say that I support this section, even though I believe that private colleges should have had a better opportunity to present their case, because what they said that day was, “We want you to go after those rogue institutions because we believe they’re giving us a bad name.” However, when they looked at this section, they said, “We’re going to be directly affected in adverse, negative ways by this because you might indirectly be attacking many of us who are legitimately doing the job” that many people believe they’re doing a good job of. Here, I believe it would have been good to have had some useful discussion on or debate with the ministry officials and the private career colleges, and that clearly didn’t happen.

While I believe this section should be in it, what many of the deputants said on the day of the hearings I found very reasonable, by way of their submissions. They have some concerns that I believe are legitimate. I don’t support this motion, but I did want to state on the record that a lot of the deputants made a very, very good case when they came before us, and there could be reasons to worry.

The Chair (Mr. David Oraziotti): Any further comment? Mr. McMeekin, go ahead.

Mr. Ted McMeekin: Just briefly: We, of course, always support useful discussions—

Mr. Rosario Marchese: It didn't happen.

Mr. Ted McMeekin: Well, we've made a commitment through the regulatory process to have extensive ongoing consultations. That was repeated several times.

I appreciate Mr. Marchese's obvious points in support of the section, because the section itself deals with compliance issues. It deals with the credentials that are an important part of any private career college regime. Most important of all, it relates intimately with the need for better student protections. If you take that out of the bill, then you don't have much of a bill left, so we'll not be supporting it.

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Interjection.

Mr. Ted McMeekin: We will not be supporting it, yes. We're not here to look at rear-view mirrors but to move forward. We want to shape the future, not fear it, and that's what this bill is all about.

The Chair (Mr. David Oraziotti): Thank you.

For clarification, we're not voting on a motion. This is section 16.

Shall section 16 carry? All those in favour? Opposed? Okay, that's carried.

Section 17: Mr. Wilson, go ahead.

Mr. Jim Wilson: This is a similar amendment. This time I will move it as an amendment.

We move to strike section 17 of the bill.

The Chair (Mr. David Oraziotti): That's out of order, as you're probably aware, Mr. Wilson. You can't move that as an amendment, but you can certainly speak against the section. But we'll be voting on the section as a whole, as opposed to an amendment.

Mr. Jim Wilson: Well, I mean, the most effective way to get rid of the changes to the Private Career Colleges Act that the government is suggesting in Bill 43 is to strike this section, which would gut the bill. Therefore, we'll just be voting against this section. It's the strongest protest we can do.

Again, Mr. Marchese's quite right. We heard extensively from everyone who was able to appear on a day's notice—over a weekend is all the groups got, and they were at a private careers conference for all the colleges across Canada and their associations in, I believe, western Canada at the time we did have public hearings on the Monday. We heard overwhelmingly that they were caught off guard. They thought they had a good relationship and hoped to have a good relationship with the ministry. They simply were told ahead of time that there were going to be very minor amendments that wouldn't affect the powers of the minister, the ministry or the inspectors, and that turned out not to be the case. In fact, it turned out to be quite the opposite.

We're doing our best on this side, although we realize it's an uphill battle, to send out the message that we don't agree with the amendments to the acts, as put forward by the government at this time, without proper consultation. We make the commitment that if we do form the

government next year, if there continues to be problems in this sector, our doors are open to private career colleges. They educate thousands and thousands in over 400 colleges, and for the most part do a very good job. This bill doesn't go after the bad apples that the government's telling the public it does.

The Chair (Mr. David Oraziotti): Any further comment? Mr. McMeekin.

Mr. Ted McMeekin: For the record, too, Mr. Chair, we're largely supportive of the private career colleges, most of which are doing an outstanding job, but by our not moving forward or by striking down this entire section, what we are in essence doing is scrapping the ability of the superintendent to revoke any program approval. We don't think that's consistent with trying to ensure good, quality education and consumer protection for our students.

The Chair (Mr. David Oraziotti): Thank you.

Shall section 17 carry? All those in favour? Opposed? It's carried.

Section 17.1: Conservative amendment number 9. Mr. Wilson, go ahead.

Mr. Jim Wilson: I move that the bill be amended by adding the following section:

"17.1 Section 19 of the Act is amended by adding the following subsections:

"Effect of notice

"(5.1) If an applicant or registrant gives notice requiring a hearing under subsection (3), the proposal of the superintendent is stayed until the tribunal makes an order under subsection (6).

"Hearing within 30 days

"(5.2) The tribunal shall commence the hearing within 30 days after the applicant or registrant gives notice requiring a hearing under subsection (3)."

This, again, was requested at the public hearings. It would allow a school that has had its licence revoked—

The Chair (Mr. David Oraziotti): Mr. Wilson, I'm sorry, I'm going to have to stop you there. You've read it into the record, but I'm informed that the motion is out of order because this section of the bill is not open for consideration. This motion's out of order, and we need to move on.

Section 18, Conservative motion 10.

Mr. Jim Wilson: I move that subsection 25(2) of the Private Career Colleges Act, 2005, as set out in section 18 of the bill, be amended by adding "Subject to subsection (5)," at the beginning.

This amends the bill to provide that policy directives to revoke a licence take effect only after six months and that students in a program for which approval is revoked have enough time to ensure that they can continue their education. It was a very reasonable request at committee. If nothing else is accepted today, I would think this is probably the most reasonable, if I were in the government's shoes. So I would ask the government members to sincerely consider this on behalf of the students.

Mr. Ted McMeekin: We agree with that; we agree.

Mr. Jim Wilson: Agree?

Mr. Ted McMeekin: We agree.

Mr. Jim Wilson: Hold on, let me try another argument.

Mr. Dave Levac: Try another one. I think we can unanimously support this.

Mr. Ted McMeekin: Number 11, which is a government motion, is essentially the same, so we have no difficulty supporting this.

The Chair (Mr. David Oraziotti): Okay. Mr. Marchese—

Mr. Ted McMeekin: We'll withdraw number 11 because 10 covers it. Thank you for your leadership on that.

The Chair (Mr. David Oraziotti): We'll deal with number 10 first. All those in favour of Conservative motion 10? Opposed? That's carried.

Mr. Ted McMeekin: We withdraw 11, Mr. Chairman.

The Chair (Mr. David Oraziotti): Government motion 11 has been withdrawn.

Conservative motion 12.

Mr. Steve Clark: I move that section 25 of the Private Career Colleges Act, 2005, as amended by section 18 of the bill, be further amended by adding the following subsection:

“Same, exception

“(5) Despite the revocation of an approval of a credential as the result of a policy directive issued under clause 53(1)(b), a student who is enrolled in a program at the time of the revocation is permitted to graduate and receive the credential associated with the program.”

This was requested at the public hearings. It's pretty self-explanatory. It would allow a student to continue the training if the school's licence is revoked.

The Chair (Mr. David Oraziotti): Any further comment? Mr. McMeekin, go ahead.

Mr. Ted McMeekin: Who said, “Don't let excellence become the enemy of the good”? This is clearly good thinking. I want to compliment the opposition for it, but note that we don't believe it goes far enough in terms of providing student protection. We will vote against this but support 13, which takes the essence of what was just shared by the opposition and expands it to make it more fulsome and more protective of students.

The Chair (Mr. David Oraziotti): Mr. Marchese.

Mr. Rosario Marchese: I just have a comment which is slightly different from the two previous speakers'. If there is a problem in some program—what this motion would say is that they're permitted to graduate and receive the credentials associated with the program. What if there's a problem, Jim, with a particular program that's being provided? Like it's either been discredited by research or by the Ombudsman, let us say. What this says is, “Oh, too bad. They'll have to finish the program” versus getting their money back, which is what we think should happen, and/or being directed to a new program, which is what really should be happening. That's why I have concerns about what you say here, because if it's a bad program, the wrong program—it's not being taught

well; maybe they're not getting the right credentials—shouldn't they be getting their money back and going somewhere else? That's my response.

Mr. Jim Wilson: No, a program could be perfectly good. The college may have its licence revoked for other reasons than that particular program. This was requested in public hearings, “Don't penalize the school because it didn't file papers on time”—

Mr. Rosario Marchese: I'm thinking of another situation.

Mr. Dave Levac: Don't penalize the student.

Mr. Jim Wilson: Don't penalize the student because the school screwed up in its administration.

Mr. Rosario Marchese: You're thinking of something different. Okay.

Mr. Jim Wilson: Yes. So this is to allow them to continue in the program. If the program is still good and the school loses its licence, should you penalize the student?

Mr. Rosario Marchese: Okay. Gotcha.

The Chair (Mr. David Oraziotti): Any further comment? Seeing none, Conservative motion 12: All those in favour? Opposed? The motion is lost.

Government motion 13: Mr. Levac.

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Mr. Dave Levac: I move that section 25 of the Private Career Colleges Act, 2005, as amended by section 18 of the bill, be further amended by adding the following subsection:

“Same, exception

“(5) Despite the revocation of an approval of a credential as the result of a policy directive issued under clause 53(1)(b), a student who is enrolled in a program at the time of the revocation is permitted to graduate and receive the credential associated with the program, unless one of the following applies:

“1. The policy directive revoking the approval introduces a new standard related to public health or public safety.

“2. The policy directive revoking the approval relates to a vocational program that is regulated by a third party and,

“i. the third party changes the entry requirements necessary to practise the vocation, and

“ii. the changes are such that unless the private career college adopts the requirements prescribed by the third party, graduates from the program would not meet the entry requirements to practise the vocation.”

The Chair (Mr. David Oraziotti): Further comments? Mr. McMeekin.

Mr. Ted McMeekin: It's reasonably self-explanatory. This is in direct response to concerns raised by presenters in submissions that a new program standard might, in fact, prevent students currently enrolled in the program from completing the program. It does address in large part the concern that Mr. Marchese raised about the difficulties with the program. If it's a trade, for example, if you graduate from that program based on the current provision, but it isn't a high enough standard to allow you entry into the trade, then your piece of paper is

meaningless. So we would want to make sure that the kinds of changes could be made, and the student could, in fact, meet that new standard so that the training would not be a waste of time.

The Chair (Mr. David Oraziotti): Any further comments? All in favour of government motion number 13. Opposed? The motion is carried.

Shall section 18, as amended, carry? Opposed? Carried.

New section 18.1: Mr. Clark, you've got it? Go ahead.

Mr. Steve Clark: I move that the bill be amended by adding the following section:

"18.1 Subsection 39(8) of the act is amended and the following substituted:

"If review requested

"(8) If a person who has received a notice of contravention applies for a review under subsection (6), the minister shall conduct the review in a reasonable time and shall commence the review within 30 days after he or she has received the notice under subsection (6) and shall otherwise conduct the review in accordance with the regulations."

Again, this just is reinforcing what we've heard. The fact that the issue of acting on it—

The Chair (Mr. David Oraziotti): Okay, Mr. Clark, as you've probably anticipated, I need to stop you there. The motion is out of order because this section of the legislation is not open. So we're going to move on.

Section number 19, Conservative amendment number 15. Go ahead.

Mr. Jim Wilson: It's another one of those amendments where we'd like to strike out section 19 of the act, so I move that we strike out section 19 of the bill. This would, again, strike out changes to the Private Career Colleges Act which specifically deal with the section regarding increased fines.

The Chair (Mr. David Oraziotti): Any further comments on section 19? Mr. McMeekin, go ahead.

Mr. Ted McMeekin: Well, this particular section, as you know, provides the potential for significantly increased fines for provincial offences. It's designed to provide better protection for students and ensure that the Private Career Colleges Act is in line, in terms of the penalties, with provisions that are existent with other pieces of consumer legislation. I know a bit about that as the former Minister of Consumer Services. That would be consistent.

The Chair (Mr. David Oraziotti): Okay, so to—

Mr. Rosario Marchese: Just a quick point.

The Chair (Mr. David Oraziotti): Go ahead.

Mr. Rosario Marchese: I remember making the argument—I haven't heard any argument against what I've been saying—and that is that current fines allow for up to \$100,000 to be levied; the highest fine levied so far has been \$39,000, so I said, "If we haven't even reached the \$100,000 mark yet, why is it that we want to add a higher fine, given that we haven't applied the maximum so far?" I haven't received an answer. Does the PA have an answer to that?

Mr. Ted McMeekin: Sure.

Mr. Bob Chiarelli: Ten years of inflation.

Mr. Ted McMeekin: It's more than just inflation. Provincial offences, as you know, Mr. Marchese, are adjudicated by the government. The courts are frequently involved, and we don't direct the courts as to fines, although we are signalling to the courts, through this particular section, a need to perhaps broaden the scope of vision when it comes to fines.

The Chair (Mr. David Oraziotti): All right, we are voting on section 19. There's no amendment. We're just on the section itself.

All those in favour of section 19? Opposed? It's carried.

Section 20: Conservative amendment number 16. Go ahead, Mr. Wilson.

Mr. Jim Wilson: I move that clause 53(1)(b.1) of the Private Career Colleges Act, 2005, as set out in subsection 20(1) of the bill, be struck out.

This strikes out the clause that allows for delivery of court documents by regular mail for colleges. Stakeholders feel this denies them due process. We had a similar amendment dealing with the previous act.

The Chair (Mr. David Oraziotti): Just briefly, Counsel, go ahead.

Mr. Albert Nigro: I'm afraid I have to apologize to the committee and to the member. I misnumbered this motion. It should be a reference to clause 51(1)(b.1) rather than 53. I was having some computer problems that morning. It's not an excuse, but it is the reason I got a little befuddled.

Interjection: Okay; accepted.

Mr. Ted McMeekin: I'm confused by it too, so thanks for that.

The Chair (Mr. David Oraziotti): Mr. McMeekin.

Mr. Rosario Marchese: You couldn't find it, eh?

Mr. Ted McMeekin: We did actually try to figure out how this sort of fit, because the reference didn't seem to be consistent with the bill. Notwithstanding that, the proposed provisions for service of routine matters and notices by mail, of course, would not affect a person's legal rights, as I noted earlier, and would facilitate effective administration of the Private Career Colleges Act, 2005. It's a little more than just cleaning up the bill, but it certainly is consistent with some provisions we've already passed. And now that the confusion is cleared up, I know why we're not supporting it.

The Chair (Mr. David Oraziotti): Any further comments?

All those in favour of Conservative motion number 16? Opposed? The motion is lost.

Number 17: Mr. Wilson.

Mr. Jim Wilson: I move that subsection 51(1.2) of the Private Career Colleges Act, 2005, as set out in subsection 20(2) of the bill, be struck out.

Again, this strikes out the clause that allows for delivery of court documents by regular mail. Stakeholders feel that this denies them due process as written in the amended act.

The Chair (Mr. David Oraziotti): Any further comments?

Mr. Ted McMeekin: We just defeated number 16, which is essentially the same motion, so we'd tend not to support it for the same reasons.

The Chair (Mr. David Oraziotti): All those in favour of Conservative motion number 17? Opposed? The motion is lost.

Number 18: Mr. Wilson.

Mr. Jim Wilson: I move that clause 51(2)(b) of the Private Career Colleges Act, 2005, as set out in subsection 20(3) of the bill, be amended by striking out "or (c)" at the end.

This strikes out the clause that allows for delivery of court documents by regular mail. Stakeholders feel, and felt, that this denies them due process.

The Chair (Mr. David Oraziotti): Mr. McMeekin.

Mr. Ted McMeekin: This, if passed, would delete a section in the bill on additional service provisions. Like 16 and 17, the arguments are very similar, so we will oppose this as well.

The Chair (Mr. David Oraziotti): Okay. Any further comments?

All in favour of Conservative motion 18? Opposed? The motion is lost.

Shall section 20 carry? Opposed? It's carried.

Section 21: Conservative motion 19. Go ahead, Mr. Clark.

Mr. Steve Clark: I move that subsection 53(1.2) of the Private Career Colleges Act, 2005, as set out in section 21 of the bill, be struck out and the following substituted:

"Same, effective date of revocation

"(1.2) The revocation of an approval is effective on the date, that is no earlier than six months after the date the policy directive is issued under subsection (1), as specified in the policy directive or calculated in accordance with the policy directive."

Again, this was requested in public hearings. It amends the bill to provide that these policy directives take place at six months and that the students in the program that is being revoked have enough time to continue their education.

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The Chair (Mr. David Oraziotti): Okay, thank you. Mr. McMeekin, do you have a response to that?

Mr. Ted McMeekin: Yes. It's reasonable enough as far as it goes, but unfortunately it doesn't go far enough. The government motion in 20 captures much more significantly a number of cases where the additional provisions that are outlined in 20 would kick in. We intend not to support 19 even though it's reasonable in its intent, because 20 replicates that reasonableness and expands it to better protect students.

The Chair (Mr. David Oraziotti): All in favour of Conservative motion number 19? Opposed? The motion is lost.

Number 20, government motion. Mr. Mauro, go ahead.

Mr. Bill Mauro: I move that subsection 53(1.2) of the Private Career Colleges Act, 2005, as set out in section 21 of the bill, be struck out and the following substituted:

"Same, effective date of revocation

"(1.2) The revocation of an approval is effective on the date specified in the policy directive or calculated in accordance with the policy directive that is no earlier than six months after the date the policy directive is issued under subsection (1) or on the date specified in the policy directive or calculated in accordance with the policy directive, if one of the following applies:

"1. The policy directive introduces a new standard related to public health or public safety.

"2. The policy directive revoking the approval relates to a vocational program that is regulated by a third party and,

"i. the third party changes the entry requirements necessary to practise the vocation, and

"ii. the changes are such that unless the private career college adopts the requirements prescribed by the third party, graduates from the program would not meet the entry requirements to practise the vocation."

The Chair (Mr. David Oraziotti): Mr. McMeekin?

Mr. Ted McMeekin: Yes. This reflects some of the discussion we had with respect to motion 13 as well. This government motion recognizes that there may well be cases where it would be appropriate to require that a private career college come into compliance with a new program standard within the time period set, and not necessarily six months. It could be shorter than that based on those very specific provisions as outlined by Mr. Mauro when he read this lengthy motion.

Obviously, we're not interested in producing graduates with worthless credentials, and this covers that off so that there would be compliance with new standards where applicable to ensure that a student was not wasting their time and was graduating with some useful sets of skills that are acceptable in the various trades.

Mr. Jim Wilson: Mr. Chair, I was just wondering if the parliamentary assistant has any—have you had any examples in the past where you felt you needed this authority? Secondly, what would a new standard related to public health or public safety be? Can you think of any examples, given that this likely will pass and become part of Bill 43?

Mr. Ted McMeekin: As the honourable member knows, you can't always predict what public health issues may arise or what new standards may need to be put in place as a result of workplace issues or other issues. We just feel this provision is a necessary arrangement to ensure both the quality of education and the consumer protection that students—there are all kinds of instances where students have either misunderstood or been misled about the requirements.

I was in the Beer Store just the other day. I wasn't buying beer, although I do drink beer; I was there for the Returns for Leukemia effort, where the bottles come back and the money is used for research. I guess word got out around Dundas and a student who was registered in a

message program came over. He's made an appeal for a refund based on a whole series of concerns, some of which relate to health and safety.

The Chair (Mr. David Oraziotti): Any further comment? Seeing none, government motion number 20: All those in favour? Opposed? It's carried.

Shall section 21, as amended, carry? Opposed? It's carried.

Conservative motion number 21.

Mr. Steve Clark: I move that the bill be amended by adding the following section:

"21.1 Section 55 of the bill is amended by adding the following subsection:

""Publication of penalties and fines

“(2.1) The minister shall ensure that the amount of the penalties prescribed under paragraph 25 of subsection (1) and the amount of any fines prescribed in respect of this act under the Provincial Offences Act are publicly available on a website maintained by the ministry and are otherwise reasonably made available to members of the public.”

Again, it just provides that this be shown on a ministry website rather than making the poor folks of Ontario have to search through all those statutes to find it.

The Chair (Mr. David Oraziotti): As you, I think, probably are aware, this is also out of order because this section of the act is not open for amendments, so we'll rule this out of order. We're going to move to section 22, through and including—

Mr. Jim Wilson: Excuse me, Mr. Chairman: This one's out of order, but the last website one wasn't?

The Chair (Mr. David Oraziotti): Well, it specifically refers to section 55, which is not open.

Mr. Jim Wilson: Yes. I'll just ask leg counsel, just for the record.

The Chair (Mr. David Oraziotti): Counsel, do you want to comment?

Mr. Albert Nigro: Just briefly: Assuming, Mr. Wilson, that you're referring to the similar amendment

that was proposed for the Post-secondary Education Choice and Excellence Act, the reason why it would be in order there and out of order here is because the section was being added in the Post-secondary Education Choice and Excellence Act, so the section was open within the scope of the bill. In the case of the Private Career Colleges Act, that section was not open and that part of the act was not dealt with in this bill.

Mr. Jim Wilson: I know we have the right to ask for unanimous consent to consider the motion anyway, but—I'll do that. I ask for unanimous consent to consider the motion so Mr. McMeekin can at least put on the record what he wanted—

Mr. Ted McMeekin: Sure. We'll give unanimous consent before we vote against it. Yes.

The Chair (Mr. David Oraziotti): All in favour of Conservative motion—adding a new section here—number 21? All those in favour? Opposed? Okay, the motion is lost. That puts that to bed.

Section 22 through and including section 40, there are no amendments. Shall they carry?

Mr. Jim Wilson: Could we have a recorded vote on that?

Ayes

Chiarelli, Clark, Kular, Levac, Mauro, McMeekin, Wilson.

Interjections.

The Chair (Mr. David Oraziotti): Okay. That's carried.

Shall the title of the bill carry? Opposed? Carried.

Shall Bill 43, as amended, carry? Carried.

Shall I report the bill to the House? Carried.

Thank you. That's it. The committee is adjourned.

The committee adjourned at 1508.

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