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HOW SWEDE IT IS
Mats Sundin sets 2 team records
as Maple Leafs roll to 8-1 victory
SPORTS — S1



NOT SO GOLDEN
Elizabethan sequel
trivializes great queen
ENT/MOVIES — E1

ONTARIO VOTES: THE AFTERMATH

Job One: A new holiday



DAVID COOPER/TORONTO STAR

A weary Premier Dalton McGuinty meets with reporters yesterday morning, after winning a second majority government in Wednesday's election.

After election win, McGuinty proclaims 'Family Day' for 3rd Monday in February

ROBERT BENZIE
AND ROB FERGUSON
QUEEN'S PARK BUREAU

Premier Dalton McGuinty celebrated his election victory by giving everyone the day off — in February. McGuinty, 52, got down to work yesterday by declaring the third Monday in February a new annual "Family Day" statutory holiday. "This is a small thing, but it's an important and, I think, a powerful recognition of our priorities," a bleary-eyed McGuinty told reporters after a breakfast speech in his hometown of Ottawa. "There is nothing more valuable to families than time together," said the premier, who is married with four adult children and has nine brothers and sisters. Promised in the run-up to the election campaign, Ontario's ninth statutory holiday was approved with an order-in-council signed by cabinet yesterday and will be marked next Feb. 18. Cabinet does not have to meet to approve an order in council; the document needs only to have two cabinet signatures. Beyond the holiday, voters embraced the status quo — just four years after McGuinty implored them to "choose change."

Casting ballots in record low numbers, they returned to power a Liberal government virtually identical to the one elected in 2003, rejected adopting a new electoral system, and shunned public funding of more religious schools. As the dust settled after Wednesday's election, one thing became clear: the people of Ontario appear to like things just the way they are — and that could cost both Progressive Conservative Leader John Tory and NDP Leader Howard Hampton their jobs. "I'm thrilled. We made history," said McGuinty, the first Liberal re-elected with a majority at Queen's Park since Mitch Hepburn in 1937. The Liberals won 71 of 107 seats with 42.2 per cent of the popular vote compared to 26 for the Progressive Conservatives, with 31.6 of the vote and 10 for the NDP with 16.8 per cent support. The Greens won 8 per cent of the vote, but no seats. McGuinty said the referendum on electoral reform — defeated 63.1 per cent to 36.9 per cent — closes

MCGUINITY continued on A16

Irate Tories point finger at Tory

Disgruntled PCs rush to blame leader for 'disaster' at the polls, fuelled by schools issue

RICHARD BRENNAN
STAFF REPORTER

The bitterness and recriminations in the Progressive Conservative camp yesterday quickly bubbled to the surface in the wake of the second devastating loss to the Liberals that cost party leader John Tory his own riding.

"It was just a disaster. Everyone is anticipating he will step down," a long-time party organizer said.

Disgruntled PCs, both publicly and privately, blame Tory for making faith-based school funding an

issue in the campaign.

Tory told the *Toronto Star* he is not afraid to stare down his accusers or would-be heirs.

"I want to do what's in the party's best interest; it's not about me. In the end I'll find work if they really don't think it's in the best interest of the party to have me lead it," he said, adding he was never "presumptuous enough" to think he would win power the first time out.

"(When) I took this job on... we planned on lasting for eight to 10 years, not two, and that it might take two elections to get there."

Caucus veterans were not shy about voicing criticism.

"I don't think he is enthusiastic about being opposition leader (for

TORY continued on A17

BY THE NUMBERS

- 52.8 %** Voter turnout this time
- 54.7 %** Previous low voter turnout, set in 1923
- 1.6 M** Number of voters in favour of electoral change (MMP)
- 2.7 M** Number of voters against MMP
- 5** Number of ridings that voted in favour of MMP. They were Beaches-East York; Davenport; Parkdale-High Park; Toronto-Danforth; Trinity-Spadina

FULL COVERAGE, A14-A21

What the election means for Stephen Harper, an analysis; Ian Urquhart and Chantal Hébert discuss the MMP referendum result; Grade 5s make their choices in mock election

Kyoto key to PM's trap

Prime Minister Stephen Harper's Conservatives have drafted a cunning plan to force the Liberal party into a politically embarrassing situation, government sources say.

The Conservatives are drawing up a throne speech that will force Stéphane Dion's Liberals to either abandon the Kyoto accord or face an election, The Canadian Press reports.

The sources say Harper believes the Liberals are so desperate to avoid going to the polls that they will roll over on Kyoto.

Story, A23

HI-TECH HEALTH

Canada's newest hospital, Brampton Civic, is set to open Oct. 28. It boasts leading-edge equipment for safety and efficiency. The lead architect of the high-tech hospital says his goal in designing it was to provide an esthetic rather than an antiseptic ambience. For a tour of the cutting-edge facility see page A4.

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Most spouse killers lack prior record

Statistics Canada finding suggests many women are reluctant to report abuse to police, experts say

PAOLA LORIGGIO
STAFF REPORTER

When Catherine's boyfriend of several years tried to strangle her with a telephone cord, she didn't tell a soul.

She kept quiet — twice — when he gave her a black eye, and the time he dragged her to their third-floor balcony and threatened to throw her off.

The 26-year-old woman, who asked her name not be used for her protection, finally called police one

night after he flew into a rage in front of their daughter.

But even then, she didn't tell them that he hit her, only that they'd had a fight, and she begged the officers not to press charges.

"I felt guilty," said Catherine, who fled this summer to a shelter in Toronto. "I didn't want to make (the relationship) fail."

Like Catherine, many victims of spousal abuse are reluctant to report their attacker. But keeping silent often exposes them to greater

risk. A new Statistics Canada study based on more than a decade of police data from across the country shows that nearly three-quarters of people charged with killing or attempting to kill their spouse have no prior record of spousal abuse.

But experts say that just because police don't know about it, doesn't mean it didn't happen.

The findings contradict earlier studies, including Statistics Canada's annual homicide survey, which indicates that most people accused of killing their spouse have previ-

SURVEY continued on A12

Resources lacking for abused women

SURVEY from A1

ously abused them. Author Lucie Ogrodnik analyzed data on people accused of killing or trying to kill their spouse between 2003 and 2005, including their criminal history from 1995 to 2005. The study, "Spousal homicide or attempts and prior police contact for spousal abuse," was published yesterday in the latest edition of *Family Violence in Canada*, an annual review by the Canadian Centre for Justice Statistics.

There are many possible explanations for the study's results, Ogrodnik said.

"It could be that there was no previous violence in the relationship, or it could be that the violence was not reported."

Fewer than a third of spousal abuse victims report the aggression to police, she said, quoting an earlier Statistics Canada study on victims' behaviour.

"Most women who are abused don't tell their mothers or their best friends," said Corinne Rusch-Drutz, spokesperson for the YWCA Toronto, which offers shelter and assistance to abused women.

"I'm not surprised women are not

I'm not surprised women are not reporting abuse — they're not getting the help they need when they do

CORINNE RUSCH-DRUTZ, YWCA TORONTO

reporting abuse — they're not getting the help they need when they do."

In order to leave an abusive relationship, women need access to affordable housing and childcare, as well as stable jobs, Rusch-Drutz said.

"We need to deal with violence as a systemic issue."

Catherine believes many women are afraid of going to a shelter. In their minds, she said, shelters mean hard cots and cockroaches.

"They don't know the resources that are out there," she said.

University of Ottawa professor and senior researcher Holly Johnson, who specializes in victimization and violence against women, said police response must also be evaluated to help determine why victims might be reluctant to file a report against their abuser.

According to the study, when police did intervene, they pressed criminal charges in 84 per cent of cases.

But there are limits to what police can accomplish, Johnson said.

"The police can't do it all alone. They can lay charges, but often they have to release them on bail and it can be months before the court appearance. . . . That's a very dangerous time for women."

In Canada, there were 74 spousal homicides in 2005, the latest available data from Statistics Canada. That's one less than in 2004, marking a steady, four-year decline in spousal homicide rates.

Women were five times more likely than men to be killed by their spouse.

Ruling protects informant's ID

Confidentiality outweighs principle of open courts for those who aid police, Supreme Court says

TONDA MACCHARLES
 OTTAWA BUREAU

OTTAWA—The country's top court threw its weight up against the courtroom door and ruled it is important to keep out the public when the identity of confidential police informant is at stake.

In an 8-1 decision, the Supreme Court of Canada yesterday stepped away from the generally accepted principle of open courts and ruled the administration of justice requires the police, Crown and courts to shield the identity of police informants at all times.

The key question of defining who is a confidential informant entitled to the privilege was not squarely be-

fore the court in yesterday's appeal.

Instead, the ruling turned on whether proper procedures were followed several years ago in what even the high court called a "highly exceptional" British Columbia extradition case.

It has been shrouded in mystery as a B.C. judge tried to puzzle his way through whether to allow public access, with media lawyers urging an open hearing.

Most of the details — the informant's name, the name of the country seeking extradition, the crime for which the informant is wanted — remain secret.

What is known is this: an unnamed person is fighting removal

to another country by claiming to be an informant — and in danger — there.

Instead of receiving protection, the person says his or her identity was exposed by the state to a co-conspirator, who turned tables and gave incriminating evidence leading to criminal charges against the informant.

The case may remain cloaked in secrecy as a result of yesterday's ruling, which said the overriding goal is to protect police informants from retribution, and to signal to others in the future that they, too, will be protected.

The duty to protect an informant's identity "is so important," wrote Justice Michel Bastarache, that it takes the decision of whether to allow an open hearing of evidence out of the hands of a judge.

Other than cases where an accused's innocence is at stake and an informant is called to testify as a material witness, all information that could identify an informant requires an in-camera or closed-door hearing.

The confidentiality privilege is "broad and powerful," wrote Bastarache. "No case-by-case weighing . . . is permitted."

Bastarache said "in more practical terms," the judge has the authority to hold the entire proceeding in camera, but that "should be seen as a last resort."

The B.C. case now returns to the extradition judge.

Justice Louis LeBel dissented from the majority, citing the common law and Charter of Rights endorsement of open courts and a free press.



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