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**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Monday 7 May 2007

Lundi 7 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

Monday 7 May 2007

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Lundi 7 mai 2007

The House met at 1845.

ORDERS OF THE DAY

TIME ALLOCATION

Hon. Christopher Bentley (Minister of Training, Colleges and Universities): I move that, pursuant to standing order 46 and notwithstanding any other standing order or special order of the House relating to Bill 218, An Act to amend the Election Act and the Election Finances Act and make related amendments to other Acts, when Bill 218 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 the Legislative Assembly; and

That the standing committee on the Legislative Assembly shall be authorized to meet, in addition to its regularly scheduled meeting times, on Thursday, May 17, 2007, from 9 a.m. to 12 p.m., if needed for the purpose of conducting public hearings on the bill and that the committee be further authorized to meet on Monday, May 28, 2007, following routine proceedings for the purpose of clause-by-clause consideration of the bill; and

That the deadline for filing amendments to the bill with the clerk of the committee shall be 12 p.m. on Wednesday, 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 the Legislative Assembly, 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 Deputy Speaker (Mr. Bruce Crozier): Mr. Bentley has moved government notice of motion number 353. Mr. Bentley.

Hon. Mr. Bentley: The call for democratic renewal is one that is not taken lightly.

Interruption.

Hon. Mr. Bentley: If that's the Premier, tell him I'll be there soon.

The call for democratic renewal is one that is not taken lightly. Indeed, we have been within the existing system since Confederation. The question really is, first, is it appropriate for the people of the province who are governed to have the opportunity to speak about the way they are governed; and, secondly, if given that opportunity, should they be given the opportunity not simply to provide advice, but to provide advice in a meaningful way that will be deemed binding on this assembly?

1850

What we are proposing here is the result of a long consultative process. We made a commitment during the last campaign that we would give the people of this province the right to speak to the issue. We constituted an assembly representative of every riding in the province and we asked that assembly to consider the issue. And if they decided that the existing system was the one we should have, they would make that recommendation. If they thought that a different system would be appropriate for consideration by the people of Ontario, we committed to placing it on the ballot for instruction by the people of the province of Ontario. That is exactly what we have done and are proposing to do.

This is an extremely important stage in the history of the province of Ontario. It is important not because some

may wish to change and others may not wish to change. It is important because we are asking the people how they wish to be governed. At the end of the day, none of us were there in 1867. Notwithstanding one's longevity in the House, none of us were there. But all of us care deeply and passionately about the process, deeply and passionately about how we are to be governed, deeply and passionately about how we choose our elected representative—

Mr. Norman W. Sterling (Lanark–Carleton): On a point of order, Mr. Speaker: I'd like to know how the minister knows that I wasn't there.

The Deputy Speaker: I'd like to hear him answer that, too, but that's not a point of order. Minister.

Hon. Mr. Bentley: I say very directly to the Speaker that although we all know and respect the long service of the member from Lanark–Carleton, I always took him to be less than 30 years of age and wondered at how he achieved those years of experience given the way he presents in this House.

I simply say to the members of this House that it is appropriate, after the debate that this motion will entail—let us get on with the process. Let's join to pass the bill as quickly as possible. It is ultimately the people of the province who decide how they are governed and going to be governed. They're going to be given that opportunity with the passage of this process. It's right. It's appropriate. Just the posing of the question is the renewal that we seek. The result should be in the hands of the people. I say, let's get on with it.

The Deputy Speaker: Further debate?

Mr. Sterling: I appreciate the comments by the minister with respect to Bill 218, but Bill 218, for the information of people who might be tuned in, doesn't really deal extensively with the referendum. It deals with only one part of the referendum vote, and that is with regard to education of the people, giving that responsibility to the election official, Mr. Hollins. This bill generally deals with a number of other matters, and I think they are of interest to the people. Perhaps I'll just go through what some of those changes are.

I want to say, at the outset, that we support some of these amendments to this particular bill. It's ironic, though, that we are doing this sort of at the 11th hour, at the final legislative session, particularly when many of these recommendations were made by the Chief Electoral Officer some two and a half years ago. I thought that it would have been better to have these particular rule changes, law changes out there earlier so that people who are interested in the process would have an opportunity to come and talk about them at length, because some of them are pretty important in terms of how the election comes out.

One change that every elector, every voter will see is on the ballot. On the ballot, for the first time, it will have the name of the candidate. For instance, it could have "Bruce Crozier, Progressive Conservative candidate for Essex" or something like that. That would be an example of what could appear on the ballot. That particular

designation as the Progressive Conservative candidate for Essex would have to be approved by the leader of the Progressive Conservative Party of Ontario, and I don't think that would happen in this particular case. But that's one significant change with regard to this.

One of the problems we have with Bill 218 is that it's somewhat dovetailing with Bill 62. You remember that Bill 62 was the one with regard to the registration of political parties. That particular bill is in response to a lawsuit which has been taken out by some individuals with regard to their ability to have their freedom of speech in the election.

So this bill coming at the very late stages, along with Bill 62, which has been pulled by the government and tucked into about a 200-page bill, the budget bill, in schedule 11, makes this debate somewhat complex and convoluted. The problem is that people have to take into consideration what the combination effect of a number of things that will happen in this next election campaign will be. On October 10, we're going to have a referendum; we're going to have a changing, as I mentioned earlier, of the ballot; we're going to have a change with regard to what third parties can do in an election; and we're going to have a change in terms of the election process. So all of these things add up to significant change—not all bad, but they are change. I think it's important for people to learn what these changes are about.

We also know, of course, as I mentioned earlier, that there is going to be a referendum debate that will no doubt take place. Talking to a number of people in my party recently, very recently, about what the referendum proposal is, they're very interested in that, but it takes a fair bit of explanation as well.

So here we are at Bill 218. This comes, again, with a guillotine motion. Oddly enough, because these bills were not introduced earlier in the legislative session, we are coming down to the final wire, and the government finds that in the democratic renewal, bills changing our method of electing people and changing somewhat the structure of this place are having to be time-allocated or guillotined in the debate—probably the worst kind of bills for which you could possibly undertake that.

We found that Bill 155, the electoral reform act, the bill that actually dealt with the referendum and the 60% threshold debate, came under a guillotine motion. In other words, the government limited the debate on that particular bill and the debate in the Legislature. That's not a very good sign when a government says, "We're going to undergo democratic reform, but we're going to cut off debate on that democratic reform," especially since most of these changes to our system have come with little consultation with the opposition. The only consultation we've had is the select committee on electoral reform, which only occurred because of the constant pounding that the government took from the opposition on that particular issue.

1900

Now, another thing that's happening with regard to this election coming on October 10 is that this will be the

first election where the government has arbitrarily set the electoral boundaries in the province of Ontario since before 1950. From 1950 until now there has always been a boundaries commission which has met and set the boundaries of the various different ridings. I believe if somebody went to the courts and challenged this in a constitutional sense, they'd win, because we now have some ridings that are very light in population, less than 35% of some other ridings, and we have some ridings that are very excessive in terms of their population. So in the next Ontario election, in some ridings a vote counts almost twice as much as in other areas.

I proposed in a bill before this House that we set a boundaries commission, we retain 11 ridings in the north and let the boundaries commission decide on the number of ridings overall in the province of Ontario in order to keep within the 25% sleeve that the Supreme Court of Canada has decided is reasonable.

I mentioned with regard to Bill 62, which was a bill that was brought to this Legislature I think early in February—yes, it was introduced in February 2006. I can remember one night at quarter to seven coming back from dinner into this place and, unfortunately, there weren't any NDP members here and there weren't any Conservative members here right at the crack of quarter to 7. Here's Bill 62 trying to change how parties are registered in this province. I'm walking in the back door and there are a few Liberals here, including the Minister of Natural Resources. As I walked around the corner, I heard the Minister of Natural Resources try to cut off debate and move second and third reading without further debate because we didn't get back from dinner on time. That's the kind of attitude we've dealt with with regard to democratic reform, and that really reveals the true nature of this government's abysmal show on bringing forward various pieces of legislation to try to change our democratic process. I couldn't believe it—a more inappropriate type of bill that you would try that kind of stunt on. Fortunately, I said no as I walked to my seat, and the Speaker caught me and said okay.

I will say that Mr. Bradley, who was the House leader sitting in the House at the time, would have said no as well to his own minister. In fact, that's what he indicated to me after, and I take his word on that, because it was a very imprudent step made on the part of one of the ministers of the crown.

This Bill 62, which is buried as schedule 11 in the budget bill, is a pretty important bill for us. Now, the reason the government brought it forward is because Elizabeth White, the leader of the Animal Alliance Environment Voters Party of Ontario, took the government to court claiming that their freedom of speech was being restricted by the province's party registration rules. That's the lawsuit, and if you read the pleadings—in other words, the documentation regarding that lawsuit, which I have—the government responded and said, in short, to the court, "Wait, we will change the legislation with regard to this."

Now, the reason that Elizabeth White and her group are bringing this forward is that they had some success at the federal level, the Figueroa decision at the Supreme Court of Canada. That decision said that a third party which wanted to put forward their views with regard to an issue was lacking freedom of speech because they were restricted in the amount of money they could spend on their campaign—restricted, I believe, to \$150,000. A third party advertising in a federal election can only spend up to \$150,000 with regard to encouraging you to vote for this party or that party because they favour your particular position.

Now, that drove the need for Bill 62. We thought the government had sort of pushed back Bill 62, forgotten about it, put it on the back burner and put it away. Then, all of a sudden, as we're reading through this 200-plus-page budget bill, we find Bill 62 inserted as schedule 11 in that bill. That bill takes the present requirement to form a party from running candidates in half of the ridings—it would be 107 divided by two, so you'd have to have candidates under the old rules in 54 of the ridings in order to call yourself a party and have all of the rights with regard to getting contributions and those kinds of things—down from 54 to two. So now two people, members of the public, running in two constituencies can form a political party in the next election. Now, I would agree with Bill 62, go with Bill 62, if in Bill 218 you restrict third party advertising, which you don't do in this bill.

So what you've done is you've put two pieces together that don't match. You've said in Bill 218 that third parties have to register and that they have to report their contributions, but they don't have to report those contributions until six months after the election. We know in the last election—our party knows—that we had a group called—what was it called? Friends of the family or whatever it was. It was lead by a family group—I forget what the exact—

Interjection.

Mr. Sterling: The coalition of families or whatever it was. Really, it was a number of unions joining together to advertise against our party.

Mr. Garfield Dunlop (Simcoe North): "Not this time, Ernie."

Mr. Sterling: Yes, they had this phrase, "Not this time, Ernie."

In our view, these groups were misleading the public with regard to who they represented and put forward.

Now, I don't mind dropping the rules as to how you form parties, because you can form a party and then put forward your platform and do all the rest with two members. I would agree with that. But you have to restrict what outside people are going to do in the third party situation. So I really believe that the government is running away from the Figueroa decision with undue haste. I don't think they have to run away from it.

There are sections of this bill which I think we can all support because the Chief Election Officer made these before. We give the Chief Election Officer the right to determine identification, better identification, photo iden-

tification, which I think everybody agrees has to come at some point in time.

I'm going through my notes here. The other parts of the bill—I also wanted to recognize my friend Richard Patten, who's retiring, who has been a strong supporter of putting the parties on the ballot and has introduced a private member's bill on a number of occasions with regard to that. The government has followed his suggestion, and I think he should get his due credit for coming forward with that particular suggestion.

This bill also removes the blackout period at the beginning of an election for advertising. When you have a fixed date, there's no reason to have a blackout. It also increases the number of advance polling dates significantly, which I think can be done now because of the known date of the election.

Again, I must say that when they came to giving the authority to the Chief Election Officer to run the public education campaign regarding the upcoming referendum, there really was no consultation with the opposition parties to decide as to how best the education for that particular referendum should take place. I think that's a lack in regard to this bill.

The McGuinty government has continued to talk—and talked about it in the last campaign—about the many promises about respecting MPPs and increasing the role of MPPs in government. One of the problems with the democratic reform of this particular government has been that they've forgotten some of the basic tenets of our British parliamentary system. One of the most important parts of our democratic system under the British parliamentary system is ministerial responsibility. We have seen over the last three weeks a minister stand in his place and be unable to answer questions with regard to his conduct in running a significant government program. He has not been able to explain his situation with regard to that program. There appears not to be a program. It appears that the minister has given out money willy-nilly to the friends of the Liberal Party. You can't have democratic reform if you don't respect the institution which is the foundation of the whole place.

And so, Mr. Speaker, I move adjournment of the debate, because this government does not understand the basic tenets of the British parliamentary system, and we need not go forward with new democratic reform until they live up to the present traditions of this institution.

The Deputy Speaker: Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, 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 1913 to 1943.

The Deputy Speaker: Mr. Sterling has moved adjournment of the debate.

All those in favour, please stand. Take your seats.

All those opposed, please stand. Take your seats, please.

The Clerk of the Assembly (Ms. Deborah Deller):

The ayes are 9; the nays are 26.

The Deputy Speaker: I declare the motion lost.

Mr. Sterling: Because of this government's total lack of responsibility towards ministerial responsibility, I move adjournment of the House.

The Deputy Speaker: Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, 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 1945 to 2015.

The Deputy Speaker: Mr. Sterling has moved adjournment of the House.

All those in favour, please stand. Take your seats.

All those opposed, please stand. Take your seats.

The Clerk of the Assembly: The ayes are 9; the nays are 27.

The Deputy Speaker: I declare the motion lost.

The member for Lanark–Carleton.

Interjection.

The Deputy Speaker: The member for Timmins–James Bay.

Mr. Gilles Bisson (Timmins–James Bay): Thank you very much, Mr. Speaker. As my colleague the member from Lanark–Carleton was saying, here we are debating what is essentially a bill on democracy and we have a situation where the government for a month now has refused to answer any questions in regard to the Slushgate affair. I think the government needs to think about that and to allow what we've been asking for, which is to send this thing off to public accounts or to the provincial auditor in order to look into this issue so we can have some clarity. And for them to think about it, I will move for adjournment of this debate.

The Deputy Speaker: Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, 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 2017 to 2047.

The Deputy Speaker: Mr. Bisson has moved adjournment of the debate.

All those in favour, please stand. Take your seats, please.

All those opposed, please stand. Take your seats.

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

The Deputy Speaker: I declare the motion lost.

The member for Timmins–James Bay.

Mr. Bisson: Mr. Speaker, I do believe the government really needs to think about this more seriously and needs to take a look at making sure that we're able to call the Provincial Auditor in to review the Collegate affair. For that, and to give them a chance for pause, I would move adjournment of the House.

The Deputy Speaker: Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, 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 2049 to 2119.

The Deputy Speaker: Mr. Bisson has moved adjournment of the House.

All those in favour, please stand.

All those opposed, please stand.

The Clerk of the Assembly: The ayes are 6; the nays are 29.

The Deputy Speaker: I declare the motion defeated.

Mr. Bentley has moved government notice of motion number 353. Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, 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 Deputy Speaker: All those in favour, please stand one at a time and be recognized by the Clerk.

Ayes

Balkissoon, Bas	Jeffrey, Linda	Qaadri, Shafiq
Bentley, Christopher	Lalonde, Jean-Marc	Racco, Mario G.
Berardinetti, Lorenzo	Leal, Jeff	Ramal, Khalil
Bountrogianni, Marie	Levac, Dave	Rinaldi, Lou
Bradley, James J.	Matthews, Deborah	Ruprecht, Tony
Cansfield, Donna H.	McNeely, Phil	Sandals, Liz
Delaney, Bob	Meilleur, Madeleine	Smith, Monique
Duguid, Brad	Milloy, John	Smitherman, George
Duncan, Dwight	Mitchell, Carol	Van Bommel, Maria
Hoy, Pat	Oraziotti, David	Zimmer, David

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

Nays

Barrett, Toby	Miller, Norm	Sterling, Norman W.
Dunlop, Garfield	Murdoch, Bill	
Martel, Shelley	Ouellette, Jerry J.	

The Clerk of the Assembly: The ayes are 30; the nays are 7.

The Deputy Speaker: I declare the motion carried.

It being past 9:30 of the clock, this House is adjourned until Tuesday, May 8, at 1:30 of the clock.

The House adjourned at 2132.

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