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of Ontario

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**Official Report  
of Debates  
(Hansard)**

**Journal  
des débats  
(Hansard)**

**Monday 12 May 2003**

**Lundi 12 mai 2003**

Speaker  
Honourable Gary Carr

Président  
L'honorable Gary Carr

Clerk  
Claude L. DesRosiers

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ASSEMBLÉE LÉGISLATIVE  
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*The House met at 1330.  
Prayers.*

CONTEMPT OF PARLIAMENT /  
OUTRAGE AU PARLEMENT

Resuming the debate adjourned on May 8, 2003, on the motion by Mr Conway arising from the Speaker's ruling of May 8, 2003.

**The Speaker (Hon Gary Carr):** I would ask the leader of the official opposition just for a quick minute. There is a point of order from the member for York West.

**Mr Mario Sergio (York West):** Mr Speaker, on a point of order: Since I won't have the occasion, once Mr McGuinty begins his delivery, we have the pleasure today of having members from the wonderful family of Fossacesia. They came to their own place to see our own legislative building here and to see the House in action as well. So I want to welcome members of the Fossacesia family and members of the York West riding association as well. Welcome.

**The Speaker:** Further debate?

**Mr Dalton McGuinty (Leader of the Opposition):** I kind of have mixed feelings about participating in this debate. On the one hand, I welcome the opportunity to talk about some of the aspects of the privilege connected with the work we do in this absolutely wonderful institution, and too often in the cut and thrust of daily politics we lose sight of that. But on the other hand, I cannot help but express dismay about how we've come to this. How could it be that in a parliamentary democracy in the western world, at the beginning of the 21st century, we are actually entertaining a motion that talks about the primacy of Parliament as the initial recipient of the budget?

What happened here was that the government -- not to put too fine a point on it -- tried to circumvent democracy. I think we can all understand that democracy is slow, it is messy, it is cumbersome, it is inefficient and it's wonderful. The government lost sight of the value of the democratic institution itself and the Parliament, of the importance that we should always attach to conventions and rules and process. The government tried to pull a fast one on the people of Ontario.

One of our shared concerns -- and I know that I speak for all members of the House on this matter -- is the cynicism felt by so many voters, so many Ontarians, so many Canadians for that matter, for politics, politicians and our political institutions. What the government did when they decided to present the budget outside the

Legislature was to add to that level of cynicism, and that affects all of us.

Neil Finkelstein, the constitutional expert, said that what the government did to the budget process was an affront to democracy. He's one of this country's leading constitutional experts. What I thought was particularly offensive about the whole thing was that the government dressed it up as an exercise in bringing the budget closer to the people when, in fact, they were doing exactly the opposite.

What I'm going to argue here today is that the events leading up to the so-called Magna budget were not a one-off aberration; they didn't happen in a vacuum. Nobody who has followed politics in this province during the course of the past eight years, certainly nobody who has followed politics closely, would have been entirely surprised. The Harris-Eves government has simply not been kind to democracy in Ontario. For example, they have severely limited debate in the Legislature. In their first term, they changed the rules 42 times to restrict debate and limit the power of elected representatives. That's 42 times. They have forcibly closed debate on 60% of the bills presented at Queen's Park -- 60%. By way of comparison, in 1985, that figure was 1%.

In a majority government situation there isn't much that opposition parties can do to prevent passage of bills, and that's as it should be. But what the opposition can do and should be able to do and has a responsibility to do is debate those bills, hold them up to critical examination so that at the end of day the best possible bills are being passed, with the public made aware of any flaws that might exist.

I just can't think of a more important bill, a bill which warrants as much scrutiny and debate, than the budget. The budget is the bill through which the government levies billions of dollars in taxes and it's the bill through which the government breathes life into its priorities through its plan of expenditures. This kind of debate and scrutiny and question period is supposed to be how the system works. That's democracy at work. As I said, it's slow, it's messy, it is cumbersome, it can be tiresome, it can be inefficient, but there is no better system that has yet been devised by humanity. Ramming through bills without proper debate weakens our system of democracy. Reading the budget to a hand-picked audience at an auto parts plant in Brampton was just an exotic manifestation of something that the Tories have been doing for quite some time now.

We have a problem in Canada, but I would argue it is more pronounced here in Ontario: people are losing con-

fidence in their system of democracy, in their politicians, their political representatives, and in their political institutions. The most obvious manifestation of this happens on election day when 50% of eligible voters stay home and sit on their hands. This is a serious problem. It's even worse among young people, when up to 75% stay home on election day.

We're determined to do something about that. We believe that we have a shared objective -- all members of this Legislature -- a shared responsibility to inspire greater confidence in politics, in our political institutions, and in our system of democracy. If we allow this erosion to continue, if we allow people's confidence to wane even further when it comes to the work that we can do together in Parliament, then we are treading dangerously close to losing our ability to come together, because that's fundamentally what government and Parliament are all about; it's how we come together to help one another overcome challenges that are simply too big for us to overcome on our own. If people lose confidence in our ability to come together and do good things, we'll have a very, very serious problem on our hands. We intend to do something about that, and I'll tell you how, specifically.

**1340**

We're going to start by scrapping the changes made by the Harris-Eves government that concentrated power in the Premier's office, thereby making the Legislature almost irrelevant.

We're going to give legislative committees more clout, enhancing their powers to call ministers and question them in depth about the issues of the day.

We're going to give power to an all-party committee to initiate legislation. We saw something fabulous that took place in an all-party sense recently, when a committee chaired by a member of the government dealt with the issue of energy. It's remarkable, the good work that was done through that process and it is remarkable -- Mr Gilchrist, I gather, chaired this committee -- how much good work we can get done when nobody tries to take the credit. Some very substantive, positive recommendations came from that work, and we intend to follow on that precedent and give the power to an all-party committee to initiate legislation.

**Mr Steve Gilchrist (Scarborough East):** Are you trying to muzzle me?

**Mr McGuinty:** If it works.

We're going to make sure that MPPs are free to do their jobs, which is to represent the views of their constituents. We have the best-informed citizenry in the history of this country and we still treat them, by treating their representatives -- we treat both of them like children.

With certain exceptions, like specific campaign promises and non-confidence votes, MPPs outside of cabinet in our government will be free to vote against the government.

We're also going to make sure that the government is accountable in question period. Cabinet ministers will be

required to attend two thirds of question period sessions and will be fined if they do not. Question period is where the government answers to the people. In a democracy, that shouldn't be an optional thing.

There's something else that will change. We don't believe in the Premier's divine right to call an election. Premiers, and I speak now of all Premiers of all political stripes, don't call elections when they think it serves the public interest; Premiers call elections when they think they can win. We're going to set fixed dates for elections, every four years, and we're going to put an end to all this pre-election guessing game nonsense, to say nothing of taxpayer-funded advertising propaganda.

So far, this government has spent over \$250 million on partisan, political, self-promotional advertising. We've all seen those ads. They're appearing nightly on television at very expensive time slots, whether for health care or for education. It seems to me that if we have any money for health care today we should be putting that money into health care and not into health care ads, and if we have any money for education we should be putting it into our classrooms and not into education ads.

When a government uses the voters' own money to try to and spin them, it only creates further cynicism felt by the public for politics and our political institutions.

Twice now, I'm proud to say, I've introduced a private member's bill and in government we will make that bill the law. That bill simply says that you cannot use taxpayer dollars for partisan, political, self-promotional government advertising.

We also believe that the time is long past for a full public debate about voting reform. When 50% of eligible voters can't be bothered to cast a ballot, something is clearly wrong. I believe that an important part of any plan to inspire greater confidence in our system of democracy is to give Ontarians the opportunity to choose the way they elect their provincial representatives. After all, Ontarians never chose this first-past-the-post system. We inherited this system. I think it's time we made a conscious decision to either keep it or trade it for another. There are a number of alternatives out there: proportional representation, preferential ballots, and there are different mixed models. If any of these make our citizens feel more involved in the system, if any of these encourage more of our citizens to take part in the system, then we should exchange a better system for the one we have now.

In government, we're going to engage the public in a broad conversation about the nature of our voting system, its strengths and weaknesses, and the nature of the alternatives and their strengths and weaknesses. We're going to hold a referendum on whether we should keep or replace the current system and what we should replace it with.

But we won't stop there. Whatever system we end up with, people still have to vote, and we will encourage them to do that. Permanent voters' lists were used for the first time last election, and there were just too many problems. We're going to use supplementary, targeted

voter enumeration to ensure that every eligible Ontarian can cast a ballot. Our goal is to increase voter turnout by at least 10%.

We're also going to begin to pave the way for Internet voting. We're going to ease it in, beginning with bank-machine-style kiosks at voting stations as an option. Where they have had on-line voting, they've had a dramatic increase in voter turnout, especially among young people. I've seen increases to the tune of some 600% in some of the states where they have employed on-line voting. Young people are spending much of their time there today, and we have a responsibility to make a real, concerted effort to reach out to them, especially given that 75%, in some cases, are staying home on election day.

It was almost 30 years ago that I took some time off after high school and got a job as an orderly at a hospital in Ottawa called the National Defence Medical Centre -- I know some members have heard me talk about this before, but it bears repetition. My job was to provide basic, hands-on care to World War I and World War II veterans who had come back and were badly injured. They went over there as boys, in many senses, I believe. I know that there was a lot of propaganda, because I've heard about it from some of the men on the ward, but at the end of the day, they went because they felt there was something worth fighting for, and they put it all on the line for us. Those men have all passed away -- that was 30 years ago, as I say -- but they would be disheartened to learn that so many people don't vote.

We have a responsibility. I know, in some ways, it's probably easier for us to talk about the responsibilities of government and accountability to Parliament when we sit on your left-hand side, Mr Speaker, because we feel especially attached to this whole responsibility, accountability and holding the government to task. But there is, I think, something here that is bigger than all of us, and my colleague Sean Conway spoke to that in a very compelling and eloquent way. I want to emphasize once again our responsibility as legislators, each and every one of us, to uphold time-honoured traditions which at first blush may seem cumbersome, inefficient and ineffective.

I think if there's a good lesson we can draw from what happened when the government decided to introduce its budget at an auto parts plant, it is that notwithstanding that cynicism of which I spoke, felt by so many Ontarians for politicians and political institutions, they reacted in an almost visceral way. They said, "You know, you can pull a lot of things over us, but we feel there's something fundamentally wrong with taking the budget and delivering it outside the Legislature. You are demeaning our institution. You're demeaning our legislators, our elected representatives." Most importantly, the sense I got from listening to Ontarians who reacted to this so viscerally was that they felt the government was demeaning them. They still attached a tremendous amount of importance to the work we do in here. That's the good news. They may have felt that cynicism, but what they conveyed to all of us was, "Don't go there. Don't try to do those kinds of

things. We still believe in our system of democracy. We still believe in the role of Parliament. We still believe in the role of our elected representatives." Fundamentally, they were saying we can do great things when we work together. I think that's what the people of Ontario were saying.

**1350**

The motion put forward by my friend Mr Conway is stunning in its simplicity. It simply reads, "That this House declares that it is the undisputed right of the Legislative Assembly, in Parliament assembled, to be the first recipient of the budget of Ontario." I don't think any of us could have ever predicted that we would be debating this kind of motion on the floor of this Legislature -- ever. But we find ourselves here today doing that. I think it gives us all an opportunity to revisit the value of the work we do here, to revisit the value we attach to this wonderful institution and to recommit ourselves to our system of democracy -- yes, Speaker, with all of its rules, all of its precedent, all of its traditions.

**Mr John O'Toole (Durham):** First, I would like to say that on the weekend I had an opportunity to speak with my son, Erin, who has just finished law school. He took great interest in your ruling, and I have to attribute much of the research -- between the two of us, we've looked at this from his informed academic perspective.

I thought I would offer thoughts on your ruling on *prima facie* contempt. As all of the honourable members assembled here today know quite well, I'm a frequent speaker on issues of concern to my riding, as well as those to the province of Ontario. On all occasions, regardless of the issue, I premise my remarks through you, Mr Speaker, as your office serves an important role in the governance of this province. The role of the Speaker in this province and this House of assembly or in the federal House of Commons is part of parliamentary tradition and convention that serves our democracy very well.

I rise today in response to your decision to give the matter of the 2003 budget speech priority over all House business. I think it is important, however, to review the concerns raised by the members from Renfrew-Nipissing-Pembroke and Niagara Centre. It is also very important, however, to review the role of the Speaker of this assembly in the circumstances surrounding your *prima facie* contempt ruling.

The most important facet of the office of Speaker in this modern age is that of neutrality to perform his or her duties as the unbiased servant of the Legislative Assembly. While serving the assembly, the Speaker has also become the *de facto* official or person in control of the debate. In this position of authority, all members can look to the Speaker for guidance on parliamentary issues and for the resolution of disputes in a most expeditious and fair manner. It may surprise many in this House to learn that this was not always the case. In fact, the origin of the Speaker of the British House of Commons was that the Speaker was an adviser or confidant of the reigning monarch. In this capacity, a motivated Speaker could control the substance of debate in the House in accord-

ance with specific objectives or personal motives. In fact, early Canadian colonies, including Upper Canada, inherited this activist notion of the role of the Speaker in the early assemblies of the country. Far from independent, many Speakers in the assemblies that eventually formed the Dominion of Canada were the most political members of the assembly. Many Speakers were actively involved in political organizations and movements that directly conflicted with the government of the day.

Slowly the role of the Speaker evolved into an office of non-partisanship. In fact it is this unbiased role of the Speaker and the removal of the cut and thrust of partisan political debate that permits the Speaker to serve the assembly and provide for the effective governance of the province.

The office of Speaker, so to speak, evolved to become the unbiased servant of the House of assembly, which required the member selected as Speaker to leave outward partisanship behind on elevation to that office. This requires the Speaker to withdraw from partisan activities, such as caucus meetings, and assume almost an aloof posture to ensure impartiality. In this matter, the office of the Speaker, both in convention and even in ceremonial garb, is akin to a justice of the court of the province who must retreat from his normal activities to ensure that justice is administered fairly and without bias.

I should note again that historically the Speaker, as you know, was not elected. There has been much discussion about tradition and parliamentary procedure and convention leading up to this debate, so historical developments of the office of the Speaker should be considered in this debate. Historically, the government leader, with the advice of cabinet, would select a Speaker from within the government benches and inform the opposition of that choice. On occasions when the government majority was tight, or when minority situations occurred, the Premier might decide to accede to an opposition member being chosen for the role of Speaker, but this was certainly not the norm. It was the convention in the early years of our country to permit that selection to advance to the Speaker's chair. In fact, the first business of the session following a general election has traditionally been the vote to ratify the Speaker. It has only been in the last number of decades that assemblies across the country have permitted a full election of the Speaker by the House or assembly.

It should also be noted that the parliamentary conventions surrounding the election of the Speaker have evolved steadily over the decades. Rather than this evolution being considered an affront to the tradition of the House, this gradual change was considered to be the maturation of the political process within our political heritage. In fact, the election of the Speaker in the House of Commons was the result of parliamentary reform initiatives considered by the committees of that House.

Some commentators have observed that this new election process for the Speaker of the assembly will often permit opposition parties to select their choice of Speaker based not on the most objective and unbiased of creden-

tials but perhaps more on an individual who might be more troublesome for the government or more activist in his approach.

In this circumstance, a government member may be more attractive to the opposition members and their votes if they offer to serve as more of a thorn in the side of government rather than in a more stoic and reserved role as Speaker. In other instances, all parties may decide to support the candidacy of a senior member of the assembly to assume the office of Speaker. In these situations, the members are recognizing the experience of senior members as individuals who have witnessed many years of debate in the House and have become similar to the corporate memory of the assembly.

I leave it to the members of the House today to decide whether that has been the case in Ontario since the convention was altered some time ago. Some might argue that the active lobbying and candidacy of prospective Speakers actually detracts from the requirements and authority of the office. Nonetheless, this election process has been part of the evolution of our assembly.

The Legislative Assembly of Ontario is now served by an office of Speaker who is elected by all members of the House to serve the assembly. The Speaker's chair remains in the House, but the member removes himself or herself from the regular role of a member of provincial Parliament and assumes a greater duty for the governance of the province. All other members of the assembly will respect his role, knowing full well that the office of Speaker serves the House itself and not any partisan objectives/motives.

The office of Speaker of the House in the Westminster parliamentary tradition has three distinct roles. First, the Speaker is expected to perform a number of ceremonial duties as part of the Legislative Assembly. Secondly, there is an administrative role to oversee the effective performance of the Legislature and the members of provincial Parliament. To carry out this administrative role, the Speaker is provided with staff and resources to ensure that members are afforded the proper tools to represent their constituents in the assembly. Third, and perhaps most important, there is a distinct quasi-judicial role of the Speaker. The Speaker presides over proceedings in the Legislative Assembly from the debate on the in the House to the conduct and decorum of members participating. The Speaker is to interpret the standing orders of the assembly in accordance with precedence and makes decisions on points of order and matters of privilege. It is this quasi-judicial role, in light of your recent ruling, Mr Speaker, that causes me some concern.

#### 1400

It is understood and recognized that it's left to the House to decide upon whether contempt of Parliament has occurred or not. The Speaker does, however, serve an important gatekeeper function by determining whether a prima facie case of contempt does indeed exist. This is an important example of the intertwining of the quasi-judicial and administrative role of the Speaker of this House. Due to the gravity of this subject and the possible

implications flowing from a contempt ruling, it is absolutely paramount that the Speaker consider this issue impartially and in full consideration of the rules of this House and of available precedents. In this manner, the Speaker is performing a quasi-judicial function by making a preliminary ruling on the issue of contempt. While this step is not the final determination of the issue, it is nonetheless a decision that must be made in accordance with our legal and parliamentary traditions of this province. With respect, Mr Speaker, I am concerned that your decision did not accord with the principles of administrative justice and fairness that should have characterized your decision.

While the *prima facie* consideration is not the final determination of the issue of contempt, it is certainly a preliminary determination that requires the principles of natural justice and procedural fairness to be at the forefront of the decision-making and the role of the Speaker in this assembly.

I am sure that all members assembled here today would agree with the old legal adage that justice must not only be done, but justice must also be seen to be done. Respectfully, Mr Speaker, prior to your consideration of issues of contempt of Parliament, your personal views on the Brampton budget were well known throughout this House and indeed throughout the province. Your critical view of the process was most evident in several written media pieces and in your appearance on TVOntario.

This morning, Mr Speaker, I reread one of those interviews published in the *Globe and Mail* on March 15. Your views are startlingly clearly expressed and, I would submit, in a fashion most uncharacteristic of the office of the Speaker. Regarding the off-site budget, you expressed great displeasure: "This is not the right thing to do."

Mr Speaker, you then went on in the interview in a manner that some might describe as attempting to incite a caucus revolt within the government, "What can happen and what I believe should happen" -- and this is a quote -- "is the Conservative members, if they decide that five or six of them want to stand up and say this budget isn't the proper thing to do, they could get the Premier to back down by saying they are not going to support" --

**The Speaker:** Will the member take his seat, please. Point of order, the member for Niagara Centre.

**Mr Peter Kormos (Niagara Centre):** On a point of order, Mr Speaker: I refer you to the standing orders, in particular standing order 13(a) and standing order 13(b). Standing order 13(b) indicates that there shall be no debate permitted on a decision of the Speaker, and I submit that what we are hearing is debate about the decision made by the Speaker.

**The Speaker:** On the same point of order, the member for Windsor-St Clair.

**Mr Dwight Duncan (Windsor-St Clair):** On the same point of order, Mr Speaker: All of standing orders 12 and 13 deal with order and decorum and conduct of a member of this House, and it appears to this side of the House, in any event, that the government member is now actively challenging the Speaker, or attempting to chal-

lenge the Speaker, for the ruling and to imply that the Speaker had somehow been biased.

I listened very carefully to the member's words -- and I will await Hansard -- but if my recollection and understanding of the words is reflected in Hansard, this represents an unprecedented challenge to the Speaker of this Legislature and would represent a dramatic attack on what has been an impartial decision by the Speaker that, in our view, breaches not only the standing orders but the precedents and conventions of this House.

We are increasingly concerned that the government is consciously attacking the Speaker at this point, and look to your direction and the direction of the table with respect to what is and what is not in order in the standing orders with respect to a challenge or a potential challenge to the Speaker.

**The Speaker:** Minister?

**Hon Brad Clark (Minister of Labour):** Mr Speaker, I would simply draw the House's attention to the statement that was made by the Speaker: "As I have said, only the House, not the Speaker, can make a finding that there has been a contempt of the House."

I've listened to the debate over the last few days, and quite clearly, with the greatest of the respect to the Opposition members, I sat here quietly and listened to their point of order. There has been a wide latitude of debate on this subject. You have stated yourself, sir, that you cannot find the contempt; only the House can. That's what we're here debating about. Now, although they may not like the position of the honourable member behind me, he's entitled to his position, and that's why we're debating it here today.

**Mr Sean G. Conway (Renfrew-Nipissing-Pembroke):** On the same point of order, Mr Speaker: I want to remind the House that the item before the House is my motion, which reads, "That this House declares that it is the undisputed right of the Legislative Assembly, in Parliament assembled, to be the first recipient of the budget of Ontario." That is the motion currently before the House, and I would hope, in the interest of constructive action on a Monday afternoon, that we could all remember that.

**Hon Chris Stockwell (Minister of the Environment, Government House Leader):** On a point of order, Mr Speaker: I am in agreement with the member for Renfrew with respect to what is before the House. I'm also suggesting to you that you have given a very wide berth with respect to what is debatable, what is before the House and what isn't before the House from the previous speeches that I've read and reviewed. I will ask you to look to Mr Kormos's comments with respect to this debate as the lead-off speaker for the NDP. It would seem to me to be fair -- yes, that motion is before the House, but with your take on what was being put toward the House during Thursday's debate, the latitude I took was that you were allowing a very wide berth. If we're going to focus this now, it becomes very difficult to determine when we have to focus the debate and when we don't have to focus the debate, and I ask for your indulgence with respect to that.

**Mr Bob Wood (London West):** Mr Speaker, as one who commented on this very issue in favour of the validity of your ruling on Thursday I think I should speak to this. The member, of course, is debating the motion before the House. But your office, sir, is not so fragile as not to be helped by comment both in favour of something you've done or against something you've done. This member is not debating the ruling that you made on Thursday. This member is commenting on the ruling with a view to commenting on the motion, and I think it would be a very, very serious error, sir, and not contemplated by the standing orders, to limit comment on what you may do. I think it's quite important that there be full debate, because out of full debate will come a better result.

I say that as someone who thinks the ruling was sound from last Thursday and said so. If others take a different view, I think they're quite entitled to that, and it does not in any way diminish the respect for your office or for the rules of this House.

**Mr Gilles Bisson (Timmins-James Bay):** On a point of order, Mr Speaker: I would very quickly -- and most of it has been said -- go back to your comments the other day when you said, "I have a lingering unease about the road we are going down, and my sense is that the House and the general public have the same unease." I'm feeling rather uneasy because where the member is going, as I see it, is a move of non-confidence in the Speaker, which is to my view quite a different issue and I hope we're not going there. But it seems to me that he's trying to open up a whole other issue by way of this debate that is really not before the House at this time.

**The Speaker:** I thank all the members. As the members will know, the ruling of the Speaker is not debatable. I'm put in a little bit of a difficult position because I'm caught in the middle at this time, for obvious reasons. It is the motion that we are debating. I know we sometimes have some latitude on the debates, and have had in this House over the last few years, where members tend to wander and Speakers who are in the chair tend to bring them back.

I will remind the member that the motion he is dealing with is the member for Renfrew's motion on the budget. I would ask him, as I would at all times, to stick to the motion. I will be listening very careful as we move forward.

**Hon Mr Stockwell:** On a point of order, Mr Speaker: I might add, considering it was a point of order brought forward by the opposition, that there were nine minutes and 28 seconds left for the member's speech. He's now down to three minutes. I would request that we go back to nine minutes and 28 seconds.

**The Speaker:** Is there unanimous consent? Agreed. We'll put the clock back. The member for Durham.

1410

**Mr O'Toole:** I would also like to put on the record very clearly that if there was anything that you found offensive in my remarks, it certainly was not my intention whatsoever. I would argue, Mr Speaker, that any occasion when you are speaking outside of this Legis-

lature, in fact, your duties are supposed to be implied as impartial. I would put to you that the comments I was making of your comments on TVO just proved exactly that. I wondered if it prejudiced your decision. I'm not in any way challenging anything you've said.

I also respect that the members on the other side in their remarks have also made reference to issues that are not specific --

**Mr Kormos:** On a point of order, Mr Speaker: Very quickly, once again the speaker returns to the very point: the member addressing the chamber is painting the Speaker as not having been impartial. I put to you, Speaker, that it's important that you make, with respect, a firm ruling on that today so that we don't start expanding the latitude around how one can, through the back door, debate the decision of a Speaker where one can't do it through the front door. I suggest to you the member has returned right back to the same message.

**The Speaker:** I thank the member very much. Again, myself and the table will be listening very carefully.

**Mr O'Toole:** Mr Speaker, your views are important, and all members in the House have the greatest respect for those. The point I'm trying to establish is that once you start to break from tradition -- and the tradition that has been established is that the Speaker does remain impartial. I leave it to you to decide the case. The information that I'm putting forward is simply that it's a matter of information. And I say that there is a natural justice and a procedural fairness, as I have listened attentively to members on the other side of the House speaking on issues of relative insignificance in terms of the importance of this issue.

I would encourage all members to approach this with an open mind, as opposed to a closed mind. It is up to this House to make and listen to the debates, and I don't think the debate has been concluded. All I'm trying to point out is the Speaker, in your role as an impartial judge and in many respects a jury -- that's exactly the point that I've been trying to establish.

There is a certain irony in this finding that there was perhaps an apprehension of bias surrounding your prima facie order. I would argue that the very reason parliamentary tradition developed a requirement for the Speaker to be non-partisan and beyond reproach, as I said before, was to ensure that impartiality and fairness in their decision-making. In fact, all of our parliamentary traditions surrounding the office of the Speaker attempt to foster the sense of independence and separation from the partisanship of issues before the House, from the positioning of the Speaker's chair between both sides of the House, to the tradition of the mace and the separate office and practices of the Speaker for the purpose of maintaining separation from the politics behind all of the issues before us.

It is this separation and impartiality that very much ensures and protects the integrity of the office. Traditionally, this office of Speaker has rarely commented on political issues outside of the House and has normally taken great pains to avoid influencing the decision of



members of the assembly or the impression of the public. Perhaps we should all endeavour to forge a political convention that a Speaker, originally from any side of the House, should only make statements in the House, not in scrums or in TV studios. Maybe that will be an unexpected benefit of this current debate. It will improve the debate and the role of the Speaker to be more highly respected, and to a higher standard. I would say any member sitting as Speaker should maintain a higher standard.

**Mr Duncan:** On a point of order, Mr Speaker: This member is calling into question your ruling, your *prima facie* case. He is suggesting that you are biased, he is suggesting that you conducted this before being in possession of the facts and implying that somehow you were not fair in the decision.

As he reflected in his own remarks, the decision of whether or not there has been a contempt of this House does not rest with you, it rests with the House itself. You found a *prima facie* case based on evidence, presented that evidence to this House, backed up by the relevant authorities and made a final determination of a *prima facie* case. It will be up to the House to determine if there was contempt. What the member is saying is that your conduct in the lead-up to that decision -- he is in effect, in our view on this side of the House, showing contempt for the Speaker and attempting to intimidate the Chair.

Sir Thomas More, the first Speaker of the British House, had his head chopped off by a government that tried to muzzle the Speaker. The impartiality of the Speaker is the essence of our Parliament, and I would suggest the member opposite is calling that into question. For our part on this side of the House, we don't believe the Speaker has not been impartial at all on any occasion.

**The Speaker:** Fortunately, some of the traditions do change about the Speaker losing his head. The member for Durham may continue.

**Hon Mr Stockwell:** On the alleged point of order, Mr Speaker: The speaker had five minutes and 40 seconds on the clock. I would ask you if you could put the five minutes and 40 seconds back. Otherwise, we're going to be in a game where every member stands up, and we're going to have points of order popping up. It's really just a subversive way to get them to close down and not express their opinions.

**The Speaker:** Was the member asking for unanimous consent?

**Hon Mr Stockwell:** No, Mr Speaker. I'm asking for you to make a ruling as to whether or not we can put it back to five minutes and 40 seconds.

**The Speaker:** We'll put the time back and try one more time. I want to say very clearly to the member that this is his last warning. We will move on to the next person in the rotation if you continue to attack the Chair.

**Mr O'Toole:** Thank you, Mr Speaker. I understand that the time allocated for debate and response was the same for all members here, and I appreciate the fact that you're giving me the appropriate time which was allo-

cated for each member. I also want to put it very clearly that these remarks are in fact my remarks and are --

*Interjections.*

**Mr O'Toole:** This is one more example of how the fairness of the debate as I am approaching it is being challenged by those who would have no other way to know.

In fact, I'd remind the NDP members of the announcements they made in the social contract several years ago. They contained many fiscal and social implications beyond a budget statement. They were not made in the House. In fact, at that time, the challenge, as was cited in one of the precedents -- the Liberal government in their day in 1988. It is the very substance that these members here are not prepared to listen to discussion of the fairness of the decision we're dealing with. Those are the arguments I'm putting forward. This was not seen to be in contempt but was seen as an attempt by Premier Rae to speak to greater matters due to the radical measures contained in the decision he was making. That is, the implication was that he was speaking to the people. You tried to reach consensus with the union leaders, as you would -- and I appreciate that -- but you were unable to reach a decision or gain consensus, so you tried to go directly to the people of Ontario. In fact, I would put to you that that was the motive of our Minister of Finance.

Each member here tries to represent, in fairness, their constituents but also the interests of Ontarians. We need this opportunity to make sure there is an opportunity to speak directly to the people of Ontario. That, to me, is what this is about. In fact, if I look at many of the pre-budget announcements that are made federally, provincially in all provinces and in many jurisdictions, these announcements themselves are part of the budget. In many cases, they are the budget. In fact, I would put to you these trial balloons are often made and in some respects tested prior to the budget itself.

Any outgoing decision from here to look at Mr Conway's resolution would be quite controversial with respect to what was appropriate in terms of public input. So, as I see it, the motion is completely something that I have very grave difficulty trying to support.

I also think it's important for all members here to consider this as an opportunity to learn about the procedural role, not just of the Speaker, but of your duty in the House to represent as faithfully as possible your views on an issue. I would say to you that my position on the rear bench of the House often leaves me very frustrated by advice given to members on both sides of the House. But my respect for this assembly leads me to rise and speak on matters of importance to the citizens of Durham and to advance government and other public policy discussion that I feel is important to not only my constituents but indeed the people of Ontario.

1420

When a decision is made, there is generally a position of appeal in most court decisions. The case I've made here, or attempted to make despite the unreasonableness on the other side, is to bring forward the fact that there is

a process. This debate is not to challenge in a negative sense but to review all of the information we have before us in the precedents that have taken place in this House before this decision more recently on this prima facie finding of contempt. I would put to you, that only permits this debate to take place. The decision has not yet been made. I've tried to clarify where I stand, my position, and I'm prepared to listen to the speakers who will be following.

We heard from the Leader of the Opposition. I will cite that his speech made very little reference to the substance we are actually debating. He talked about the number of times the House has or hasn't sat, how many times a speaker spoke, his political platform, what he would do if he were leader. He hasn't got a clue what he would do as leader. In fact, this House is a good place to challenge his ability to lead whatsoever.

That is substantially the reason I believe the other side has gone completely off the rails. I'll be listening carefully, and what I'll be listening for is how often they actually agree with the decision or are talking about their political propaganda. That's what I'll be listening for in the few minutes that are remaining.

In conclusion, I want to put on the record that the opposition, in my view, is trying to delay the procedures of this House by confronting me and trying to disrupt the argument which I and my son, my oldest son Erin, who just finished law school --

**Mr James J. Bradley (St Catharines):** Guy Giorno.

**Mr O'Toole:** Mr Bradley, you have no idea what you speak of, which is typical of your performance in this House.

**The Speaker:** Before we continue -- there is going to be some heated debate, I see -- I would ask all members to please, kindly reflect not only on what they say regarding the Chair, which is a long-standing tradition, but also regarding other members.

Now in the rotation I believe it's the member for St Catharines.

**Mr Bradley:** This is truly a very significant debate in this Legislature, and probably could be -- you can never tell these things -- a defining moment in the history of this government. To see the government, upon hearing an independent ruling by the Speaker, take the tack, then, of attacking the Speaker is absolutely appalling to watch. To hear a member of this Legislature -- and I ask the government House leader to have listened to all of the remarks of the member for Durham, all of the remarks he made, and if that is not an attack on the Speaker of this Legislature, I don't know that you have heard everything he has said.

To watch this government try to circumvent the democratic processes in this Ontario of ours is appalling not just to the many editorialists, not just to, as the Premier tried to say, the academics, the professors, the pundits, but also to many long-time Progressive Conservative members of your party and I suspect even some members of the Legislature who will remain silent in this debate. This is appalling, to watch the party of Bob Welch, who

was one of the predecessors in St Catharines, a genuine parliamentarian; the party of Tom Wells; the party of Bette Stephenson; the party of Bob Elgie; of Larry Grossman; of Frank Drea; the party which defended the rights of this Legislature, including now a man who is a justice, Roy McMurtry. To listen to arguments of this kind being put against the Speaker is absolutely unbelievable; to listen to a threat by the previous speaker from Durham that somehow we should bring back the appointed Speaker, as though to have a government toady in the office of the Speaker is what the government will threaten if somehow a Speaker dares to impose a ruling on this House or give a ruling to this House of the nature that we have heard from Speaker Carr.

I am surprised. I have to tell you that I thought you people -- some of you not believing in democratic institutions -- were at least politically wise enough to understand. Had the Premier stood in this House and said, "We thought we were doing the right thing, and maybe I still think it's the right thing today, but we've had a ruling from the Speaker and we've heard from the people of Ontario, and we were wrong and we won't do it again," think of the credit the Premier of this province would get by saying that. He would have been the lead, if you will, in all the stories, saying, "You know, maybe we made a mistake, and we're not going to do that again." People would have admired that. That would have been a wonderful opportunity for the government, and quite frankly it would have been good for the House.

Instead we get an attack on the Speaker of the Ontario Legislature and on the impartiality of that Speaker. Instead we get the story that everybody else but the government is wrong, including some very senior members of the Progressive Conservative Party at the local level, people who have come up to me and said, "I'm not necessarily going to vote for you people or anything of that nature, but I'll tell you that I thought the government was wrong in what it did." Those are the people you've turned off with this. You're turning off the democratic process, and for no good reason but simply because some whiz kids in the Premier's office said, "We've got a good idea. We can circumvent the House. We can go directly, so-called, to the people of this province instead of coming to the Legislature." Even people who really don't know about the rules of the Legislature and may not care much about them have come up to me in the street or at public meetings and said, "I think the government was wrong in what they did."

The government has suffered a major blow with this. It had a chance to recover. It had a chance to come back and say, "We were wrong, and we're not going to do it again." Some people, even on the front benches, kind of hinted that might be the case. I heard one member, for whom I have some considerable respect in terms of his observations of this House, speak about the ruling in a somewhat favourable way. Members have to do that independently. This is a ruling that affects all the House; this affects every member. To defend what some people in the Premier's office did as though you have to wear it

is unbelievable. You don't have to wear it. I tell you that you don't have to wear it.

Tell the people from the Premier's office they were wrong. Get up in the House and say, "You know, maybe the Speaker has a point or maybe all those editorialists have a point or maybe those professors or those average individuals in our society have a point and we shouldn't do it and we won't do it again." But instead, you get up and try to defend the indefensible, and today you try to defend it with an attack on the Speaker himself. That's most unfortunate.

I must say that this is perhaps a defining moment for the government. What it tells people in the province, unfortunately for you, perhaps -- because I'm not a prognosticator who can tell you the future -- it will tell the people of this province that you can't be trusted with our democratic institutions.

**Mr Frank Mazzilli (London-Fanshawe):** No, no.

**Mr Bradley:** That's what it will tell them. My friend from London-Fanshawe may not agree with that, but I'm telling you that's what happens. That's exactly what I think it is. And the abuse of our system continues. It's a pattern. They look at it as a pattern. They say, "The power is being concentrated in the Office of the Premier of the province."

We have the House, this Legislature to which all of us belong, not in session from December 12; we had a question period on December 12, 2002; the next question period was May 1, 2003 -- almost five months that this Legislature was not in session and not many committees of the Legislature in session. It might have been an excuse for not having the House in session if we had committees working all the time, carrying out its business. In the minds of many people in this province, the real reason for not delivering the speech in the Legislature was that the government simply didn't want the House to come back, didn't want to face question period on a daily basis, it didn't want to face the media scrum, as we call it here, on a daily basis. I understand that. I understand governments don't want to do that, but that is part of the accountability for which people fought in years gone by.

1430

I want to quote from the Speaker's ruling, because I think his words are words to which all of us and all the people of Ontario should listen. In his ruling, he said the following: "Having reflected on these authorities, I will apply them to the case before me now. It is hard to recall a time in recent memory when a matter of parliamentary process has so incensed people inside and outside this province. Many Ontarians from all walks of life have complained in an overwhelmingly negative way -- to my office, to members directly, through various media, and to the government itself -- that the government's approach to communicating the 2003 budget to Ontarians has undermined parliamentary institutions and processes.

"As I've already indicated, there have been occasions in the past when a Minister of Finance or a Treasurer has neither personally presented the budget in the House nor read the budget speech in the House. In the case at hand,

however, the government indicated that the events of March 27 were motivated by a desire -- in the March 27 press release issued by the Ministry of Finance -- to have 'a direct conversation with the people of Ontario.'" That's a quote from the press release.

"To the extent that they imply that parliamentary institutions and processes in Ontario tend to interfere with the government's message to the public, such statements tend to reflect adversely on those institutions and processes. If the government has a problem with those institutions and processes, or if it wants to improve them, why did it not ask the House sometime during the last session to reflect on the problem and to consider appropriate changes? Traditional ways to do just that would be to introduce a bill, table a notice of motion, enter into discussions at the level of the House leaders, or ask the standing committee on the Legislative Assembly to study and report on the problem. Given the public's reaction to the government's decision to stage a budget presentation outside the House, I think Ontarians are rather fond of their traditional parliamentary institutions and parliamentary processes, and they want greater deference to be shown towards the traditional parliamentary forum in which public policies are proposed, debated and voted on.

"When the government or any member claims that a budget presentation is needed outside the House well before it happens inside the House in order to communicate directly with the people or because of a perceived flaw in the parliamentary institution, there is a danger that the representative role of each and every member of this House is undermined, that respect for the institution is diminished, and that Parliament is rendered irrelevant. Parliamentary democracy is not vindicated by the government conducting a generally one-sided public relations event on the budget well in advance of members having an opportunity to hold the government to account for the budget in this chamber.

"I can well appreciate that parliamentary proceedings can be animated and often emotional, and they can be cumbersome. It may not be the most efficient of political systems, but it is a process that reflects the reality that members, like the people of Ontario, may not be of one mind on matters of public policy. A mature parliamentary democracy is not a docile ... or one-way communications vehicle; it is a dynamic, interactive and representative institution that allows the government of the day to propose and defend its policies -- financial and otherwise. It also allows the opposition to scrutinize and hold the government to account for those policies. It is an open, working and relevant system of scrutiny and accountability. If any members of this House have a problem with the concept of parliamentary democracy, then they have some serious explaining to do."

The Speaker went on to ask several questions which prompted him to permit this debate to take place in the House today. This is part of a pattern, I say to members of the government, a pattern that government members themselves should be trying to arrest, whether they be in

cabinet or whether they be members of the so-called backbench. In my view, there is no such thing as a backbench. All members should not look forward to their time in cabinet and place themselves in favour with the Premier by making speeches which are defending the indefensible, but rather they should be defending this particular institution.

Let me say what is happening out there to ignore this institution, to ignore the democratic processes. We have an unprecedented orgy, is the word we have to use, of government advertising.

My friend the opposition House leader, Mr Duncan, handed me this week's Maclean's magazine: a 30-page, expensive, glossy supplement extolling the virtues of the policies of the government of Ontario. I've never seen anything like it. What is going on right now is unacceptable. I will not say, as many in this House have said, that other governments have not advertised; they have. But I have not seen it to this degree, and that is an abuse of the public process.

Coming in this morning, I was listening to my local radio station. They were advertising upcoming advertising, if you can believe that. It was advertising for Super-Build that said: "Open the St Catharines Standard on Wednesday and there will be an advertisement on Super-Build." This is out of control, I say to government members. Go to the Premier, go to the whiz kids, put a stop to this nonsense that every time you turn on the television set you have yet another taxpayer-paid, blatantly partisan government commercial.

If the Progressive Conservative Party wishes to pay for them, I have no objection, because that is their message to put out. But when the taxpayers of this province are asked to pay for clearly partisan advertising on radio, on television, in newspapers and magazines, in pamphlets, on huge signs on the side of the highway with the Premier's name on them where there's not even construction taking place, that is unacceptable to the majority of the people in this province, including many of the people who support this government who I know have mentioned this to me, and they support this. The degree of abuse of office by your government is unprecedented. I've never seen anything like it.

What have you done for this parliamentary institution? You've changed the rules; you've gutted the rules of this House so that the scrutiny of the opposition is not as strong as it used to be. The opposition cannot force the government now to have hearings around the province on its bills. I remember my good friend the Attorney General of this province making an impassioned speech in this House, with which I was in agreement, about the role the opposition has to play in holding the government to account. He was right then, and his words are right today. But what have you done? You have changed the rules of this Legislature to grease the skids for this government to push its legislation through. Often, when you shove it through too quickly and without the proper debate, that's when mistakes are made.

I note as well some of the other things you have done. You have changed the Election Finances Act to allow political parties to spend more money, to exempt certain expenses during the campaign, such as the leader's tour and polling. You've allowed people to donate more money to political parties, moving in a direction that has money playing a greater, instead of a lesser, influence. I know there are some members on the government side who aren't happy with that as well, who don't rely, and don't want to rely, on those kinds of donations and to have very expensive campaigns, but that's what you have done. You have changed the Election Act to make it a shorter period of time, so that money and advertising play an even greater role, and those who are in the field, the door-to-door people who conduct the traditional campaigns, are placed at a disadvantage. You have a voters' list that leaves many people out of the process. You have, in addition to this --

**Mr Mazzilli:** On a point of order, Mr Speaker: Certainly there were many points of order while our member, Mr O'Toole, was speaking. When I look at this debate, it's a significant debate, because what we have here is a situation where there is, quite frankly, no precedent. What was put before you, sir, was a situation where the institution was being challenged and --

**The Speaker:** If the member can't get to the point of order, which he can't -- the member for St Catharines.

**Mr Bradley:** The picture I'm painting for the member is all the abuses of the democratic process that I see taking place in this province.

I know that's not something most people other than political scientists normally worry about; I understand that. But one of the judgments you make on a government is what they do when they think nobody is watching. You have been able to get away, to this point in time -- you raised the issue of government advertising -- because there hasn't been much coverage of it. There really hasn't been. You would've gotten away with the budget outside of the House if the news media hadn't decided that this was an affront to democracy.

**1440**

You have to judge governments on that basis, because sometimes the media, the public, or even political observers aren't watching. You have to do what's right when that happens, not simply when you think you're under scrutiny or under pressure.

This is an important debate in this House. The member for Renfrew-Nipissing-Pembroke did not present a motion which was inflammatory. He did not present a motion which was highly condemning of the government. He put forward a very clear motion which simply asked that this Legislature receive the budget of the province of Ontario before it goes out into an auto plant training centre.

I think there are people in the Conservative benches who agree with the ruling of the Speaker. I think there are people on the government benches who agree with what some of us have said, but more importantly, people like Michael Bliss. Michael Bliss has real Conservative

credentials. He doesn't often say critical things about this government. When he came to the conclusion that he had been insulted by what the government had done, it was exceedingly important in that particular stage.

I have his comments, and he concluded by saying this: "Well, perhaps we old fogies, like the Legislature itself, just don't matter any more. Go ahead and ignore us, Messrs Runciman and Eves. We'll ignore you too. After that Sunday morning phone call, your party is not going to get any of my money. And after you pull your tawdry little budget stunt, don't bother sending anyone around to my door asking for my vote.

"So long as the Progressive Conservative government continues to be an insult to the intelligence of Ontarians, my election day plan is to sit on my patio, read a book, and eat an orange."

That's Michael Bliss, who has not been a person who has been critical of Conservatives over the years.

I want to conclude with an observation about the Speaker by Jim Coyle. It ends as follows: "As Carr knows, those who don't play the game pay a price. The same 'they' now have him in their crosshairs. But happily for the Speaker, for MPPs, and for the public they serve, he's got nothing to lose.

"In the interests of full disclosure, I should say that some years ago, while toiling in the vineyard of the Queen's Park press gallery, I played a little shinny against Gary Carr. As I recall, I couldn't put anything past him. But no worries. Neither, it seems, can the Premier."

**Mr Duncan:** On a point of order, Mr Speaker: A little incident occurred that you may not be aware of. Our phones began ringing during the Conservative member for Durham's speech. People called to report that an obscene gesture was given by the member that was caught on camera and seen throughout the province. I rise to inform you that at 4:30, when the master tape is available, we will have a look at that. Two of our members observed it. We will have a look at that tape. We can't determine who it was directed at, whether it was directed at yourself, the opposition or another member, but there could be, in our view, a grave disorder if in fact that has been captured on tape.

**The Speaker:** Before we continue, if any member has inadvertently done something, at any time they can stand and apologize. I'm sure we are all honourable members in this House and would do so if in fact we did. Obviously if an occurrence happens like that, our table staff and our friends who actually run the TV will be able to provide that.

**Mr Kormos:** I observed the gesture. I presumed it was directed to me. I believe that, notwithstanding my criticism of him, the member thought I was still number one. I have no concerns whatsoever. I expect no more and, quite frankly, no less from that member.

**Mr O'Toole:** I sincerely withdraw any offence I gave to any member. It will not happen again.

**The Speaker:** I thank the member for that. Now in the rotation, the member for Timmins-James Bay.

**Mr Bisson:** Before I begin, I'd just like to make an amendment to the original motion --

*Interjection.*

**Mr Bisson:** I notice you're conferring.

**The Speaker:** The member for Timmins-James Bay may continue. Sorry for the interruption.

**Mr Bisson:** I would like to move an amendment to the motion. That's why I was trying to -- I noticed you were conferring with someone.

I have an amendment to the original motion, that the motion be amended by adding the following thereto: "and not to present the budget in this way constitutes a clear contempt of the House."

I want to start my 20-minute rotation as the whip for the New Democratic Party with the comments that you made in regard to your decision of last Thursday. I take these comments quite seriously, because I see what happened in this House last Thursday as being one of the only times that I can recall in the 13 years that I've been here that a government has been found to be totally not respectful of the institution that we have here.

Mind you, this government has had contempt motions against it before, and we can go to that, but I took your comments very seriously. You started off by saying, on page 234 of the Hansard of last Thursday, May 8th, "I have a lingering unease about the road we are going down, and my sense is that the House and the general public have the same unease." Then you go on to say that, if left unchallenged, this "incident will embolden future governments to create parallel, extra-parliamentary processes."

That's really what this is all about, Mr Speaker. I agree with you, as a member of this Legislature now for my third term, some 13 years. I believe the path we are taking now by way of the actions of this government and what we're dealing with in the House today is most serious because it speaks to the most basic, fundamental rights that we have as legislators here at Queen's Park and as we do across the Commonwealth in any parliamentary democracy. That is that this House is charged with the ability not only to conduct and make decisions by way of votes that government may bring before us by way of bills or motions, of private members or opposition parties -- but one of the most fundamental things that we deal with is the budget: how we spend money in the province in Ontario. That's one of the most basic, fundamental rights I believe that we have as legislators. When it comes to making the province work, how we collect taxes and how we spend those tax dollars are among the most basic, fundamental responsibilities we have as legislators.

When this government chose -- not because the opposition was blocking them from being able to bring a budget forward, as happened when the David Peterson government was in place -- to go outside of Parliament in order to sell their budget because, in their own words, they find that Parliament is a hindrance to them getting their message out, so therefore they're going to circumnavigate the Parliament and take the budget outside

of the sight of Parliament to do it against some stage-managed backdrop, I think that is really taking a step down a road that this current and future legislatures don't want to go down. It really says that this Parliament is brought down to mere irrelevance when it comes to what we do as our work.

As you went through your ruling, Mr Speaker, I thought as I listened to it that it was quite balanced. You went through the various stages, and said at the end that in fact you thought this was one of the most basic issues that we had to deal with. I couldn't agree with you more.

1450

The handlers came to Ernie Eves and said, "Listen, we've got this great idea. We're going to take the budget outside the House. We're going to put it out with Magna International as the backdrop. We're going to have our own invited guests come in. We're going to have commercials in the middle of it. We're going to sell this budget, wham, bam, thank you, Sam. No opposition there to pester us with any negative comment." I have to ask myself a question: where was Ernie Eves when that was being thought of as a strategy? Either it was a strategy that was made by Ernie Eves and then delivered by his campaign team or it was his campaign team and the people in the Premier's office who came up with the idea and brought it to the Premier. In either event, where was Ernie Eves, the Premier of Ontario, in that decision?

I know where I would have been if I had been Premier of Ontario and my handlers came to me and said, "Gilles, you're 20 points back in the polls." I remember that. We were in government in 1995. We were about 20 points back. I remember it well. If all of a sudden they came to me and said, "I've got a surefire idea to boost you up in the polls; we're going to do the budget outside the House," not in a million years would I have accepted that advice. I can't believe that any members of the House who have been here for any time would have been able to accept that argument. Quite frankly, they would have said, "Hey, go away with that. We'll have some stage-managed events after we read the budget in the House. Let's do things to promote it once we've read the budget in the House, but at no time should we try to circumvent Parliament in bringing the budget forward."

It brings into question, in my view, the leadership of Ernie Eves. I hate to say that because quite frankly -- and I want to put it on the record -- I have respect for Ernie Eves, both as our Premier and as a person. I've served in this Legislature with him dating back to 1990. I know that when Ernie was in opposition, he was a decent person to deal with, as he is a decent person to deal with now as Premier of Ontario. But I have to ask myself this question: where was his judgment in allowing this decision to go forward?

One of the issues here that I think we have to reflect on is not only the larger issue that we're going to have to vote on this motion by the end of the debate, probably tomorrow some time, to decide where we go as a House, because you have charged us with that decision, but I have to ask myself, where was Ernie Eves in regard to his

leadership on this issue? I'm hoping Mr Eves comes into the House today and tells us what his views are on this now that he's had a chance to see this unfold Thursday and over the weekend.

I am imploring Mr Eves to do something that's very simple: to come into the House and say, "You know what? We tried to do something we thought was smart. We tried to do something we thought was right. We didn't feel we did anything wrong, but I'm sorry." If the Premier of Ontario were to have come into the House on Thursday or over the weekend -- even today might not be too late -- and finally said, "We did wrong and we're sorry," and move on, I think a lot of Ontarians would have understood it. They would have said, "Yeah, they messed up, but at least they're willing to fess up to the mistake they've made."

I'm looking forward to seeing if the Premier is actually going to come into the House -- because I noticed he was here earlier -- to say exactly that, because for him not to do so really goes to the root of what the issue is here, and that is that this government, in my view, is not only in contempt of this House but, quite frankly, is in contempt of the population of Ontario when it comes to the democracy they are charged with as a majority government to uphold. We can't forget this government got elected by more people than individually the Liberals or the New Democrats, and they were given a majority. It's a wonderful thing for a government to be able to say they got a majority in this House, but I believe with that comes a responsibility, and that responsibility is to govern in a way that respects the people of Ontario through their institutions.

I think this government has demonstrated on too many occasions that when it comes to respect for the institution of democracy we have in this Parliament, they've tried to thumb their nose at it to a certain extent. I look back to the debates we've had in this House in regard to rule changes. We have got to the point where the opposition parties have been stripped of many of the tools we had to hold the government accountable. Why did the government do that? Because the government said, "Oh, the opposition is always holding up the government. Whenever the government wants to do something, the opposition goes into filibusters and stops everything." No, that wasn't the case. We used the rules on the change of the megacity. Yes, our caucus, the NDP caucus under the leadership of Howard Hampton, decided that we were going to use the rules to their fullest to try to stop the merger of the city of Toronto and others into what is now called the big megacity because the government never ran on that as a platform item -- it was not inside their Common Sense Revolution -- and we thought it was wrong that people had not been consulted, and there was a referendum in Toronto by which a majority of Torontonians across this great city said they didn't want to be amalgamated. So yes, we used the full extent of the rules to be able to slow you down.

But the government, when they felt frustrated by the process, came back with the biggest hammer they could

find and they basically knocked the opposition down below the floor, to the point that we have very little in the way of rules to be able to hold this government accountable. I put to you that yes, at the end of the day, a government has to have the right to pass its legislation. I won't argue that for one second on either side of the House. I may not like a law that you want to bring forward, but the opposition has a role and a responsibility to scrutinize that legislation and yes, where the legislation is controversial, to slow debate down in order to be able to have a fuller debate about what the issues are. If that's messy for the government, too bad; that's democracy.

Do we want to be ruled in a land where a government decides by way of who sits in the corner office at the Premier's office that you can do what you want, when you want, without scrutiny? I thought we fought wars against that. Thousands and thousands of people died to give us the right to participate in this democracy. That just doesn't mean at the ballot box to exercise my democratic franchise to vote, but when elected, to be able to utilize the rules of the House to hold the government to account and to be able to scrutinize them.

At the end of the day, I accept as an opposition member that the government will do what it has to do because the people have given them a majority. I can go into a whole debate about how we elect governments and that we should move to proportional representation -- in fact, it's inside our Public Power book, and I ask people to take a look at [publicpower.ca](http://publicpower.ca) -- but this is not what I want to talk about today.

I just want to try to get the government to understand that you're going to have one heck of a serious decision to make tomorrow or the day after, when we bring this to a vote, and that is, do you want to be seen as a government that yet again, by your majority, is going to vote in opposition to this motion to give you even more rights than you have already; to be able to move outside of this Legislature with whatever communication exercise you may have because you find the Legislature to be cumbersome, you find it to be a debating place, you find it to be a place where you may get some criticism?

I say to the government, be careful. If I believe the polls, those of you whom are coming back are going to be sitting on this side of the House. There's a very good chance of that.

**Mr Wayne Wettlaufer (Kitchener Centre):** Don't believe it.

**Mr Bisson:** You see, there's the problem. The Conservative member says, "Don't believe it. We'll be back as government." Well, I say to you across the way, you still don't get it. You're not only holding this House in contempt by saying that; you're holding in contempt the people of Ontario. Let them decide if they want to give you a majority or if they want to throw you out of office. I'm just saying -- I don't have a crystal ball to read what's going to happen in the next election -- if I'm to believe the polls, there's a very strong likelihood that you will be sitting on this side of the House if you're re-elected. My point is, you're going to have to live with the

rules that you have made -- unless we form the government, because we're going to change some rules to try to bring some democracy back. I don't believe that a Liberal majority would actually change rules, which is a whole other debate -- but you're going to have to live with not only that, but the decision that you make here tomorrow vis-à-vis this particular contempt, the vote that we'll have in regard to your contempt against the House.

So I say to the government members, be wary. This is a very serious thing that the Speaker is asking us to debate today and to be able to decide how we want to proceed. I believe all of us want to proceed in a way that's best for Ontarians, and that is to make sure that at the end of the day, yes, a government has the right to do what it has to do by right of its majority, but it cannot use that majority to the point of being seen as tyrannical.

There's the old saying that the parliamentary democracy that we have today in the British Commonwealth is really a tyranny of the majority, and I don't believe that you want to be seen that way. I have to believe that as human beings you're no different than me. You may have a different philosophical view on things and a different ideology in politics as a political view, but I believe that we're all honourable members and we're all here for the same reason: to serve our constituents and the people of Ontario to the best of our ability. I don't believe we can really accomplish that by diminishing how this House works. So that's the point I wanted to make.

**1500**

The other thing that really surprised me on Thursday was, not only did the government decide not to say that they were sorry, but that they were actually bold in their defence of why they did nothing wrong. I find that quite worrisome. I listened to the comments of the Solicitor General, who's the top cop in Ontario, I listened to the comments of the government House leader and I listened to the comments of various backbenchers as they ran out of the House and were scammed. They were pointing the finger at the Speaker being wrong and were not willing to accept that they did wrong themselves. The biggest mark of an individual's maturity, in my view, is to admit if you've done something wrong and move on. I hearken back to President Kennedy, when he came to office in 1961. He went ahead with the Bay of Pigs fiasco, which was started under the Eisenhower administration. He finally gave the go-ahead, as President of the day, to carry on with the plans that President Eisenhower had put in place to invade Cuba by way of the Bay of Pigs. At the end of the day we all know it was a real fiasco, but what was remarkable about that process was that President Kennedy came back and said, "I accept responsibility. Never mind that it was Eisenhower who started it; I gave the final go-ahead and I accept the responsibility. I was wrong." The people of the United States, and I would argue most of the free world, looked at President Kennedy and said, "Well, there's a different politician. There's somebody who's willing to admit that they're wrong. What a fresh idea." I put forward to

members of the Tory government, why not try to do something a little bit bold here? Admit that you were wrong and be able to get away.

The other argument the government House leader puts forward is that if we accept the argument of the motion before us, that the government would be handcuffed and would never be able to go forward and make such announcements -- I'm just going back to Hansard. For example, he says that if the ruling were in place, the government would be paralyzed. The government would not be able to do such a thing as to announce the building of a \$200-million hospital somewhere in Ontario; if the government tried to respond to something like the SARS epidemic, they would not be able to do anything because they'd have to come back to the House first. Poppycock. Don't be silly. People understand that governments have the power to announce expenditures, that governments have the right to enact policy, that governments have the right to respond to emergencies by way of legislation that they have as a cabinet. The issue is that we as a Parliament have the ultimate right to be given that budget first so that at the end of the day, when we make our decisions of how to get taxpayers' money and spend it, it is a function that is done here by Parliament itself.

Je dis dans les deux minutes qui me restent que le gouvernement a eu une chance : ils ont essayé de faire quelque chose qui est vu, à la fin de la journée, comme mépris contre la Chambre, et ce gouvernement, par ses actions jusqu'à date, démontre qu'ils ne sont pas préparés à dire : « On prend un pas en arrière, on réfléchit et on admet qu'on a fait quelque chose de mal », ni à dire à la population ontarienne, « Excusez-nous », et puis d'aller en avant avec ce qui est le plus important à cette Assemblée : le restant des débats dont on a besoin d'avoir ici, et d'être vraiment capable de traiter les questions d'importance pour cette Assemblée. Si un gouvernement dit qu'ils veulent avoir l'autorité de sortir de l'Assemblée pour être capables de faire un débat aussi important et aussi central au rôle des parlementaires dans un parlement comme le nôtre, d'amener un budget hors de l'Assemblée parce qu'ils n'aiment pas que l'opposition va s'opposer possiblement à ce qui est contenu dans le budget, cela me dit qu'il leur manque le respect non seulement pour les députés de cette Chambre, pour l'institution législative et pour le Président, mais pour la population ontarienne en général.

Je prends très au sérieux la tâche que vous nous avez donnée. Vous nous avez demandé de réfléchir, d'avoir un débat sur où on va aller avec cette question-là, et je demande au gouvernement de finalement réaliser qu'ils ont mal fait quelque chose et de le dire : « On a mal fait », et d'aller en avant et ne pas voter contre cette motion.

**The Speaker:** Further debate.

**Hon Mr Clark:** I spent the better part of the weekend reflecting on what I was going to talk about when I had an opportunity today. I want to say from the get-go, sir, that I actually was asked by the media whether your decision was the right decision. I said, "Only the Speaker

can answer that question." Quite literally, if he believes in his heart that it was the right decision, then it was the right decision, and it's not for me or any member of this House to judge that decision. As a matter of fact, the standing orders probably state that more eloquently than I can. The standing orders very clearly state that when the Speaker makes a decision, the decision is not debatable, and that is what has occurred here. The Speaker made a decision, and then he asked for a motion to be debated. That's where we are today. But with respect to my colleagues in the House, I think it would be incumbent upon me to perhaps explain what I was reflecting on on the weekend and how we came to be where we are in this particular debate.

When it was first considered and brought to my attention that we were talking about doing this innovative process, I asked about the standing orders, I asked about privileges and I asked whether anything we were about to contemplate would be in breach of the privileges or the standing orders. These standing orders are like the Bible here. They are like the law. This is what we have to go by.

We looked into it, and as a matter of fact the Speaker actually used one of the precedents in his own decision, where Speaker Turner stated: "Budget secrecy is a political convention as is the practice that the Treasurer presents his budget in the House before discussing it in any other public forum. It has nothing to do with parliamentary privilege.

"As I stated in my ruling of February 1, 1983, 'although it is a courtesy to the assembly for a minister to release information in the assembly before releasing it ... to the public, it is not a breach of the privileges or rules of the assembly if this does not happen.'"

We found ourselves in a perplexing situation shortly after we announced this and heard the comments from the Speaker and the opposition. We had rules that stated there was no reason why we couldn't do what we had decided to do, but we find ourselves in a situation where the Speaker has made his decision and as a result we are now here.

The standing orders themselves are filled with rules of decorum. At one point today, sir, I was laughing and, ironically, at the same time saddened. We're talking about contempt of the House, and as members opposite were talking about contempt of members, we saw decorum sink, once again, to one of the low points in this place. We saw members heckling -- and let those without sin cast the first stone. I'm not without sin; I have heckled. My colleagues across the way, just before Christmas -- we actually had an interesting round when the Speaker had left. Even the Speaker can recall that. We talked about it afterwards and we're still friends. That's what this place is about, though. We're supposed to debate policies and issues, not personalities.

I went through the standing orders over the weekend, and I was really quite taken that there are a number of issues in here that state we are not to make allegations against another member; we're not to impute false or



unavowed motives to another member; we're not to make charges against a member of uttering a deliberate falsehood; we're not to use abusive or insulting language of a nature likely to create disorder, and I would argue that sign language would probably be in there too, Speaker. I'm not sure whether sign language was there when this was originally written, but clearly it would be today. These rules are about trying to maintain decorum, and the Speaker's role is maintaining decorum and being the referee for the standing orders. That's what it's about.

**Ms Marilyn Churley (Toronto-Danforth):** Sign language? We call it giving somebody the finger.

**Hon Mr Clark:** Well, you just did that, and I'm sure you just did it as an example. I just point out that's not what we should be doing in this place.

As I was listening to the debate here, I was listening to comments -- and the worst thing that happens in this place is that every so often we take ourselves up to the pedestal where we rise above our colleagues on the opposite side. Probably the opposition do it to this side more often than on the other side. Once the government is here, they don't do it on the other side. But this morning when the Leader of the Opposition was speaking, he talked about cynicism. We've heard the member from St Catharines use the term "abuse of power." The cynicism and abuses of power of which they speak, if they're true, come from how we all act here in this building.

1510

Let me make a point. On December 5, I believe, the House leader for the opposition rose on a point of privilege, and your decision was made, Mr Speaker, on December 5, 2000, so I'm assuming this was probably done on the Thursday previous to that. He stated, "Instead of reliable account information, I found partisan political propaganda, propaganda which should not be funded by my constituents or other taxpayers." Then he went on, "Each of them contained blatant partisan attacks on my leader, Dalton McGuinty, and Liberal colleagues." One government Web page highlights that. So he lays out his point of privilege before the House and then the Speaker rules. One of the Speaker's statements is, "A line is crossed when a government uses a Web site or, for that matter, any publicly funded mechanism as a vehicle to launch a provocative attack on any member of this House."

When you live in a glass house, don't throw stones.

I have here in my hand three letters from the leader of the loyal opposition. These are letters on Legislative Assembly letterhead. One is dated June 12, 2001; one is dated January 8, 2002; one is dated January 22, 2003. It has Legislative Assembly phone numbers to room 381. These are clearly on Legislative Assembly letterhead. On the bottom of the page it says [www.Ontarioliberal.com](http://www.Ontarioliberal.com). These letterheads were paid for by taxpayers. On the bottom of the page it has [www.Ontarioliberal.com](http://www.Ontarioliberal.com).

If one goes to that Web page, one will find rather provocative statements --

**Interjection:** Partisan?

**Hon Mr Clark:** -- partisan -- of the government.

The fascinating thing is that the opposition rose in this place on a point of privilege.

*Interjections.*

**Hon Mr Clark:** We have their attention now because this is where the decorum is lost. They don't like what I'm saying so they begin to heckle. I'm used to it. That's what tends to happen around here.

But, Mr Speaker, the statement in here says, and it was from you, sir, "A line is crossed when a government uses a Web site or, for that matter, any publicly funded mechanism as a vehicle to launch a provocative attack on any member of this House." That is the line from the Speaker. Yet for three years the leader of the loyal opposition has been using letterhead paid for by the taxpayers of Ontario, clearly on the bottom indicating [www.Ontarioliberal.com](http://www.Ontarioliberal.com), clearly partisan, clearly political, with very clear, provocative messaging in it.

One would think that if one was to go after the government on a provocative, allegedly partisan basis, one would make sure -- as my grandfather used to teach me, "Make sure your backyard is clean before you look at others."

**Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington):** That is so rich.

**Hon Mr Clark:** The member opposite says, "That is so rich." I would ask the member opposite, if this was my letterhead as Minister of Labour and on the bottom it had [www.pontario](http://www.pontario), what would be the outcry in this place? I ask the members of the third party, what would you say if we had that on our government letterhead?

**Ms Churley:** I wouldn't give you the finger.

**Hon Mr Clark:** I appreciate that. The member says she wouldn't give me the finger. But you would raise the concern, because we all would recognize that it's a point of privilege. We would all recognize that, lo and behold, ladies and gentlemen, for people to stand on a pedestal and point fingers about partisan advertising, and yet three years they continue using the leader of the loyal opposition and publicly advertise a partisan Web page on his letterhead -- if that is not an abuse of power, I don't know what is. If a government member was to do that, there would be an apocalyptic cloud that would rush across Toronto and all of Ontario would come to a grinding halt, with people screaming and yelling, "Cynicism."

I have found it --

*Interjection.*

**Hon Mr Clark:** Well, I may have to raise this as a point of privilege, but I know, as the Speaker knows, that we are sitting in an interesting opportunity right now in that we're debating a motion that came about from a contempt ruling by the Speaker. So I can't bring forth this point of privilege at this time, but we may work on it and bring it out further. We may have that debate in here yet.

But do you know what? I think it's important for honourable members of this House to be asking, is this an appropriate use of taxpayer money? Did the Leader of the Opposition use taxpayer money appropriately? No. I would argue that he has not. Some of the people in my riding would be using terminology right now that would

probably begin with an "H" and end with a "Y," but I won't do that because I'm an honourable member and it is unparliamentary for me to use that terminology in this place. But it is something we will have ample time to debate. I would ask members to check around their offices in their constituencies and see how many of these letters have gone out. How many times has the leader advertised his Web page for his party at taxpayer expense?

**Ms Churley:** Do you mean "hypocrisy"?

**Hon Mr Clark:** I heard the word, but I'm not going to use it.

Mr Speaker, we're here today, as I stated earlier, and you have made a decision, a *prima facie* case in terms of contempt. But we're actually here today debating a motion. We can't really talk about the Speaker's decision, but we can talk about the motion. That's what we're here for.

The motion reads that this Legislative Assembly has the undisputed right, in Parliament assembled, to be the first recipient of the budget of Ontario. This is fascinating. How could anyone in this House oppose this? It is a clear motherhood statement. How could anyone in this House, as a parliamentarian, oppose this? But I think it's important for the audience at home to know that we understand the strategy which is before us. We're not naive. You see, if the government members stand and oppose this, there will be a hue and cry from the opposition: "How can they possibly do it?" We have already heard the House leader over there say, "How could they oppose this motion? It's a simple motion. It's an easy motion."

We raised points about the validity of the motion and issues in terms of lock-up for the press. They don't want to hear about that. It's a simple motherhood statement. I know the third party has offered an amendment to it, which will also be considered now. So if we don't support this, there will be hue and cry. But if we support this and it passes unanimously in this place, then I would dare say you will have Liberal members rising in the House and saying, "But this motion came from a *prima facie* case of contempt. Therefore, this was a motion of non-confidence." "They've lost confidence in their own government," they will say. They will stand up with headlines and say, "See? They agree with us. They've lost the confidence of their own government." "The government must fall," Mr Smitherman will squeal in delight. So we are now caught in this interesting box.

Only Mr Conway could come up with such an interesting strategy, because he has been there before. I dare say that when he leaves, that caucus will have a huge vacuum to fill, a huge void, because he has a great deal of history.

*Interjections.*

**Hon Mr Clark:** Again we have the partisan heckling. You just kind of put it in one ear and out the other.

Here is the conundrum: if the government supports the motion, they will allege that there has been a loss of confidence in the government, so they should be dissolving the House. They will make that statement loud; I will prophesy that's what they will do. If we defeat it, then

they'll attack us, saying we're not parliamentary. "How dare you defeat it?"

**Ms Churley:** You're not listening to the people.

**Hon Mr Clark:** "You're not listening to the people," they'll say. So the government members find themselves in an awkward box because of the motion --

*Interjections.*

1520

**Hon Mr Clark:** I'm admitting it. I looked at this motion all weekend long and I looked at the precedents.

*Laughter.*

**Hon Mr Clark:** You may find this fascinatingly funny, but I don't. This is a parliamentary House, and I happen to respect it. And that's why, when we respect it, we actually look to the rulings -- these things. It's interesting to note that we did not breach these things. We did not breach the standing orders. We did not breach members' privileges. So we find ourselves in this interesting box now.

Here we are, debating a motion. The member has put forth this motion in a very clear way, trying to make it very simple. But we are caught. What is the expression? "Damned if you do, damned if you don't." There you go. Damned if you do, damned if you don't.

As I was reflecting on the weekend and as I pulled through all my files in my office at home, I came across these fascinating letters from the leader of the loyal opposition. I couldn't but remark and comment on the irony of it all, that here we are, while they stand here yelling, "Contempt," "Abuse of power," "Abuse of privilege," "Arrogance," "Abuse of the taxpayer," while they raise points of partisan advertising, at the same time they knowingly, deliberately printed letterhead for three years promoting their political party on Legislative Assembly letterhead for the leader of the loyal opposition. For three years -- how many letters could have gone out?

**Interjection:** Thousands.

**Hon Mr Clark:** Thousands.

**Mr Bisson:** Just like Jean Chrétien.

**Hon Mr Clark:** Jean Chrétien -- I don't want to go there. We're dealing with this House here. Amazing.

I was out canvassing and talking to my neighbours, and I asked them what they would think of the leader of the loyal opposition if they found out that he was using taxpayer money to promote his own partisan party on Legislative Assembly letterhead. They said, "Obscene." They also stated, "Isn't it ironic that if it was the Premier's letterhead, there would be an explosion in this House like no one has ever seen before? They would be out there in the scrum, yelling, screaming, stamping their feet, calling for their Premier to resign. They would be saying, 'How dare he use taxpayer money in this manner?'"

But, lo and behold, it is OK for the leader of the loyal opposition for three years to be using taxpayer money to promote his own partisan party at the expense of the taxpayer.

So the diplomatic terminology, Mr Speaker, would be "irony." You and I both know the terminology that would

be unparliamentary. I won't go there, because this place is a parliamentary House and we're supposed to be above that.

As I was preparing for this, I could not think back about anything but the statement, "Don't criticize other people's backyards until you've checked out your own." What is it in the Bible? "Don't go plucking the log out of someone's eye until you take the splinter out of your own." Fascinating. Fascinating that as we here today debate an issue which is very clearly a vitally important issue for this Parliament in terms of how we proceed -- and I don't know what the outcome will be because of the way the motion was drafted. There may be amendments to it. I don't know. We may need to make clarifications so that we understand very clearly whether or not this is a vote of confidence or not for this House. I don't know. Those things are yet to be determined, but I do say I find it rich, I find it somewhat less than humorous that these members have risen in their place in a very dignified way, thumped their chests, screaming at the government side, while willingly and knowingly committing very similar acts that they allege the government to have committed. It is shameful, it is reprehensible, it is appalling that the leader of the loyal opposition would use taxpayer money to promote a partisan Web page with very clear, provocative messaging that is anti-government and pro his own organization.

We wouldn't mind so much if they actually had dollar figures in their economic statement, but they're lacking too.

So therein is where we sit, Mr Speaker. I can't tell you how I'll vote on the motion. We'll have to wait and see how it's amended, any number of ways. But I've raised my concerns for this House. I thank you for your consideration today.

**Mr Alvin Curling (Scarborough-Rouge River):** Let me commence by commending you, Mr Speaker, on the manner in which you have carried out your duties. There's no doubt that your decision took a lot of thought and reflection, one of the most important decisions made by the Speaker of this House since my time here, 18 years now, since 1985.

Your decision comes at a time when many people in our society are questioning the process, that it's not perfect, but a process that we have had great respect for. That process is democracy. It's not a perfect tool for governing, but we don't know any other way. But, again, we have all come over the years, hundreds of years, to respect that process. What that process has done is to allow participation, engagement, involvement and a kind of ownership of one's life, an ownership of one's destiny. We came to respect that. Your decision, I'm sure, as you reflected on it, must have got you going back very, very deep into your thoughts to say in what direction you must go. But I know the kind of individual that you are, that as an honourable man, you made the right decision.

Your ruling was not only significant, it was very sage. It was sage because it reminds us that Ontario is a parlia-

mentary democracy, based on the idea that Parliament is supreme and sovereign.

Let me also, at this time, commend my colleague, the member from Renfrew-Nipissing-Pembroke, for his excellent presentation and his motion, which we are addressing today. My Conway reminded us of the importance of this place, the importance of Parliament. The motion reads as though somehow we have listened to many other members of this House speak on different issues. Let us focus ourselves on what the motion states. The motion reads like this: "That this House declares that it is the undisputed right of the Legislative Assembly, in Parliament assembled, to be the first recipient of the budget of Ontario."

My colleague, the previous speaker, just mentioned that he's caught. He's damned if he does, he's damned if he doesn't. He said, "How could one not vote for this? It is the right thing to do because of the respect for Parliament and the respect for the process. It's the democratic thing to do."

I want to say to my colleague -- who, of course, will leave this place physically, but his spirit and his work that he has done here will remind us. I've actually asked my staff to get a copy of his presentation -- Mr Conway's, that is -- to send it to all the schools, because it will remind us of what the historic nature of Parliament is about and what the historic nature of democracy is about. I think that they will then say to themselves, "If this could proceed like that, we do live in a wonderful country. We do live in a wonderful world."

Let me talk also and make comment about my colleagues whom I've met over 18 years here, the kinds of individuals they are. They are all honourable people. I've never worked with such wonderful people in my career. They're dedicated, hard-working, opinionated, and they bring their issues here. But they represent the most important thing in our country and our province: they represent millions of people out in Ontario who have sent them here to speak on their behalf, on the people's behalf, to express their concerns, frustrations and joy, in this one arena called Parliament.

**1530**

They ask also that when you do collect their money, their taxes, you spend it wisely and debate to make sure it is examined in a way that we make sure each individual in our society is looked after, especially the most vulnerable. If it's not done in that manner, there may be some concern: "How was that debated? How was that presented? Was my case heard? Are those who are homeless looked after? Are those who are sick and lame looked after? Are those who are now seniors looked after?"

We like to make sure that is done, and the only way we can sanely do that is to make a representative of all of us come here and present that issue, the collection of that money called the budget: "Here is what we collected. Here is how we're going to spend it. Is it OK? What have we omitted?" In other words, we examine that process.

I have great faith in my colleagues here, who will do that. Of course we have guidance from the table. There is

a structure to follow, because sometimes we do get off on tangents. There's a procedure to follow, and you are there, sir, to follow that and to make sure it's followed. When that is violated, or when we get too creative, in a way that avoids the procedure, you remind us.

That is why my colleague Mr Conway brought this forward: to say that we have violated that right. It goes to the core of what we all are about, of what we believe in. Wars have been fought, people killed over this: because we want a democratic state.

Who are we, the citizens of Ontario? Where are we coming from? It is said that Ontarians are one of the most diverse cultures in the world. From all parts of this world, with different languages and different governments, people come from oppressed places and wonderful places, wanting to make a life here. The most important thing for us to do is to encourage them to participate and build confidence in our populace by saying to them, "We will do what you ask us to do, as long as it doesn't infringe on the rights of others. We'll do it in an honourable way." So then we are all honourable men and women who are here today. When we see violation of that, we cringe. That is what's happening. That is what has happened.

Many times when I come into this place as a member of Parliament, I don't forget why I was sent here. I'm sent by the people of Scarborough-Rouge River, to represent them in their wide diversity, those who are sometimes in pain and suffering and sometimes celebrating the joy of what they're doing. Many times one is denied the right to do that; unable to speak in Parliament, unable to even meet in Parliament. It is a long stretch of time from Christmas in December to April, when we can assemble to tell the good news or about the suffering of our people. The denial of meeting -- this government has done that.

When we bring that forward, they feel that it's quite all right, it's OK. I felt we were on the wrong road when Mike Harris was elected and stated this. He said, "We are not the government. We are here to fix government."

I was confused about that. You're not the government? He ran to be the government. He got to be the government and said, "I'm not the government; I'm here to fix it. As a matter of fact, I'm not even here to listen."

We saw a lot of confusion, a lot of animosity that went on in our society. Teachers were fighting against the government. The government was fighting against teachers. We saw a lot of unsettled things.

Members of Parliament arrive here and are not able to speak on issues. Debates and closures are done in a draconian manner. Closure is put on the highest percentage of votes and motions in this House. The frustration builds on the representative. It is felt by the populace who elected us, who say, "How did you present yourself?"

"I was unable to do so, because the debates were closed; the House is not meeting."

The government of the day, my honourable friends, sits there and says, "It's not necessary." As a matter of fact, the behaviour is such that it would be much more convenient if there were no people. The government seems to be saying, "We can do a wonderful job without

the people. We don't have to ask you anything. We don't have to ask the opposition anything. You are irrelevant."

So the time came for the presentation of the budget, and they said, "If Parliament is irrelevant, if members are irrelevant, we then can make a selection of friends we have in a place to present all the money we're collecting and make an announcement in a shop," an institution that is outside this place and outside the ears and the comments of those who were elected legally by the people. They said, "That's the way to go."

What really drives me almost to insanity is that they believe they were doing the right thing. When they are told it was the wrong thing to do, they think we have infringed upon their rights as government. But maybe they're right if they think that way, they're right in their own self. They're right because they feel we are irrelevant here, the place is irrelevant, so why not? That's what has happened. Where we've reached today is a very sad time in our democracy.

It's a government that felt that those on welfare could live on less in a tough time, a government that felt that the homeless should be imprisoned -- it's a crime to be homeless; that was touted here -- a party that felt the institution of Speaker that we set up could be insulted and challenged although it is written that what the Speaker has ruled -- as the member for Durham said, challenging the chair, not respecting the authority of Parliament. It is consistent from the beginning when they had no respect for that.

As you may recall, Mr Speaker, I personally was brought to the edge when I was denied even to debate Bill 26, one of the largest omnibus bills this government has brought in. You may recall that I sat in the House and refused to move until we debated that, fighting for the rights of a democratic process that people died for.

This government felt, "No way. We will do what we want." As a matter of fact, I was a bit relieved when they decided to split that omnibus bill in a way that we could debate, and we were fighting to do that. That was no different than the budget now. We have to fight and make sure the budget is read in this House and to make it the regulation of this House that it must not be read anywhere else. The first place it should be done is in this House. The member said, "How simple that is." The previous speaker said, "There's no way I can vote against this, because it makes sense." It doesn't challenge anything. It says, "If you are proud of your budget, bring it forward. Bring it forward here so we can talk about it."

Some wise men said certain things that still stay with us. Aristotle said, "If liberty and equality, as is thought by some, are chiefly to be found in democracy, they will be best attained when all persons alike share in the government to the utmost." So you become a better government, my friends, if you share your thoughts, because it is government by the people and it must be for the people. As Thomas Jefferson said, "Whenever the people are well informed, they can be trusted with their own government."

1540

What has happened, then? This party, this government, has become irrelevant. They refuse to inform the populace. They refuse to meet. They have run out of ideas, so maybe they get ideas from some other individuals whom they are paying big bucks to say, "This is the way to go," ignoring all of the democratic process.

It's a sad day when we have to debate that, but it may be a good day to remind us of the importance of what democracy is all about; the importance of the thousands and millions of people from different walks of life who make up Ontario; to encourage them to participate in this process.

If there is any party that tries to do otherwise, then the ultimate price they will pay is when they go to the polls and the people will then make that choice. I hope they don't try, before their time runs out, to maybe change and postpone and cancel elections, because the manner in which they are going, they have cancelled many things: they have cancelled Parliament, they have cancelled debates and maybe they will try to cancel the election. They know that we know the time has come. Time is running out on when the election will be called. I hope the leader of the government --

**Hon Mr Stockwell:** I'm trying to follow you.

**Mr Curling:** He says he's trying to follow me. Follow me carefully.

In the next election, which will be very soon, the people will look straight at you, and at every one of us, and ask, "Do you deserve the right to my vote so that you can represent me in Parliament, represent my concerns? Will you consult and inform me?" I hope that when they go to the polls they will make that very intelligent decision and make sure they put someone there who will not try to undermine democracy and insult Parliament in a way that we have no voice here.

I want to say that Ontario, this wonderful province of ours, and Canada, this wonderful country of ours, will only be better off as we weed out those who feel that the almighty power lies within them -- no consultation, no information shared -- and maybe they can find a place to which they can go to present the budget, somewhere else.

This motion, as we come forward -- and in winding up, I would like to just read that motion again, because I want us to know exactly what we are debating: "That this House declares that it is the undisputed right of the Legislative Assembly, in Parliament assembled, to be the first recipient of the budget." An important document, an important direction.

The fact is that the billions of dollars we are spending, collected from the people to be spent on the people, are to be debated by their representatives. They will then feel confident that they can engage themselves in this democracy. They've got to feel a part of it and not feel so excluded, as this government has done over the last eight or nine years by making people feel that they are not in any way Canadians or Ontarians.

I want to say, Mr Speaker, that I have the ultimate respect for your position and your ruling. I think this

ruling comes at a time when we can all examine ourselves: what is our purpose here and do we want to continue in this job? I want to. I'd like to come here, to continue to represent the people of Scarborough-Rouge River, every single one, regardless of colour, class, creed, party stripe or religion. Because the fact is, that is what this is all about, and when we make this place irrelevant, those people have lost the right of what we all have fought for. Thank you very much.

**Hon Dan Newman (Associate Minister of Health and Long-Term Care):** I'm pleased to have the opportunity to rise in the House today to talk about the matter that is before the House.

I might add that the debate that is going on in the House today is the same debate that went on in the House beginning on Thursday. I can tell you it's not the debate that's happening today in Scarborough Southwest or indeed across Ontario. This is not what the people of Ontario are talking about today. I can tell you that they're talking about what was in the budget -- all of the good news of continued economic prosperity and jobs.

*Laughter.*

**Hon Mr Newman:** Well, the opposition laughs. I know that they seem to be against jobs. We saw what the record of the NDP was in office: a loss of 10,000 jobs to this province. They're obviously a party that does not care about jobs and economic prosperity in our province.

I can tell you that the people of Scarborough Southwest are talking about having a safe and secure community. Last Thursday evening I attended a public meeting over at R.H. King Academy, where almost 200 residents from the area of St Clair Avenue and Danforth Road got together with representatives from the city to talk about a shelter in the area that is currently not operating within the proper zoning that is there and to talk about the ramifications that were happening as a result of that facility being in their community. That's what people are talking about. They're talking about having a safe and secure community.

This past weekend I also had the opportunity to participate in the annual M&M barbecue that took place right across our province. I know many members from all parties would have participated in those barbecues across the province. The one that I attended was in the Kingston Road and Ridgemoor area in my riding of Scarborough Southwest. Hundreds of individuals came out to support that cause. They were not talking about where the budget was held; they were talking more about what was actually in the budget, when would they get that much-needed tax relief.

I can also tell you that last week I had the opportunity to attend the second annual Don Mills Foundation for Seniors Seniors Health Fair at E.P. Taylor Place and Overland Club. When I finished addressing this group of seniors on the issue of health and long-term care in our province, a gentleman came up to me after I spoke and talked about the \$1 million contribution that our government had made to the Juno Beach memorial in France. He was there on D-Day and he wanted to express to me

his great satisfaction with the fact that the government had made such a contribution to acknowledge the role that the veterans and seniors had played.

To get directly to the point, to accept the notion that the budget announcement was out of order would set a dangerous precedent here in Ontario. It would quite frankly throw into question any announcement that a government might make, and, I might add, that any government might make. It's a very dangerous road to go down. For example, if a government wanted to make an announcement of, say, \$80 million for a health facility or a new educational facility in our province, the Speaker would ultimately be asked to rule if this was out of order or not. It would also happen with an announcement of \$1 million or even an announcement of a smaller amount: the Speaker would be asked to make a ruling whether or not that was in order.

So I guess the real question is, where will the line be drawn? At what level can a government make an announcement outside of the House, or can they at all? That's the real question that's being asked of all members here today.

I only have to go back to last July, when I had the privilege of announcing \$100 million in new funding to provide even better nursing and personal care to residents in Ontario's long-term-care facilities. Last July 31, as you'll recall, the House was not sitting, the money was needed and the announcement was made. We had a situation that had to be dealt with. The House was not sitting, the money was needed and the announcement was made. This was, I might add, an unprecedented commitment to long-term care in our province and to the services provided in our long-term-care facilities. I can tell you today that the announcement has gone a long way to improving the level of care that our seniors receive and it has made a real difference right across our great province of Ontario. Now, what if we accepted the opposition motion today? Would this important announcement have been ruled out of order? Could the funding have been flowed to Ontario's long-term-care facilities? Would we have been able to flow those dollars beginning the very next day, on August 1, 2002? That's the very important issue that we're grappling with today with this motion that's been put before the House.

**1550**

Now, if announcements like this cannot be made, this would have a negative effect on the way that the business of government is done on behalf of the people of Ontario. When you think about it, what if there was an emergency in the province? What if there was a disaster? How would governments deal with it if they had to come back to the House to debate whether or not an announcement could be made? How would the very important issue of SARS -- which has been so ably dealt with by our government, our Premier and our Minister of Health, Tony Clement -- have been dealt with? Governments of all political stripes, whoever they are, must have the ability to deal with the concerns of the day on behalf of the

people of Ontario, because, after all, that is what they are elected to do.

I say today that this flies in the face of repeated rulings of Speakers that there's nothing out of order when a government makes announcements outside of this place. It's a long-standing way of how business is done for the people of Ontario; it's nothing new. In fact, all three parties in this House have made funding announcements, including budget announcements, over the years, and all of them have done it outside of this place.

My friends the Liberals across the way may remember that back in 1988 Robert Nixon, the then treasury minister for the Liberal government, delivered his budget speech outside of the Legislature. There were no Speaker's rulings, no points of order, no points of privilege, and as was done this year, all of the budgetary procedures, except for the venue of the budget speech itself, were followed. In the examples I cite, all members of the Legislative Assembly were invited to the presentation. Whether they chose to attend or not was up to them. There was a budget lock-up that was held in the usual fashion. There were budget papers that were tabled with the clerks at the time the speech was read, in keeping with all the standing orders and all of the procedures of this place.

The fourth point I want to make is that, at the same time, copies were distributed to each and every member of the Legislative Assembly. Whether they were there at the speech or were in their office, copies were delivered to them.

The last point I want to make is that opposition leaders and members were given every opportunity to respond to the budget in the media on the day the budget was tabled and read by the Minister of Finance. All of those points were kept in place.

Accepting the Speaker's ruling and voting for the motion that's before the House today would change the very way government is done here in Ontario, and I might add that it would change it not for the better. It would make it more difficult for the elected members of this House to do the people's business, and it would be more difficult to address the challenges that matter to Ontarians the most. This includes things like creating and maintaining a strong economy, which this government has a very proud and strong record on, in creating jobs in this province -- well over 1.1 million new jobs created in Ontario since September 1995. This is something that the people of Ontario care very deeply about. They care because they know that it's only a strong economy that will create the jobs and allow us to support investments in the priority areas such as health care, education and secure and safe communities, just like the people of Scarborough Southwest want. Only a strong economy provides the means to make the record investments while maintaining a balanced budget. It's only a strong economy that keeps Ontario moving forward.

Keeping the economy moving forward and keeping it moving on a strong footing is what matters most to my constituents in Scarborough Southwest, and that's, I

believe, what matters to people across Ontario, in all communities, from north to south and east to west.

Speaking of that strong economy, our government has been able to invest another \$1.9 billion in health care this year. That brings our increase to over \$10 billion since we were first elected by the people of Ontario in 1995.

This record investment in health care now rises to some \$27.6 billion in our province, the most money ever spent by any provincial government in our province's history in health care, and I might add that we've done it in the absence of the federal government being there to assist the province of Ontario in bringing forward these increases.

This \$27.6 billion also includes unprecedented funding to meet the needs of our province's growing and aging population. Demographics cannot be denied, and that's why I'm proud to say that our government has invested record amounts in long-term care and home care since we were first elected by the people of our province in 1995. This includes, I might add, our \$1.2-billion investment in long-term care that will add 20,000 new and some 16,000 redeveloped long-term-care beds across Ontario. I might add that these beds are the first new long-term-care beds added to our system in Ontario since 1988. Although all three parties agreed we had a growing and aging population, it was only this government that moved forward to build those beds so that our seniors, the very people who have helped build this province, would have secure, homelike settings in which to live.

I'm pleased to report that some 17,500 new long-term-care beds have been built or will soon be redeveloped across the province and almost 7,000 existing beds have or will soon be upgraded to meet the modern design standards that are needed in our province. Each and every one of these beds will mean even better care for residents. It will also mean greater peace of mind for their families and loved ones. We're providing better care for the residents and greater peace of mind for families and loved ones. That's what it's all about.

I know that in my community of Scarborough Southwest there are 197 new beds being built at the Trilogy long-term-care facility right at the corner of McCowan Road and Eglinton Avenue East. There are also 75 redeveloped beds at the Craiglee long-term-care facility in my riding of Scarborough Southwest just in the Kingston Road and Ridgemoor area. This is providing more jobs for the people of Scarborough Southwest. It's providing better care for our seniors, and it's providing greater peace of mind for family members and loved ones of those individuals in Scarborough Southwest.

The Ernie Eves government has also delivered some \$200 million in new funding for long-term care in Ontario in less than a year. These are real dollars that will make a real difference to residents in Ontario's long-term-care facilities.

I'm proud to say that the 2003 budget in Ontario is Ontario's fifth balanced budget in a row. When you think back to the last time this actually happened, this would have been almost 100 years ago that we had five consecutive balanced budgets in this province. That's what

the people of Scarborough Southwest are talking about; that's what the people of Ontario are talking about: balanced budgets, a strong economy and more jobs. That's what they're talking about.

When you think about it, it's been nearly a century since we've had five consecutive balanced budgets in our province. It was the pro-growth, tax-cutting, fiscally responsible policies of our government that have made it happen. This is the substance that the people of Ontario care about because these are the results that make a difference in people's lives. More jobs make a difference, more opportunity for our children makes a difference, and letting people keep more of the money they earned in the first place makes a difference. Not borrowing from future generations to pay for the programs of today also makes a difference.

By continuing to manage taxpayer dollars wisely, we'll continue to have the resources that we need to invest in that better health care for Ontarians and their children and their kids. We'll also have the resources we need to invest in our schools.

Every Ontarian wants the same thing for our province's children: to give them the opportunity to achieve their full potential. In 1995, Ontario's public education system needed reform and it needed renewal. The curriculum was outdated; our students were lagging behind. Employers and post-secondary institutions complained that high school graduates lacked basic reading and writing skills. There was no accountability to parents. There was no accountability to taxpayers. I'm proud to say that with the 2003 budget, those days are gone.

Today in classrooms across Ontario, our reforms mean success for our students. Student-focused funding means more money for students in classrooms and less money for administration. It also means increased and protected funding for special education, as well as improved accountability for parents and taxpayers. We're also ensuring that there are enough spaces in Ontario's post-secondary institutions for students who are graduating this year and next year.

In fact, in this 2003 budget we also let Ontario's seniors know how much we owe to them. They are the people who built and created the prosperous province we have today. That's why, in recognition, the Ernie Eves government is proposing in the 2003 budget to complete our commitment to reduce residential education property taxes through new tax relief for seniors. Under our proposal, every senior homeowner or tenant would receive a tax credit to reimburse them for the residential education tax they pay, beginning July 1, 2003, if adopted by this House. That's every senior homeowner or tenant; it does not matter whether you're a homeowner or a tenant. If passed by the Legislative Assembly, this will provide tax relief for those seniors.

#### 1600

It would also mean some \$450 million in net benefits annually for those people who have given so much to Ontario. This is an average net savings of some \$475 for the 945,000 senior households in our province. Together with the personal income tax age credit, additional sup-

port for seniors through the Ontario property and sales tax credits, and the benefits from Ontario's personal income tax cuts, this new initiative would mean some \$2.5 billion in tax savings per year for our seniors across Ontario. This is what the people are talking about in Scarborough Southwest, and that's what they're talking about across our great province. They're talking about tax relief, because taxes continue to be too high.

Once we get past this motion, we'll have the opportunity to vote on this year's budget. Should it pass this House, it would give the people of Scarborough Southwest and the people of Ontario what matters to them the most, and that is much-needed tax relief. Our government is proud to offer this sort of support to seniors across our province. I know it matters to them because they've told me.

I want to share a little story with all the members here today. When I was campaigning in 1995, I was talking with a neighbour of mine and I told him I was a member of a party that was going to cut taxes to help Ontarians keep more of their hard-earned money in their own pockets. When I told him this and showed him the Common Sense Revolution, he said to me, "Dan, I'll believe it when I see it." Well, after we were elected by the people of Ontario and proposed the first of our many tax-cutting, pro-growth budgets for this province, I talked to my neighbour again. Once again he told me, "I'll believe it when I see it." Not long after that we passed our first budget, and that budget, I might add, introduced real tax relief for the people of Ontario. My neighbour and I chatted once again, but this time he brought me the stub from his pension cheque. He had it in his hand, and his words to me were, "Now I believe it. There is more money in my pension cheque." So he saw a direct result of our tax cuts going right to his pension, which resulted in more dollars in his pocket, allowing him to keep more of what he had earned and worked so hard over all those years to keep, and that's what it's all about.

These are the things that matter most to the people of Scarborough Southwest and that matter most to the people of Ontario. This is what makes a difference in their lives. I think we are confusing ourselves if we think the location of this year's budget is what matters most to the people of Ontario. It's not the location of the speech that constituents have been talking about but rather the substance of the speech: what is in that budget, what are we talking about, how does this budget help Ontario, how does it help their own community, how does it provide more jobs, how does it provide opportunities for the future for their children and grandchildren, how does it affect health care in our province -- whether it's in Algoma-Manitoulin or in Scarborough Southwest, we want to know how health care is going to be affected.

The issue of policing -- we saw in the budget that there were a thousand more police officers to be hired in this province. That announcement was made just recently by the Premier and our Minister of Public Safety and Security in Scarborough. We came to Scarborough and were joined by several people when we announced 1,000

new police officers, with some 300 officers being assigned to the OPP right across our province and the rest, 700 officers, being assigned to municipal police services across our province. I know, Speaker, that you'll be fighting for police officers in your community, and like you I'll want to see that Toronto gets its fair share and that within Toronto the people of Scarborough can see the direct result of having additional police officers on our streets so that individuals can have a safe and secure community. That's what matters most to them; that's what matters to the people of Scarborough Southwest. I saw that again last Thursday night when I attended that public meeting. Having a safe and secure community is what is important to the people who live in the Danforth Road and St Clair Avenue East area of Scarborough Southwest, and indeed the whole riding. People want a safe and secure community.

That's what they're talking about: the substance and policies that leave more money in the pockets of individuals across this province and invest in the key priority areas such as health care and education. That's why we need to vote down this motion today and move forward to take care of the business of Ontarians and the business that matters to them the most. Those issues are a strong economy, tax relief and continued investments in health care and education right across our province. That's what matters most to the people of Scarborough Southwest, that's what matters most to the people of Ontario and that's why we need to move forward and get on with the debate.

**Mrs Dombrowsky:** I'm very honoured that I have an opportunity to speak to the motion that has been put by the member from Renfrew-Nipissing-Pembroke. Unlike some of my colleagues across the way who would intimate that this is not an important debate, I would suggest that it is absolutely quintessential to what we are all about as a Parliament.

I would also like to make some comments with regard to the Speaker. I was surprised when I listened today to the member from Durham, who would suggest that the ruling the Speaker made with regard to this contempt issue might be biased. What I have observed from the Speaker of this Legislature is that he works very hard to keep us all in line, and that's not easy here. This can be a very raucous place. During my almost four years here, what I have observed is the very balanced and level hand of the Speaker. As a mother of four children, I liken his role to that of a referee in a hockey, baseball, basketball or soccer game. He makes determinations or calls, not because he's favouring one team or the other, but because it's an issue of fair play. That's the role of the Speaker.

So when the Speaker made his ruling last Thursday, we all -- everyone in this House -- listened very carefully. I think certainly it was broadly received in the public that the Speaker did a very thorough job in reviewing the constitutional aspects, the past practices and procedures aspects. I am just surprised that there would be members of this Legislature who would suggest that, given the



very thorough consideration of the Speaker, it was anything less than a very balanced and fair decision. As a consequence of that good work on behalf of all of us assembled here, we are now able to debate a very important motion put forward by my colleague the member from Renfrew-Nipissing-Pembroke.

I want to say a bit about Mr Conway as well. When it was announced that the budget would be delivered outside of the Legislative Assembly, Mr Conway reacted immediately. He reacted very strongly. I have to say that, as a colleague of his, I was very proud to see someone so ably defend the parliamentary process of which we are all a part. When he stood in his place to raise his point of privilege, you could have heard a pin drop in this assembly. Mr Conway is fondly known, certainly on this side of the House, and I think by many members of the Legislature, as "The Senator," the most experienced senior member of the Legislature. To this role he brings not just a very thoughtful -- but he is so very well read on these matters and so respected and his point was made so eloquently that I know members on all sides of the House applauded his delivery on that particular day. I'm delighted to have this opportunity to speak to the very important motion that Mr Conway has put to the Legislative Assembly, because I do believe it is a defining moment for our parliamentary democracy.

I want to make some reference to comments made by some of the government members, some who chose to attack the Speaker and some who have suggested that, with regard to the budget document, Ontarians really don't care where the budget was delivered, they only care about what was in the document.

#### 1610

Certainly as a representative from Hastings-Frontenac-Lennox and Addington, it's my privilege to share with you what the people in my riding said about that particular issue. This was a letter to the editor in the Kingston Whig-Standard that states very clearly -- and I took this as a direction; the title is, "Tell Eves This is Unacceptable."

"Apparently, the Ernie Eves government has no boundaries restricting its contempt or ignorance for the people of Ontario who elected it." The writer goes on to say, "Parliamentary rules and procedure should at least force this government to enact its corporate agenda by the rules that govern ... parliamentary democracy. These rules have been part of our Canadian heritage since Confederation." That's what was written in a paper that is a significant medium in my riding, and I'm privileged to have the opportunity to share that here today.

I represent a part of the province that's very rich in its history and tradition. That history and tradition go right back to the United Empire Loyalists. These were people who fled a country where they were no longer able to keep their allegiance to the monarch. They were no longer allowed to do that, so they came to Canada. They landed on the shores of Adolphustown. Every year there is a re-enactment of the landing of the United Empire Loyalists. There's a real core group of people in my

riding who work hard to remind the people in the community of our British roots and our British traditions. So I'm sure it doesn't surprise you when I say that, with the announcement to remove the budget from the Legislative Assembly of Ontario, there are many people in my riding who are particularly attached to tradition, particularly the British parliamentary tradition, who were absolutely aghast, who were outraged that their tradition was being flouted in this way.

It was certainly evident in a lot of the reports in the media in my riding. I think that I have a responsibility to share those here today so that all members of the Legislature, who have the responsibility to consider the motion at hand, truly understand what was being said across the province about this most unusual act by the government of Ontario.

Paul Schliesmann, who writes for the Kingston Whig-Standard, writes, "Everything is the same, except the budget itself will be delivered in the community to the people of the province of Ontario," said ... Eves, when making his shocking announcement this week about the studio presentation.

"Sorry, Premier, but it isn't the same, and you well know it.... Eves and Ecker are displaying a complete disregard for democratic protocol and opposition MPPs. Those MPPs, Liberal and NDP, are elected to sit in the Legislature opposite the government to act as the eyes and ears of the people -- Ontario's citizens." That is who we represent. To suggest that by taking the budget presentation out of this place that somehow is making it more accessible to the people of Ontario is absolutely ludicrous.

One of the members of the government, in their remarks, suggested, "Well, you know, the members of the opposition were invited." That's like saying you're invited to go to work. I work here, and this is where I should come to do the business of the people.

This event was not a public event. A friend of mine tried to enter the property at Magna to hear the budget and was turned away by the security people on the site and very clearly told by the security people in the parking lot, "This is not a public event." That was the message to that taxpayer in Ontario at the Magna site. I guess it had to be who you knew, not simply the fact that you were a taxpayer, that you had access to that particular presentation.

My constituency office is located in the town of Greater Napanee. The voice of Greater Napanee is the Napanee Beaver. I am very happy to say that this year Jean Morrison, who is the editor and owner of the Napanee Beaver, is celebrating 50 years in the business, and has done an outstanding job in the community representing the views of the people there.

The editorial in the Napanee Beaver on March 21 was this: "The Ernie Eves-led Progressive Conservative government in Ontario apparently tried to pull off its own pre-emptive strike -- against opposition parties -- by deciding to present the 2003 budget outside the Legislature." The editor went on to say, "However, no matter

what your political persuasion, a democracy relies on the ability of differing opinions and ideas to come together in debate and deliberation.... Democracy protects the right to comment freely on the affairs of the government, and taking away one of the vehicles of that commentary -- in this case, the opposition parties' right to speak to the budget in the Legislature -- is not compatible with democratic government." That was in the Napanee Beaver.

I share these this afternoon because I'm very proud of what the people in my riding have to say about this. I have a responsibility to share in this debate what the sense is out there. I'm also very happy -- well, not happy. I guess I am affirmed in my position that I am able to report to the people of Ontario that I have not received one call from any constituent who would say to me, "Mrs Dombrowsky, I think this idea to move the presentation of the budget out of the Legislature is a good idea," for this reason or that reason or whatever. I didn't receive such a letter, e-mail, phone call or any kind of verbal contact. To the last person, everyone who has contacted me on this issue has been absolutely -- the range has been from disappointment to absolute disgust that this kind of manoeuvre would be pulled.

What people in the province recognize is that this isn't just something that the government members are doing to the members of the opposition or the members of the third party. The people of Ontario understand that their rights have been abridged. They understand that, and that's why they're coming to me. They're calling me. People say, "You know, Mrs Dombrowsky, we're not of your political persuasion, but I never thought that I would see a government act in this way, and I cannot support this action. If your government were to do this, I wouldn't support it either. It is absolutely an affront to all that I think is sacred."

The suggestion by some of the members of the government -- certainly the Minister of Finance and the Premier have suggested that the average Ontarian doesn't care where the budget is presented; they only care what's in it. That got a reaction in my office. I received e-mails from people who said, "I'm an ordinary citizen. I'm just an ordinary person, and do you know what? I do care. I do care where the budget is presented. That's what I thought I elected you to do. I thought I elected you to go to the Legislative Assembly and address the issues of the people of Ontario." I can only say I'm surprised and I'm abysmally disappointed that the Premier and Minister of Finance have dismissed in such a cavalier way what the average person in Ontario might be thinking. Don't underestimate these people; they do value this place.

There are a couple more points that have been made by people in my riding, and I think they have been made very effectively, probably more effectively than I would be able to make them. I think it's important that I have an opportunity to read those as well. I want to quote from an article that was written by Linda Cameron. She also writes for the Kingston Whig-Standard, which is certainly a significant media voice in eastern Ontario and is recognized across the province.

**1620**

Ms Cameron is a freelance writer for the Whig. This is what she wrote:

"The decision by Ernie Eves' Tory government in Ontario to present the provincial budget on March 27 in a TV studio before an audience of hand-picked Tory cronies ... flies in the face of democracy.

"This unprecedented move to present the budget outside the Legislature, breaking tradition and protocol, is a desperate move by a desperate government....

"A question all of us need to ask is: What will come next in the Conservative government's relentless move to erode this province's valued and esteemed institutions?"

She goes on, "War veterans who fought for democracy that is ensured by government accountability to an elected Parliament and, ultimately, to the people, must find this denigration of the sacred institution they fought to uphold offensive."

She further states, "How do we know what valued institution and tradition they will tear down next?"

I think that Ms Cameron has made some very salient points. If this action by the government is left unchallenged, at the very least, if we were not to look for an opportunity to debate this in this place, it does beg the question, what next? Where will the throne speech next be delivered? Can votes in the Legislature be called outside of this place?

It certainly is a question that I've thought about a lot, and it perplexes me and sometimes frightens me. As Ms Cameron has indicated, the government appears desperate in some instances to get its own way. Just exactly what mechanism will be next on the sacrificial altar? I think that's why it's important that we are having this debate this afternoon.

Before my time is up, I want to again read the motion that we're debating today: "That this House declares that it is the undoubted right of the Legislative Assembly, in Parliament assembled, to be the first recipient of the budget of Ontario."

What my colleague the member for Renfrew-Nipissing-Pembroke is asking all of us in this room to affirm is that, whatever the wisdom or the foolishness of this decision has been -- and I respect that there will always be people on both sides of that debate -- perhaps we can all take a lesson from it, that we can listen to what I consider to be an overwhelming reaction by the people of Ontario. Certainly if you consider what has been in the media, the media have widely and broadly castigated this action as undemocratic.

So considering the motion that's before us for consideration, what we are saying is that henceforth any government elected in the province of Ontario will bring the budget to the elected people here first.

**Mr Rick Bartolucci (Sudbury):** How can they vote against it?

**Mrs Dombrowsky:** My colleague from Sudbury has asked, "How can anyone in this assembly vote against that?" That is what we are all about. This motion is absolutely fundamental to this place, to parliamentary

democracy: that henceforth all budgets will be presented in the Legislative Assembly.

I commend my colleague from Renfrew-Nipissing-Pembroke, who I believe has put a most compelling argument. I have to say that when I listen to the members of the government -- and I really am listening for a good reason that would convince me that maybe there would be some exceptions, but I have not heard that. I think that in the interests of defending what people have gone to war about, we have no choice but to support the motion that is before us at this time. I have offered my comments as best I have been able to recollect the conversations that I've had with folks in my riding, as well as what I personally am committed to as a parliamentarian.

**Mr Michael Prue (Beaches-East York):** I am honoured to be standing up here today, because when I look around this chamber, it says to me what democracy is all about. Quite frankly, I cannot imagine a budget speech, or anything else of major consequence to the government or the people of Ontario, being dealt with in any other place.

This is a tradition that goes back a long time, not just in Ontario but in England. Seven hundred years ago, during the reign of Edward I, a parliamentary tradition was established in that country that has spread literally around the world. That tradition is a very simple one. For the king or his nobles, as it was in those days, to raise taxes, one had to go before Parliament and seek the permission of the people to do so. Whether those taxes were to build a bridge or a road or to raise armies in times of war, when those taxes were raised, it was done with the consent of the people and the full knowledge of their representatives assembled in the British House of Commons. Only when that happened could one go forward and raise the taxes with the consent of the people, through their representatives.

Of course, Parliament has evolved.

**Mr Bisson:** They had no trouble getting consent back then.

**Mr Prue:** Yes.

Of course, traditions have changed. Legislatures have evolved. Matters are much different today than they were 700 years ago. But the one thing that has remained steadfast through all of that is for the peoples' representatives, assembled in the Commons, to vote on and receive a budget first. It has happened in literally every country into which British parliamentary democracy has gone and flourished.

Of course, 700 years ago, those who voted were landowners. The Commons was confined to those who owned property, and those who were allowed to vote for their representatives had to prove that they were landowners. Ordinary people who worked in rudimentary factories in those days, or toiled on the land for someone else, did not have a right to vote or be represented. Those traditions changed, of course. It went through a stage in this country where at first only men could vote. Then in the early 1900s, with the rise of the suffragette move-

ment, women were allowed to vote as well, the first time federally in 1921.

**Mr Bisson:** In the 1960s it was the aboriginal people.

**Mr Prue:** Yes. In the 1960s the aboriginal peoples of this country finally had an opportunity. Today, all people can vote. But the tradition remains much the same, although I would put it to everyone that it is much more democratic today than it was 700 years ago. The tradition of the budget has remained unchanged, and I would submit that it needs to remain unchanged.

We have done some research. It's very difficult to look for a negative for something like what happened here in Ontario in March of this year. We have done research into every parliamentary democracy in the world using a British form of government, trying to see whether someone else ever attempted what this government attempted to do.

We have looked at research in Britain, the mother of all Parliaments. We have looked in Australia and in New Zealand. We have looked at Fiji and South Africa and Zimbabwe. We have looked at Ghana, Nigeria, Singapore, India, Pakistan, Jamaica, Guyana, and every one of the other nations that were once part or who remain part of the Commonwealth.

We could not find a government anywhere that has attempted to do what this government has, and that is to take the fundamental right of Parliament to sit in judgment on a budget and to pass that budget to raise funds on behalf of the people of the jurisdiction -- no one else has taken it outside their Legislature.

**1630**

To say it is the correct move to vote against the motion you have today is tantamount to saying that what you did was right. You fly in the face of parliamentary democracy as we understand it in all its many forms in all the countries around the world. I trust and would hope there is some sober second thought across the floor, that there are people over there who understand it is of such importance that the parliamentary tradition not be abrogated, that they understand the parliamentary tradition is as important -- or more important, I would put to you -- than the actual content of this budget or any budget.

What we do today in making our decision on the motion and the amendment is not only important to Ontario; it is important to the other nine provinces, it is important to Canada and I would hazard saying it is probably important to other jurisdictions that follow our Commonwealth tradition around the world. Just as Mr Speaker often talks about other jurisdictions when he is making a ruling, be they within Canada or elsewhere -- he will occasionally quote the House of Lords, he will occasionally quote the Parliament of Australia or New Zealand, he will occasionally talk about the government of India or Singapore and how they have reacted in a parliamentary crisis or to a parliamentary question on procedure -- I would state it will happen in other jurisdictions looking at what we do here today.

We need to ensure that we make a correct decision. We need to make sure that although this was an aberration,

tion, it does not happen again. We need to assure the people of this province and the people who are watching this province that we have had some sober second thought on what initially may have seemed to be a good idea but which is today almost universally recognized as a place we ought not to go.

The Speaker made a courageous decision, I would suggest, in taking on members of his own party. The Speaker made a courageous decision to fight for what he believed were democratic values that were imperilled by the decision to move the budget to Magna Corp in Brampton. When he was rendering his decision just a few days ago, he spoke about a lingering unease that he had and that the people of Ontario had on our traditions being abrogated.

He posed three questions, and for the balance of my speech I want to deal with these three questions. He stated:

“First, what does the planned presentation of a budget speech outside the House suggest about the relevancy and primacy of Parliament? It is one thing not to make the traditional budget speech in the House because the government is backed into such a decision by an ongoing House process, or a budget leak; it is quite another for the government to have a deliberate plan not to do so.

“Second, if left unchallenged, will this incident not embolden future governments to create parallel, extra-parliamentary processes for other kinds of events that traditionally occur in the House?”

“Third, why is an extraordinary parliamentary process needed if there is already a process in the House? If the answer is that it enables direct communication with the public, to what extent does such an answer undermine the representative, scrutiny and accountability functions of Parliament?”

The relevancy and primacy of Parliament, of course, are paramount or should be paramount to everyone who is elected to this House. It was only some 18 or 19 months ago that I came here, but I still remember the oath I signed, and that oath promised to uphold the traditions of the Queen and, through the Queen, of this Parliament. It is an oath that I hold extremely sacred. It is far more sacred to me to uphold that tradition than to win an election; far more important to uphold that tradition than to score political points in the debate that goes on back and forth here every day. It is a tradition I will fight to uphold and that I hope to pass down relatively unscathed with 700 years' worth of experience to whomever may succeed me in this election or in a subsequent one.

This is our chief democratic institution. It is the place where the people's will is carried out. It is the place where many from our society look to see how government is going to affect their daily lives. Whether it comes with tax increases or tax reductions, where those monies are expended or where social programs are changed or modified, it will affect, and does affect, virtually every single person every day a decision is made here. They look to their democratic institutions as a source of pride

and one which they will, I would suggest to all of you, uphold without a second thought.

Many people participate in the democratic process in a very simple way. That simple way is, once every four years, or approximately every four years, they go to the polls and they vote for the person, or perhaps for the leader or the party, that they think best represents their interests. They may or may not do anything else political for four years, until again called upon to do so. But they expect, in casting that ballot, that their member will be here and that their member will speak on their behalf on the pertinent issues of the day. They have busy lives too, and oftentimes they do not have time to consider all of the facts. They trust us, the 103 members of this House, to do what is right -- to debate it, to make the key decisions and to represent their interests. Whenever members are not allowed to do that in this House, the rights of those who vote once every four years are put at peril. We live in a representative democracy. That democracy is that you choose the person to represent you and then you let them do so. That goes for everything from budget expenditures to taxes.

The most important thing that I would suggest we do, the most important thing in the life of this government or any government, is the raising of taxes and the budget. In fact, the budget itself is only one of, I think, two real ways that a government can be defeated. The other is on a vote of non-confidence. It has to be a large money bill, a budget or a vote of non-confidence that will bring a government down. In fact, that's what the government of Quebec has decided. They have a budget which, if defeated, would cause an immediate election or a non-confidence motion, which is brought up every month or every second month, and it is upon that that a government would be defeated, and not routine bills that go through their Legislature.

It is that which I ask this government to think about, because I heard some talk about this vote being treated as a non-confidence motion. I would suggest it is not a non-confidence motion. This motion is designed to protect this institution, plain and simple. It is not from our party -- it is from the Liberal party -- but it is a good motion, which in the future will ensure that the budget is always presented to the people's representatives in the place that it was meant to be presented.

You have the second argument, which is the parallel outside the House. I would suggest that if this is allowed to continue, or if it ever continued again, it would weaken the role of members of the Legislature. We would then have very much what we saw in Brampton: you would have an infomercial budget before people who were invited, people who were sympathetic to the government, people who lobby for the government, people who contribute to the government, people who pay to have the ear of the government. I would suggest that that is not what any of us wants to see, because what that means in the end is that ordinary people are shut out of the process. Unless you have the \$500 or \$1,000 or \$2,000 to meet with a minister or to go to a lavish

banquet at which the Premier is present, you will not be heard. Most ordinary people rely on their members of provincial Parliament in the constituency offices to convey what they think, and I would suggest most of them think that the budget in Brampton was a mistake.

**1640**

You have the third question posed by the Speaker: "We already have a process; what do we need with another?" I would suggest that for the government to say we need direct communication is an error. You need direct communication, all right, but you need it with the members opposite. You need to be forthright. You need to be able to stand up and boldly say what you are going to do and not be afraid of the scrums, not be afraid of the press and not be afraid of what I might say or what anyone else might say. If your idea is a good idea and if your budget is a good budget, it will survive the test, notwithstanding that some people will like it and some will not.

A hundred years ago when this Legislature was built, 136 years ago when this country was founded, it was a very different electorate than we have today. The distances were sometimes insurmountable. The railway would bring people right across the country, but it would take days to get to Ottawa. The railway would take days even to get from northern Ontario to this locale. You had people who were not as well educated as today. Mass media was not there. There were no women who were allowed to vote and no aboriginal peoples who were allowed to vote.

Today, I would suggest, the distance is every bit as great, but the time taken to travel it is less. That's why members of Parliament and members of provincial Parliament can do what they could not do, and that is go home on weekends to see their constituents, to find out what their constituents say and think, so that they can come back here and reflect that view.

We also know that today government is far more complex. It is far more difficult for some, even with better education, to understand how the process works here. Many people do not understand that process. All of us, including members on the government bench, will know that you get calls from time to time -- in fact you get all too many calls -- asking, "How do you get a bill through the House? How do you change the legislation? How do you change the budget process? How can we get some more money for the disabled?" We all get asked those questions. I would suggest we need to convey those questions in our daily speaking roles here in this Legislature.

Today we have instantaneous media. The media can report -- as we saw here today -- and scum outside on something someone said or did in a matter of seconds. The instantaneous media is there, and it is a fact of life. But it does not negate even for a second, even for a nanosecond, what any of us do in this Legislature. In fact, it makes us ever more vigilant in what we must say and what we must do.

Last, but not least, in terms of the process: the process here is a good process. I have heard others talk about the

old Liberal -- judicial, not Liberal; excuse me -- the old judicial adage that justice must not only be done but must be seen to be done. There is a far more important process inside this Legislature, and that is one the Speaker upholds. It is to allow the majority to rule but it upholds the right of the minority. That is by far the most important thing that any Speaker does in this Legislature, in the Commons or a person who rules in a civic forum: to uphold the rights of the minority so that everything that the minority tries to bring out, everything they try to say is said, is heard, is debated. If the majority uses its will in the end to vote some other way, that is fine; those are the rules, and they must be followed. But to take away the rights of the minority, to take away those rights so that there is no debate in this House, to take away those rights is to certainly lessen democracy.

The Speaker, as I said, was courageous. The Speaker defended democracy. The Speaker defended this venerable institution. The Speaker has defended and I am sure will continue to defend the evolution so that changes might be made to the Legislature as is necessary. In fact, many of us, including myself, sat on a committee over this last year, talking about ways to make the Legislature more relevant and -- what was most important -- to make the backbench MPPs, the ordinary members who are not members of the cabinet, more relevant to this institution. This is what Mr Finkelstein suggested as well in his well-worded arguments.

I invite the members opposite to do the honourable thing: to vote for these two motions, secure in the fact that 10, 15 or 20 years from now people will remember you stood up for democracy.

**Mr Wettlaufer:** A week ago, the member from Windsor West stood up and made the comment that it's nice to have the House back after four months. She alluded to the fact -- and I'm not sure if I'm quoting her exactly -- that we hadn't been working in that four-month period. Now, I don't know about the member from Windsor West, but I know I've been working my tail off, and I suspect that a number of other members in this Legislature have been doing likewise in that four-month intercession.

**Mr Duncan:** No, you haven't. You were golfing.

**Mr Wettlaufer:** No, actually, I say to the member from Windsor-St Clair, I didn't have a golf club in my hand in that four-month period. Maybe you did, but I didn't. I was in areas where, had I had the time, I would have done some golfing, but I didn't have the time.

We had committee hearings. We had meetings of all kinds. Many of us had meetings with our constituents and, of course, we were trying to solve problems for them. I believe that all of us, in many cases, were quite successful in solving those problems.

But we come back to this House, and we are faced with a motion by the member from Renfrew-Nipissing-Pembroke that we are debating, which may or may not, depending on your perspective, have anything to do with the future of the lives of Ontarians today. I am not going to criticize the member from Renfrew-Nipissing-

Pembroke. In the eight years I've been here, I have never known him to be anything but astute, one who was interested in parliamentary democracy and in the institution of Parliament itself. I have admired his work ethic. I believe this Parliament is going to miss him greatly as a result of his decision to not run in the coming election. He has been here for 28 years and has served with distinction. However, I have --

*Interjection.*

**Mr Wettlaufer:** No, I'm not going to criticize him. I have a concern; that's all I was going to say. I have a concern with the motion that he has brought forward. His motion reads:

"That this House declares that it is the undisputed right of the Legislative Assembly, in Parliament assembled, to be the first recipient of the budget of Ontario."

I know he really believes in the tradition of this place, and I know many of the things that have evolved in this place have changed tradition. But when he moves that the Legislative Assembly in Parliament be the first recipient of the budget of Ontario, does he mean that no longer will the members of this place and the media be permitted to go into lock-up before the budget is presented and to view the budget? Does he mean that? Because as we all know, the allowance of lock-ups was a departure from tradition.

We also know there are many things in this place that are not tradition.

**Ms Marilyn Mushinski (Scarborough Centre):** Is lock-up in the standing orders?

**Mr Wettlaufer:** No, lock-up is definitely not in the standing orders, I say to the member from Scarborough Centre.

I also say to the members present that televised proceedings of the Legislature are a dramatic departure from tradition.

**Ms Mushinski:** In the standing orders?

1650

**Mr Wettlaufer:** No, that is also not in the standing orders, I say to the member from Scarborough Centre.

In addition, Hansard was a dramatic departure from the proceedings of this place. Hansard has only been in place for -- what -- 47 years, 49 years? Prior to that, there were no recorded proceedings. That too, I say to the member from Scarborough Centre, is not in the standing orders.

Speaker Carr, in his decision the other day -- and you will notice that I say "decision"; it was not a ruling. So in some of the things I say here today, I am not questioning a ruling of the Speaker. The Speaker said, "I am finding that a *prima facie* case" is established. It's not a ruling. He said, "I want to reiterate that ... it is now up to the House to decide what to do."

I do have some comments, and I'll tell you why I have comments about the ruling. In the few days since the ruling, I have had more conversations, more phone calls with my constituents than I did about the budget being presented outside the House. People in my riding actually found the decision of the Speaker offensive.

He did not --

*Interjections.*

**The Acting Speaker (Mr Michael A. Brown):** Order. I'm having difficulty hearing the member from Kitchener Centre.

**Mr Wettlaufer:** I would like to point out to the members of this House that I was canvassing the neighbourhoods, not for election purposes but as I do between elections, for the entire period that the controversy over the budget was being relayed by the media. In that time, I had three conversations with constituents, but not one of them was raised when I was going to from door to door. I talked to thousands of people during that time, and when I said to them, as I always do when I go from door to door, "I am here to determine whether you have any problems with the government, with me, with the performance of the government, with my performance of my role as an MPP or to see if you have any problems you have not brought to my attention," the people looked at me and couldn't believe, first of all, that an MPP would go from door to door. I said, "I've been doing it for eight years." Then they said, "Well, what kind of problems would you like us to bring forward?" I said, "What about the budget. Have you had any problems with the budget or the way it was presented?" "No." In fact, I had several, including a chartered accountant, by the way, who said, "Who cares where the budget is presented?" They said, "Who cares how it's presented? A budget is a budget is a budget."

I have had more complaints questioning what is going to happen now since Thursday afternoon. Speaker Carr stated that standing order 39(a) "gives ministers a wide latitude to deposit with the Clerk of the House any documents they wish to present to the House ... even if the House is not meeting." That was done. The budget was presented to the Clerk of the House.

He said, "I appreciate that standing orders 57 and 58 provide for a budget process inside the House, but they do not prohibit a supplementary budget presentation outside the House.... I am satisfied that the House intended that this standing order should be given a broad interpretation."

He also said, "I'm reinforcing this view by the knowledge that on April 20, 1988 the Votes and Proceedings, which were published under the authority of Speaker Edighoffer, indicate that the budget and budget papers were deposited with the Clerk of the House pursuant to what is now standing order 39(a)." He admits that "the Treasurer deposited the budget and related papers with the Clerk of the House in order to protect the confidentiality of the budget process and to release the lock-up." I'm sorry, that relates back to 1988. I take that one back.

**Mr Bisson:** That's part of the 10 lost years.

**Mr Wettlaufer:** I'm not going there, I say to the member for Timmins-James Bay.

**Mr Bisson:** I just haven't heard it in a while.

**Mr Wettlaufer:** We know that there was a period of 10 lost years between 1985 and 1995, but you're the one that brought it up. I was not going to rub your nose in it.

**Mr Bisson:** I was just waiting for it.

**Mr Wettlaufer:** Well, I wasn't going to.

Speaker, I'm glad you let me digress there. He said, "I have reflected on whether the standing orders permit the budget to be deposited with the Clerk of the House after the Legislature has been prorogued."

Speaker Carr also said, "Looking to our precedents, I note that, apart from the 1988 budget incident, there have been other occasions when a budget or a budget-type speech has not been presented inside the House." I'm wondering if these other circumstances will no longer be permitted. I'm wondering that regardless of the circumstances, if another type of budget, budget presentation or budget-type speech will be permitted. I'm wondering if there will be any extenuating circumstances which will allow a budget-type speech to be presented outside the House.

Speaker Carr ruled, "The member will also know that for better or worse" -- sorry, that was Speaker Edighoffer who ruled that. "The member will also know that for better or worse there is nothing in our standing orders or procedures which compels the minister to make the statements inside the House, including budgets, and indeed there is nothing out of order about announcing the budget outside of the House...." These are some of the things that some of the members in my riding are finding inconsistent. On one hand, this was stated, and on the other, Speaker Carr ruled that he was making a decision in another direction.

So there is some confusion amongst the public, and I confess to you, Speaker, that I have some confusion. I would never criticize Speaker Carr, because he's a friend and a colleague, and I think in three, almost four years now, he has ruled in an impartial manner. That is all we as parliamentarians can ever expect of a Speaker: to rule in an impartial manner. I can say to you, Speaker, that because of my confusion, even though he ruled in an impartial manner -- or decided; not a ruling, decided in an impartial manner, I think the decision was wrong, but I can't criticize him. I can't do that. But nevertheless, I think that you would agree there are certain elements of the decision which can lead me to question where we're going in the future.

I can assure you there was never any attempt by anybody on this side of the House to demonstrate contempt for this place. We all have a very, very high regard for the institutions of the Legislature of Ontario, for the institution of the Parliaments throughout the world. I know that all of us in this place feel that way, not just on this side of the House. I believe the member from Renfrew-Nipissing-Pembroke is bringing forward his motion with the greatest of intent. But there is so much confusion brought about by the decision and the reasons for the decision by Speaker Carr, and also the motion itself -- what effect will it have on the future traditions, the future changes that this place might undergo?

**1700**

I think we need to focus a little bit on the budget itself. There were comments made by the media that the budget was an infomercial. There were comments made by the members opposite that it was an infomercial. How can anyone suggest that it was an infomercial when you talk about this increase in money to hospitals and to health care in this province? We're talking about an increase to hospitals to the tune -- well, since 1995, we're giving over \$10 billion to hospitals now. Health care in total, we've increased spending from \$17.4 billion in 1995 to \$27.6 billion this year. Since 1995, we've increased \$500 million in capital alone in health care. We have shorter waiting lists. We have increased access to technology, including MRI machines. We have better mental health services. We are focusing more on keeping people well in this province. That was the budget.

We also talked about providing for families and children. We've created the Ontario child care supplement for working families. We're supporting our seniors. I know the members opposite don't like the fact that we're giving to seniors the property tax refund on the education portion of their taxes. But seniors throughout this province have asked for it, and it's not affecting in any way, shape or form the amount of money that is going to public education. In fact, public education funding has been increased by 14% since 1998. Over the course of the next three fiscal years, it will be increased by another 15%. That's in spite of giving the seniors a tax break that they've asked for.

But some in the media -- and I say "some"; I really want to emphasize that word -- have suggested that somehow presenting the budget outside of the Legislature wasn't democratic. I would suggest to you that those very ones who decided to boycott the budget, who decided not to communicate the information contained in the budget to the public, were perhaps a little bit less democratic, especially when you consider that no one in this House attempted to circumvent democratic traditions. The decision was made to present the budget outside of the House; however, all of the documentation was presented as required to the Clerk of the House. With no intent did we determine that we were going to try to circumvent debate on the budget. In fact, that's what we would love to do as soon as possible, if we weren't debating this motion.

I think it's important to note that January and February were taken up in pre-budget hearings in order to present a budget. Then it was determined that our work on last year's throne speech had come to an end because we had accomplished what we had set out to do in last year's throne speech. A new throne speech was necessary. But the Premier had committed to presenting a budget by the end of March. Can you imagine what the media and our critics would have said if he had not presented the budget by the end of March in the intercession? It was necessary to do so.

**Mr Ernie Parsons (Prince Edward-Hastings):** It continues to amaze me how the people on the govern-

ment side just don't get it. They do not listen to what the people of Ontario have said. I refer back to the first example, the breakup of Ontario Hydro and the attempted sale -- the on-off, on-off sale -- of Hydro One. Everyone in this province knew it was wrong. Big business said it was wrong. People on the street said it was wrong. Some government members, quietly, said it was wrong. The only people who believed it was going to work were the Premier and the people in the back room who seem to control this government. Everyone else knew it was wrong, but they went ahead, created a crisis, and now they're trying to solve that crisis.

If anyone on the government side read any newspaper leading up to this budget, if they read their e-mails, if they talked to anyone on the street, they knew that this was wrong. The people in Ontario said very loudly and very clearly, from the instant the government considered doing this, that it was wrong. But the government plowed ahead and chose to do it in an auto parts training facility rather than the Legislature.

I grant you that the standing orders don't say that they can't do it in a parts warehouse. The standing orders don't say that I can't throw a stone through a glass window here, but I know that I can't do it. It's not stated in the standing orders, but I know it's inherently wrong. Some 700 years of parliamentary tradition in this world have established that it's done in the Legislature.

I'm amazed, first of all, that they went ahead and did it. I think the count of major newspapers in Ontario was something like 81 of the editorials said it was wrong and zero said it was right. Notice the trend there. There is certainly a sense --

*Interjection.*

**Mr Parsons:** Yes -- if you plot the line and the graph, the answer is no, you don't do it there. What amazes me even more is that once it's over and the criticism comes, the Premier can't stand up and say, "Hey, it was wrong." The Premier very clearly had bad advice, but the Premier took the advice. He had the option to not take it. The Premier took the advice. In retrospect, I think the people of Ontario would have appreciated the honesty of saying, "It was a dumb move. It really wasn't a budget; it was an election ploy. It didn't work, and we won't do that again." Instead, the people of Ontario are having to contribute millions and millions of dollars in extra funding for advertisements to try to overcome the really incredibly bad decision.

I really don't believe that everyone in Ontario was wrong on this. I really believe the government should have listened to, not necessarily the people in the Legislature -- because you can dismiss us as prejudiced -- but they should have listened to the people of Ontario.

If we truly think about it, being a politician isn't a matter of power. People should not want to be on the government side for the power. A government should not cling to power. If ever there is a position in this province that is one of a servant of the people, being an MPP is it. We are elected by individuals to carry their will, their thoughts and their concerns to this central location where,

collectively, decisions can be made. But we are genuinely servants of the people.

An MPP should be -- and I believe is, in most cases -- someone who wants to help shape the future of Ontario for our children and our grandchildren. What an awesome responsibility. What an awesome opportunity we are given in this House to speak for the people in our riding, to bring their collective wisdom together here to do what is best, not just for the Ontario of today but for the future of Ontario. There is an expression I like very much which says, "We do not inherit this land from our parents; we borrow it from our grandchildren." We in this chamber have the unique opportunity of working to make a great future for our grandchildren and great-grandchildren and for others who wish to come to this province.

**1710**

When the Premier and the government chose to have the budget presented at Magna, it wasn't my rights that were taken away, it was the rights of everyone in my constituency and everyone in your constituency who lost their opportunity to be part of the democratic process.

If you, as members, knock on doors -- and I would strongly urge every member of this Legislature not to knock on doors and ask people's opinion in the weeks leading up to and during an election. Every year through the entire mandate of our term we should be knocking on doors. We should be talking to people and asking their opinions.

I have been intrigued by the earlier comments that no one has expressed any displeasure to them about having the budget presented in this training facility, because I don't think the people in my constituency are remarkably different from people anywhere else in Ontario. They have spoken to me in volumes -- unsolicited -- and have raised their concerns about the attack on the very foundation of democracy. People in Ontario are not stupid. They recognize how democracy works and they know that this is a step toward breaking it.

This, though, isn't the first step in the attack on democracy; this is part of an ongoing attack. In the four years that I have been privileged to be a member here, any bill of any significance was given time allocation. People in the public will often call it closure, but time allocation restricts the ability of the members in this House, on all sides of the House, to bring forward constituents' questions, comments, suggestions. Some 60% of the bills before this Legislature have had time allocation, but it's important to remember that the 60% that were time-allocated were bills of any significance whatsoever that were rushed through the House.

This government has brought to a new low level the amount of consultation taking place with the public who will be affected by these bills, these bills that will change potentially the very way of life for the province or for individuals in it. We don't have time for consultation any more. All the wisdom appears to rest in this province on that side of the Legislature. I find it deeply troubling for



democracy when we cannot go back to the people and ask them for their suggestions.

We have seen a multitude of omnibus bills before us, a whole array of clauses affecting every possible way of life, all crammed into one. I was very quick to catch on here that one of the reasons they have these bills is because you can put hostage clauses into the bill. There is a bill that was before this House that I voted on and I, like many members, was in a dilemma. Part of the bill extended family benefits for those who had children born to them or who adopted so that they get 12 months, the same as the federal government has. I'm very supportive of that. I think that's good for families. It helps the bonding take place in the first year of life. That bonding will affect the child for the rest of their life when they become an adult. So that was a good part of the bill, a good clause. Then another part of that bill contained a clause that enabled employers to ask people to work up to 60 hours a week. Now that's anti-family. Sixty hours a week surely is not conducive to family life when parents can't be present at home to do the bonding with the children. So here we have a pro-family and an anti-family clause in the same bill. I voted against the bill because I felt the 60-hour workweek was fundamentally wrong for families. But those two were indeed opposites that were lumped together. I find that somewhat undemocratic.

The Premier made a commitment to deliver the budget before the end of March and was dismayed that he was not able to do it in the Legislature. Let's be upfront, folks: the Premier prorogued the House so that he didn't have to face questions in this Legislature. It was not by chance, it was not by accident that the House was prorogued. This government made the decision -- the Premier made the decision -- that the House would be prorogued and we would not be sitting until the last day of March.

We have a considerable number of evening sittings in this Legislature, sitting until 9:30 or even sitting until midnight. The one effect of that that the government is striving for, I believe, is that it avoids question period. You see, the afternoon counts as one day and the evening counts as another day. So they can have twice as many sitting days without having that second question period, because this government clearly doesn't want to respond to questions. They don't want to respond to individuals in Ontario who have concerns.

If I can recall, the last Lieutenant Governor in Ontario, in her farewell speech, noted that in her five years she had signed 15,000 orders in council. Fifteen thousand orders in council in five years is wrong. It is scary that that many decisions had to be made quietly.

As I mentioned earlier, we've had 700 years of democracy. Democracy is probably the most inefficient form of government. It's costly, it's time-consuming, but it is by far the best form of government that exists in the world. We have countries in the world where people are prepared to die to attain democracy. We have countries in the world where people are striving to get to Canada or to

Ontario because of our form of government. But it is very, very fragile. It has been said by individuals that revolution is usually followed by a dictatorship. We've had the Common Sense Revolution and we appear to be moving toward a dictatorship, where decisions don't need to be made in the Legislature but can be made in a presidential style.

So we're following that practice, but we need to think of how we attain democracy in this country and we need to think of the cost to maintain it. One need only tour or see photographs of the war cemeteries in Europe and to look at the ages on those headstones to realize the price that was paid in blood for us to maintain our democracy.

My father served in World War II. He left the family for nearly six years and came back a different person than he went. He saw things that he never, ever was able to speak about the rest of his life. That's the price that was paid for our democratic system here in Ontario, and we should never forget that we have to continue that fight. Democracy is fragile. It can disappear not in one dramatic action but in a series of small actions that, bit by bit, chew it away.

Rather than attacking the Speaker, the Speaker is to be applauded for the thought and the wisdom that he put into making a decision that clearly the people of Ontario were concerned about and felt merited debate. We're watching the erosion of democracy simply with the number of people who are showing up for elections. There are fewer and fewer because they believe their vote doesn't count and they're not an active part of democracy in this country. This does nothing to support that.

We're not seeing enumeration of every house being done, and that means young people are all too often being missed, because it's not important for this government to enumerate. We look at things we can do to attract on-line voting. I'm hearing Dalton McGuinty and the Ontario Liberals talk about on-line voting, which would allow young people to participate at a greater rate. I'm not hearing from the government side that they want that. I've got to reiterate: go out and knock on doors each and every year and hear what they're saying.

It is ironic that the explanation given for having the budget at a private place was to take it to the public. As I understand it, anyone can come into these chambers and listen to the debate and be present, but it was held in a facility where it was by invitation. The doors weren't open. The public wasn't invited. It was, in fact, removing it from the public.

This government, a day or so before the budget, invited the MPPs to come. What kind of a democracy do we have that MPPs have to be invited to a budget presentation? A budget that was terribly urgent to be presented hasn't been tabled with this Legislature yet. Here we are halfway through May and this terribly vital budget still hasn't been tabled in this chamber.

**1720**

So where was the urgency? I think the urgency was to remove it from public scrutiny and public questions. I would reiterate: people recognize that. The people of

Ontario are not stupid. This perhaps is plain to me at more than one door, that maybe this wasn't the biggest issue that this government has done to them, but it's kind of the final straw. They have seen, for example, school tax rates, which used to be set locally, are now being set by the bureaucracy in Toronto. I've always fundamentally believed that the person who established your mill rate should be accountable to you through an election process. That's not the case now; it's a bureaucrat who establishes what the education tax rates will be for homes and for businesses. That's stripping away some of the authority of elected officials.

This government has moved more and more of its operations into corporations, which -- with Hydro One, for example, and OPG -- removes them from the public being able to scrutinize them through the Freedom of Information and Protection of Privacy Act. More democracy is taken and hidden behind closed doors.

If the government will do this with the budget process, I would reiterate a question that's been asked before: what's next? If they are not curtailed and reprimanded on this clear violation of democracy, then what will they do next?

I believe that the right thing for this government to do would be to stand up and say, "We were wrong; it will never happen again." I am dismayed at their defence of what really is indefensible.

**Hon Brenda Elliott (Minister of Community, Family and Children's Services):** I'm very pleased to be able to join in this debate here this afternoon. We're debating the action of reading the budget speech in a place other than here in this Legislature, and a motion that's been presented by Mr Conway across the way that this House declares "that it is the undisputed right of the Legislative Assembly, in Parliament assembled, to be the first recipient of the budget of Ontario."

I think it's important to have this put in a framework of what the Speaker has said in his preliminary statement before the House. I quote: "Therefore, the Speaker has no authority to make a determination of prima facie breach of privilege or contempt where such a determination is based on the constitutionality or legality of the presentation of the March 27 budget outside the House; this House is not the proper place for those questions to be resolved." The Speaker says this is not an issue of constitutionality. Then the Speaker goes on to say, "When I am essentially saying, then, is that the 2003 budget process does not raise a matter of order."

The Speaker has made the framework that this discussion we're having today has nothing to do with the standing orders of the House.

Thirdly he says, "I find that a prima facie case of privilege has not been established with respect to the presentation of the 2003 budget outside the House."

The Speaker is also saying that it is not a matter of privilege, as so often has been referred to, when certain things happen to members here in the House. He does then say that he thinks we need to have a discussion here

in the House; that a case has been established and it is now up to the House to decide what to do.

I am pleased to join in this debate today. I listened very closely to our former Speaker, the Minister of the Environment, had to say when he referenced these things. As I've thought about this, I cannot bring myself to support the motion that has been proposed to the House.

I consider myself a traditionalist. Whether it's in the holidays we undertake at home or in the way I conduct my daily life, I think I'm a very serious person and take my duties extremely seriously. In fact, the other day I was asked to fill out a form for a young student who was applying to a university, and he was asking me for a reference, he having worked with me over the summer. I was trying to figure out the right thing to fill in. Was it "politician"? I thought, "No, this is a bigger job than that." What I settled on, of course, was the word "legislator," the maker of laws. And when you write that down as your job, it really does strike you how very important it is what you do. We probably don't think of ourselves in that way when we decide to stand for office. We usually come to this place because we want to do the right thing for our constituencies, because we want to do something to improve the communities in which we live and where our families fall. We're probably quite unclear of many of the details of the job description that's going to be before us. But what we know is that we come here to make the world a better place for those who live in our communities.

After the budget speech was presented, there was some criticism about the decision. I thought again very carefully about what we had done and whether or not, in my judgment, we had done the right thing. I want you to consider how I looked at this decision. I've held many roles as I've been here in this Legislature since 1995. I've been a backbencher, a parliamentary assistant, a minister in several portfolios and the chair of several committees, so I have had a chance to look at Parliament and how it functions from many different viewpoints. What I have come to understand is that this place is flexible. It has evolved, even in the short period of time that I have been here.

For instance, this House normally and historically sits three months on and three months back home in our ridings. The opposition will tell you we're back home having a holiday. What we're really doing is having the opportunity -- especially for those members who are far away from their ridings and can't get home through the week, this is a time for them to concentrate and focus their attention on their riding and their constituents. That evolved out of historical decisions about when people could farm or not farm, what was possible by way of travel. Even hunting seasons figured into that many, many years ago.

But the fact of the matter is that when we were first elected to this place and our government, under Premier Harris, had a lot of changes to make, we changed that House schedule. We sat many, many months in addition to the normal House sitting, when we would have, in

many cases, liked to go back home to our ridings. Did anyone complain then about contempt of the Legislature because the rules were altered to allow legislators to spend more time in this place? No, they didn't. There wasn't a word.

When we were first here, the tradition of the House was that we would only sit for a few days in December just before we went home for the Christmas break -- they were known and still are known as midnight sittings. Now, under our government, we've had so many changes to make to return Ontario to prosperity that it's not uncommon for House sittings to occur in the evening four of the nights that we're here, session after session. In fact, night sittings have become very commonplace. That has all changed since I've come to this place.

When I was on committees years ago, if you wanted to speak to a bill and you were a citizen of the province of Ontario, you would come here to this building, you would go into one of the committee rooms and, if you were able, you would make a presentation. Now, again to point out how this Legislature and the practices have changed over the years, we travel as a committee, as members, as ministers all over the province. Clerks in the Legislature travel with us; our staffs travel with us. If we're unable to travel or choose not to travel, we also videoconference and teleconference with people all across Ontario. These practices were not in place when I came to this House.

So what does that tell me? It tells me that the practices of reaching out to the people of Ontario, of finding ways to represent them, of making this place work better to respond to the people of Ontario are a flexible thing and that traditions in this place do change.

Now to the budget speech. We have received criticism about our approach on this particular matter, but we have also had support. I've spoken to a number of people who said they thought it was rather interesting. First of all, with all the uproar, they probably paid more attention to the budget than they have in years before. But they also found it very interesting that they could respond interactively. And to those who say, "Well, it was only a selected few who were allowed to be part of the budget speech," may I remind them that all members of the Legislature were invited and that all those who made presentations to the Minister of Finance in the countless presentations she received across the province were invited to be present, to directly receive the feedback from the time that they had taken to give her advice on what they thought would work best for the province of Ontario. That's a tough challenge.

In this place, we're bombarded with information all the time. The media always has a spin, always has a story, sometimes not necessarily factual. Sometimes the weight of one issue or another is imbalanced. The hard part for us as legislators is to figure out what really is working, what people are really talking about, to get through all that noise of the radio and the television and the newspaper to what really matters to our constituents. So my view is that every time we have an opportunity to

communicate directly with the people of Ontario, whether it's by teleconferencing, videoconferencing interactively, trying something new like a budget speech somewhere else, that's another opportunity to make Parliament relevant.

One of the things we struggle with is that government is very remote and far away from people. There are countless articles written about people who are becoming apathetic about politics, who choose not to be involved for whatever reason. As legislators, I would say it's our duty to constantly find ways to get them involved, to teach them that democracy is alive, that they have a role to play. I think this was another opportunity and an example of the many ways our Legislature has been changing and evolving over the years.

#### 1730

I think that while we are looking for ways to make the Legislature and the activities we undertake in this place relevant, it's also important when people say, because you're doing something different, that you are somehow not responsive or respectful of this place, that there's not one person on this side of the House, and I would say across this Legislature, who doesn't come here respectful of this place and of the process. Democracy is very messy. This process is challenging at times, but I want to say that I am very confident we are all in our own way working hard to make sure this place works. That's in the face of citizens who spend their time, as they should, trying to make a living, going about their business, doing whatever they need to do to take care of their families, to take care of their businesses, to make sure their children are well educated, assuming that we are here doing our best on their behalf, although we clearly have some different views about how that should be done. Anyone who suggests anything other than the very best intentions of trying to make democracy relevant, efficient and effective is not speaking out for all of us.

I came to this place from the business world. I also came to this place as a former teacher. As a fairly strict schoolmarm, I will say there are times in this Legislature when I am embarrassed, and I think we all say the same from time to time. It can be very unruly. Things are said in this place that should not be said, and there are times when the temperature is far too hot and when, as a strict schoolmarm, I wish we could stand up and settle things down. There are days when we do not set a good example for the children who come to visit or for the people of Ontario. I would say that is something we all need to work at doing a better job of here in this House.

Decorum is an important thing. People who watch this Legislature on television do not understand how small this room can seem at times, how heated and how passionate we can be in our beliefs and in our endeavours. If we don't behave in a decorous manner and in a polite way, and present our arguments properly, it can come across in a way that I think sometimes translates to people that we're not being respectful of this place and this process, and that is most unfortunate.

I do want to touch upon this point: over the years, how budgets have been presented and how they are transmitted to the public has evolved. One of my colleagues the other day -- and I want to reiterate this -- mentioned, for instance, how at the federal level in the last budget that was presented, it seemed that almost every item that was mentioned had been leaked so far in advance that when the budget was finally presented in Parliament it was old news. There were no surprises. That is an illustration of how practices are evolving and changing over time. Is it good? Is it bad? We could argue both ways, but it is, and that is to be noted.

The other thing that has struck me -- and I listened to some of my colleagues talk about the way finance ministers have or have not made their presentations in the House. In one instance when a finance minister was forced by the antics in the House, within the standing rules of the Legislature, to make his budget presentation outside the House, it occurred to me that if the standing rules are such and properly followed that a Minister of Finance can be forced out of the House to communicate to the people, then surely it is quite acceptable, quite within the rules, to choose to make a similar presentation outside the House.

I will note that it's important that while some practices have changed, many have not. Our Minister of Finance was very diligent to ensure that the budget was tabled, as it appropriately should be; that the budget lock-up process was properly followed, as it should be. There is every intention that the bill will be fully and properly debated in this place, as it should be; and it will be properly passed, as it should be. There are some practices that it is absolutely essential be followed properly.

I guess one thing that has troubled me about all of this discussion about the budget speech process was the fact that in all the talk about the process, I'm worried the content of the budget didn't properly get discussed. There were some precedent-setting things that occurred in this particular budget -- for instance, three-year funding. Municipalities, school boards and hospitals for years have said, "Would you find a method to give us certainty so that we can plan, present our own budgets to our boards and know what our human resources plans are going to be and what new programs may or may not be affordable?" It is this government, in this budget, that for the first time has allowed this to happen in the province of Ontario. I hope it hasn't gone unnoticed that it is this government that is now presenting its fifth balanced budget in a row. That is extraordinary.

I remind people who, before I came to this place, if they think back, remember what budget day used to be like. They'll remember that with trepidation they waited for the 6 o'clock news, because they wanted to know how many and which taxes were going up and by how much. That's what we used to remember budgets being about. Because for ordinary citizens at our businesses and in our homes, budget day meant we were going to get nailed one more time by a government tax of some sort or other. This government has changed that.

This is the government that now lives within its means, has balanced its budget five times in a row, has managed to start paying down the debt -- coming into government and following governments who spent far beyond their means and taxed and spent us into deficit and debt -- and managed to get this province back on a sound financial footing again.

In this particular budget, it was important to note that our Minister of Finance was able to announce that we have over a million net new jobs created in the province of Ontario. What a difference from when we came to this place in 1995, with 10,000 jobs lost.

There are tax cuts. Some of my constituents still have not come to understand why tax cuts matter to this government. They matter to this government, the Ernie Eves government. To the opposition members, the Liberals and the NDP, tax cuts are bad things. They have not yet come to understand that with tax cuts comes competitiveness; with tax cuts comes the ability to keep your hard-earned money and invest it as you and your family and your business see fit.

**Hon Mr Clark:** It raises revenues.

**Hon Mrs Elliott:** Then comes the opportunity, as my colleague says, to raise revenues. For a ministry like mine, the Ministry of Community, Family and Children's Services, it means the ability to provide new and more services in health, education, social services and all kinds of things that our constituents not only want but, more importantly, need.

For instance, children's programs: it's this government, the Eves government, that is now known worldwide for some of the most outstanding programs for children in the world. That only happened because our finances are sound, because we live within our means, and because we understand that setting the proper financial table allows the economy to grow, to prosper and for us to be able to provide services for our constituents.

The key thing in all of this -- and the Minister of Finance was able to outline this in the budget speech -- is to set priorities. I talked earlier about how difficult it is to be a legislator, to be able to ascertain what the priorities of the province and your constituencies are, to get through all that noise. We've been very clear on this side of the House. The Eves government understands that priorities like health care, like education, like social services and like the environment are key to our constituents. So that is where the majority of our money is spent and the majority of our resources are focused.

In my own riding, I just presented a cheque to the Wellington county school board, the Upper Grand and the Catholic school board totalling, just for those two boards, \$294 million. In my own community, two brand new hospitals that have been fought over and wished for for years and years have been delivered by this government -- delivered because the Minister of Finance on this side of the House understood what a budget was really about. It's not about raising taxes, it's not about penalizing the citizens, but about getting the financial house in

order so we can provide the services that people want and need.

1740

I say to you that when we came to this place, we tried very hard to set priorities, to do the right thing, to do business differently in Ontario. We had to make some tough choices. We had to take some measures that were extraordinary. The Legislature has evolved in many ways, but the bottom line is we practice what we preach. Unlike my colleagues across the way, all of us on this side had to fight tough nomination battles in our ridings. On the other side of the House, the Liberals and their leader don't respond to their constituents to choose their member. Oh, no, no. The Liberal leader, Dalton McGuinty, hand picks and makes a decision, slapping the face of the constituents in that particular riding. But never on this side; we believe in democracy and we actually practice what we preach.

In summary, I want to go back to where we started. We are speaking to a motion that is presented by Mr Conway, which says that the assembly must be the first recipient of the budget. I say that is a flawed motion. I say it might deny a lock-up; it might deny a presentation to the opposition. It doesn't even say that you would necessarily be assembled here in this Legislature, which is interesting enough. I say to you that over the years, just the short period of time that I've been here, many changes have occurred in the traditions of this House that I think have led to greater democracy, to a greater ability for our constituents to understand what's happening in this place, to understand the laws that we are designing to meet their needs. I cannot, in all conscience, support the motion that is presented by the opposition.

**Mr Dominic Agostino (Hamilton East):** I'm sitting here listening to the comments. First of all, it's hard to believe that we're actually having this debate in this Legislature. Let me just read the motion moved by Mr Conway again: "That this House declares that it is the undisputed right of the Legislative Assembly in Parliament assembled to be the first recipient of the budget of Ontario." Think how hard it is to believe that we're sitting here in the Parliament of Ontario in the year 2003, and we need a motion to affirm the right of Parliament to receive the budget. Think how absurd that must sound to most people who follow the democratic process, who believe in our institutions, who believe in democracy, thinking that we're actually debating a resolution that says that the budget must first be presented to the people of Ontario through this Legislature.

Speaker Carr's ruling is unprecedented for what it says about this government. This ruling is unprecedented, I believe, in the history of this Legislature. The move by the government is unprecedented in the history of the Legislature. The government members, despite their best efforts to try to spin this, are going to say, "Well, but you know Bob Nixon did this, and Floyd Laughren did that." If you look at those situations very clearly, there was not in any of those cases a deliberate political decision made by the government of the day to take the budget outside

of the Legislature. The Premier's office and his cabinet felt that they had to reach directly to the people of Ontario, and somehow felt that they could just bypass this institution, that this place didn't matter, that it didn't matter that you just throw out the window the history, the democratic process and the way we work across the province.

We're sent here by the people of Ontario to represent them. This is the place where we do it. This is where we are legislators. We're not legislators in our riding. There, we're MPPs serving our constituents, but in here we make laws, we vote on laws, and we receive, vote on and debate budgets. The budget should have been tabled and presented in this House while Parliament was in session.

Maybe that's part of the problem. If you look at the history of the last eight years -- these hard, difficult years for Ontarians -- if you look at this government, this contempt is really nothing new. They showed contempt right from day one. One of the first things they did when they took over was change the rules, only for the purpose of ensuring that they could try to muzzle the opposition, try to muzzle debate, try to muzzle how long we can debate bills in here. These are the folks across the floor who used the rules while in opposition to their advantage, that were there at that point while in opposition. It was former Premier Harris who sat in this House and read from a book every lake and river across Ontario as a filibuster, the same Premier, the same leader of the opposition who for days delayed this place through a filibuster.

What did they do when they came to office? They said the rules were no good any more because it no longer allowed them this unfettered right, this presidential-style right of governance that they love so much. I'm just waiting for the Premier's car to pull up with the seals on the sides and the two flags in the front. Maybe that's the next step, and the seal of the Premier of Ontario in front of the podium. He is so enamoured with the work of George W. Bush that he certainly is doing anything he can to try to imitate the style of George W. Bush and the American presidential style of politics. That is not what Ontario is all about.

This, in my view, was a slap in the face to Ontarians, a slap in the face to this institution, this Legislature and our long, rich history of democracy in Ontario. But again, is it surprising coming from this government? No. This Legislature has sat an average of 78 days per year. This Legislature has sat 21% of the time since this government came to office eight years ago. When they took the recess at Christmas, the House didn't come back till April.

Bills today in this province under the Harris-Eves rule changes are now debated for a shorter period of time than we've seen. They've forced closure of debate on 60% of bills. Think about it, Speaker. Sixty per cent of bills that come to this Legislature this government has forced closure on the debate motion.

How do we put that in context? Let's use 1985 as the example. In 1985, 1% of bills received closure. Think about it. In 1985, only 1% of all the bills in here were

passed with closure being invoked; in the last eight years, 60%. It is absolutely astonishing the contempt they continue to show for Parliament.

The members today with their speaking points, with the exception of one who I think went off the speaking notes this afternoon, have continued to talk the government line, why they can't pass this resolution and try to defend the indefensible. I find it interesting that the Minister of Finance went on Focus Ontario and said, on March 29, "Oh, yes, we would do it this way again," and then a few weeks later she was asked by the media, "Would you do it this way again?" She said, "No, looking back at it, I wouldn't do it this way again," and then she denied having made the comment that it was OK.

**Mr David Caplan (Don Valley East):** She was caught.

**Mr Agostino:** Until she got caught, just like the member today who denied it happening in this House until he was caught.

Clearly, the Premier has publicly made reference to the fact they wouldn't do it this way again. A number of backbenchers have said they wouldn't do it this way again. As they sit there and continue to say, "No, we wouldn't do it this way again," every single one of those members is going to come in here when the vote is held and vote against this. The message to the people of Ontario is -- you guys don't get it. You just don't get this. You don't understand what you have done. By voting against this resolution, what you are saying is, "What we did was OK, and we reserve the right to do it again." That's what they are saying: "We reserve the right to do it again, and we will do it again." That's what they're saying here.

What is wrong with this resolution? What is wrong with saying that this Legislative Assembly has the right as a Parliament assembled to be the "first recipient of the budget of Ontario?" Then we get some of these really flimsy explanations as to why. All of a sudden some brainwave in the Premier's office says, "Oh, well, if we do this, if we approve this, we can't hold budget lock-ups." What a joke. What a joke of an excuse. You've got to be able to do better than that. Those whiz kids have come to up with a better line. It's almost embarrassing that this once great Conservative government in this province is now floundering. They were the best communicators this province had ever seen and now they've gone amok. They've lost it. They're out of control. You look at it and the best excuse you can come up with is that if you pass this resolution that says the Legislature shall receive the budget -- which, to most people is, "Yeah, so what's the problem?" -- you can't do budget lock-ups. Where do they get that opinion from? I wish they would table the opinion that the Attorney General was given on this budget by the staff, by the lawyers in the department. I also wish they would table in this House the opinion that says they can't do a budget lock-up if this resolution is approved. I would be interested in getting both of those opinions for the people of Ontario, to see the consistency that is there.

**1750**

This was a huge mistake by this government and -- do you know what? -- they could have cut this off very easily. Once they realized this had been a mistake, the right thing and the honourable thing to do would have been to stand up and apologize and say, "We meant to do the right thing. The people of Ontario obviously don't agree with us. We apologize to the people of Ontario for the contempt we have shown and we will never do it this way again." That would be the end of it. That would be the end of this issue.

That's why I think you've lost your way. The old government, the Harris-era government, would have understood that. You guys don't get it any more. You've lost touch. That is the problem. They've lost touch with the average person in this province, and it shows. It is the arrogance and contempt of a government that, after eight years of being in power, thinks they're untouchable. It is the arrogance and contempt of a government, after eight years, to think they have a divine right to govern this province forever. It is the contempt and arrogance of a government that feels that once they've crossed election day and received 45% of the vote, they have the right to do whatever they want, any time, unchallenged, in this province.

It is that contempt and that arrogance that Ontarians have noticed, day after day, and that is why Ontarians are looking forward to an election call. They're looking forward to an election call in this province when the people of Ontario will get an opportunity to respond to this government. The people of Ontario will get a chance to tell this government what they have done and haven't done. Clearly, they spoke out on the budget process -- no doubt. I'd be interested in knowing how many calls these members got, because I'm sure they got calls in their offices from Ontarians.

And it wasn't just the people of Ontario, it was the media. The spin for the first few days around here was interesting. The Tory operators in the Premier's office, the communications people, the Tory members, were saying, "Nobody cares. Who cares where we hold this budget? It doesn't matter that we're going to break parliamentary history and tradition here. It's inside baseball stuff. It's just a few reporters, a few academics, and no one else will care." Well, Ontarians have shown this government that they do care.

What was fascinating were the editorials across this province, 68 negative editorials in newspapers across Ontario -- unprecedented.

**Mr Kormos:** How many positive ones?

**Mr Agostino:** I didn't see any. Maybe the government can point them out in their comments.

It wasn't just a few newspapers here and there; it went right from small-town papers to large city papers to community newspapers, right-wing-leaning papers, left-wing-leaning papers. It was unanimous -- literally unanimous across Ontario.

You have lost touch with the people of Ontario. To sit here and continue to talk about this resolution somehow being wrong or somehow not being appropriate is

amazing. Let me tell you, we can debate this for another day or two. Whatever the time, they're going to vote against it. Yes, we understand that. They'll have a majority and they will crush the opposition on this bill. We understand that. You're going to have to defend to the people of Ontario as you knock on their doors why you think it's a bad idea to table and present the budget to the people of Ontario through this Legislature first.

As we get into an election campaign, democratic reform and how this place works and the faith and belief that people have lost in this institution are extremely important. It is important because we have a responsibility to restore people's faith in their Parliament, in their Legislature, in this institution and what we stand for in a democracy. Because, frankly, people's confidence has been eroded. Moves like this -- cynical political stunts such as this -- add to the erosion. It hurts all of us. It hurts all Parliaments across this country. It hurts all MPPs of all political stripes.

Our leader spoke today. Dalton McGuinty has outlined a plan that is going to reform how Parliament works. It is going to restore some faith in Parliament. We are going to make it relevant again to people in Ontario. We are not going to play games with election dates. We are not going to allow it. Whether it's three years, four years, four and a half years or five years, it should not be up to the whim of a Premier to decide when he or she wants an election called. We believe that four years from the date of the next election should be the next provincial election in Ontario -- simple, clear, no game playing. It does not become a tool to use by the government of the day and an advantage, potentially, to the government of that day. Election dates are not the privy of a political party; they are the tool of Ontarians who go to the polls and decide on the future of their province and their government. Premiers of any political stripe should not have the opportunity to play with that, as has been done across this province over the years.

**Mr Kormos:** You want the Premier to go the full five years?

**Mr Agostino:** That would be scary. Four years is dangerous enough.

We're also going to guarantee Ontarians that budgets are going to be presented in this House. So if Ontarians want to ensure that a resolution such as this is passed, after it gets defeated by the Tories in the next day or two, our platform says that. Our platform says we are going to ensure that Parliament is the first recipient of a budget, through the people of Ontario, as it should be.

We're going to ban what I view to be blatantly disgusting political advertising, paid for by the taxpayers of Ontario, to try to benefit the PC Party of Ontario.

**Mr Bradley:** A 28-page insert in Maclean's.

**Mr Agostino:** Yes, as my colleague Mr Bradley reminds me, a 28-page, colour, glossy insert in Maclean's magazine today, which is going to cost taxpayers hundreds of thousands, if not millions, of dollars; work to again bring up the level of cynicism in democracy and government and how it works -- self-serving advertise-

ment. That is fine if the PC fund of Ontario wants to pay that. You've got every right. You have the biggest fundraising machine in the history of this country, so you've got lots of money stashed away. So if the PC fund wants to pay for these blatant political commercials we see on TV under the guise of public education, of educating the public, or these 30-page glossy inserts in Maclean's, they've got every right to do that. Pay it through your funds or the PC Party's, not through the money and picking the pockets of the hard-working taxpayers in Ontario. They deserve better than that, and they're going to get better than that with a change in government.

In many ways, this ruling, this debacle, this mess that has occurred at the end of the life of this government has gone to show, and in many ways encapsulate, what this government has been all about. It is a fitting end to eight years of Mike Harris and Ernie Eves thinking they can trample the rights of Ontarians, thinking they can step on people's rights, thinking that this place is irrelevant, thinking that this place doesn't really matter and thinking that the opposition doesn't really matter because the only people who matter are those MPPs elected on the government side of the House. What contempt for democracy. What contempt for Parliament.

There is an insult in what they've done, and they have a chance here to fix that. They have a chance here to acknowledge there was a mistake made and it will never happen again. That would be the honourable thing to do. That would be the right thing to do. That would be what your constituents would want you to do. But instead, they are going to turn around and vote against what I think is a very reasonable, sensible resolution which frankly says, very simply, that the Legislature should be the first to receive a budget. Think about it. Just think about how absurd any other notion would be -- and to most Ontarians it is, except to the Tory members of the government.

I urge the members to have the courage of your convictions, to stand up for your constituents, to stand up for the rights of this building, of this institution, of democracy, of Parliament, to do the right thing and to vote in favour of this resolution, because anything short of that would be, once again, in my view, showing contempt for the people of Ontario. It would be, once again, in my view, showing that you totally disregard our democratic process, our history. There is nothing wrong with admitting you made a mistake -- absolutely nothing wrong with that. It is the honourable thing to do, it is the right thing to do, and people would actually applaud you and say, "They get it. They finally get it." But do you know what the problem is? They don't get it. They don't understand. They don't believe they've done anything wrong, despite the public outcry, despite the public backlash, they don't believe they've done anything wrong. They're basically saying to the people of Ontario, "We are going to do it again if we want to." But do you know what, Speaker? They're not going to get that opportunity to do it again, because the people of Ontario, whether it's next month or it's in the spring or in the fall

or in the spring of next year, are going to make it very clear: this government, as was said by one of the columnists, should not be thrown out of office, it should be hurled out of office.

I'm looking forward to that opportunity, Ontario's looking forward to that opportunity. I ask the members to vote in favour of this resolution. Failing that, have the

courage to go to the people of Ontario immediately and let's have an election and let the people decide whether this was contempt of Parliament or not.

**The Acting Speaker:** It being 6 of the clock, this House stands adjourned until 1:30 of the clock tomorrow afternoon.

*The House adjourned at 1801.*



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