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Wednesday 1 December 2004

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des débats
(Hansard)**

Mercredi 1^{er} décembre 2004

**Standing committee on
the Legislative Assembly**

Government
Advertising Act, 2004

**Comité permanent de
l'Assemblée législative**

Loi de 2003 sur
la publicité gouvernementale

Chair: Linda Jeffrey
Clerk: Douglas Arnott

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
THE LEGISLATIVE ASSEMBLY**

**COMITÉ PERMANENT DE
L'ASSEMBLÉE LÉGISLATIVE**

Wednesday 1 December 2004

Mercredi 1^{er} décembre 2004

The committee met at 1001 in committee room 2.

SUBCOMMITTEE REPORT

The Chair (Mrs Linda Jeffrey): Good morning. This is the meeting of the standing committee on the Legislative Assembly with regard to Bill 25.

Our first item of business is the report of the subcommittee. Mr Craitor, would you read the report into the record, please?

Mr Kim Craitor (Niagara Falls): Yes, I'd be pleased to. Report of the subcommittee dated Monday, November 29, 2004:

Your subcommittee met on Monday, November 29, 2004, to consider the method of proceeding on Bill 25, An Act respecting government advertising, and recommends the following:

(1) That the committee meet in Toronto from 10 am to 12 noon on Wednesday, December 1, 2004, to hold public hearings on Bill 25.

(2) That notice of hearings be provided by newswire service and be placed on the Ontario Parliamentary Channel and the Internet.

(3) That interested people who wish to be considered to make an oral presentation should contact the committee clerk as soon as possible and no later than 12 noon on Wednesday, December 1, 2004.

(4) That scheduled groups be allotted a maximum of 20 minutes and individuals be allotted a maximum of 10 minutes in which to make their presentations and answer questions from the committee members.

(5) That, if all witnesses can be scheduled, the committee clerk, in consultation with the Chair, be authorized to schedule all interested parties.

(6) That, if demand exceeds availability, then the committee clerk consult with the Chair and subcommittee members.

(7) That late requests be accommodated if availability exceeds demand.

(8) That written submissions be submitted as soon as possible.

(9) That the research officer prepare a summary of the testimony heard by the committee.

(10) That the committee commence clause-by-clause consideration of Bill 25 at 3:30 pm on Wednesday, December 1, 2004.

(11) That proposed amendments to be moved during clause-by-clause consideration of the bill should be filed with the clerk of the committee by 1:30 pm on Wednesday, December 1, 2004.

(12) That the Chair of Management Board or the parliamentary assistant be invited to make an opening statement of up to 10 minutes at the commencement of public hearings.

(13) That each caucus be allotted up to five minutes to make opening statements at the commencement of public hearings.

(14) That, in consultation with the Chair, the clerk of the committee be authorized prior to the adoption of the report of the subcommittee, to commence making any preliminary arrangements to facilitate the committee's proceedings.

The Chair: Is there a motion to adopt?

Mr Ernie Hardeman (Oxford): Not to belabour the point, I was at the subcommittee—it was a conference call—and, to be honest, I don't remember making 14 recommendations. I'm sure it's all for good reasons, but I have problems with a couple of them.

My understanding is that there's a House leaders' agreement as to the timing of it in committee: that we will spend two days on it, and hopefully we can conclude the business of our committee in two days. But unless there is a motion passed by the Legislature that doesn't bind this committee—I don't remember discussing in our subcommittee meeting the issue of when we would start clause-by-clause and when we would finish clause-by-clause.

I don't know how that all got in here, between the time that I was involved in the meeting—I know that at the time, one member of the committee was not there, so we all agreed that if that individual agreed with what we proposed—I wouldn't want to suggest who it might have been—we would then agree to the subcommittee report as we had discussed it. But I do find it at least twice as long as what we discussed. I guess I have a question as to how we got there.

The Chair: With respect, I believe there isn't a direction in these minutes that indicates when clause-by-clause will be completed. I believe that, as a function of going through the clerk's department, you must itemize each step of the process, and this is just an extension of what we discussed during subcommittee. But I'm happy to take your direction.

Mr Peter Kormos (Niagara Centre): I regret not being able to be more enthusiastic in my support of Mr Hardeman, because I usually am, and I would, under other circumstances, be enthusiastic in allying myself with him today. But in my view, Chair, because you came to me with the minutes of the subcommittee, I'm satisfied that this report reflects the intent. Further, I want to ask, if I may, because advertising commenced on the 29th, can you tell us whether or not there was any interest displayed in making submissions to the committee?

The Chair: At the moment, no, not yet.

Mr Kormos: The position of the New Democrats, at the House leaders' meeting and consistently, quite frankly, with respect to other bills of a similar nature, is that the water should be tested in terms of whether or not there's an interest in public participation. If there is no interest in public participation, God bless.

I, quite frankly, am interested in the fact that the government may have amendments. I appreciate being advised, if that's the case. I can indicate that, at this point, I do not anticipate moving any amendments to the bill, not out of my support for the bill, but simply because I'm not going to be moving any amendments to the bill. So we may well be able to deal with this bill this morning. I don't know what other committee members have to say. Of course, that doesn't interfere in any way with accepting the subcommittee report, but I am loath to bifurcate this into this morning for comments only and this afternoon for clause-by-clause. If we can deal with clause-by-clause this morning, why aren't we doing it this morning? We've set aside brief periods of time for the minister and for opposition parties to make comments, and, as I say, I'm not proposing any amendments. I don't know if the government is; they may well have one or two amendments. We should be moving along.

1010

The Chair: Thank you for your advice. But I believe, because we have indicated that the last opportunity for someone to submit their desire to do presentations was up till noon, in order to give everybody an opportunity to participate, should they want to, given the short timelines, we really should leave clause-by-clause or any amendments to this afternoon.

Could I have a motion to adopt the subcommittee minutes?

Mr Craitor: So moved.

The Chair: Any discussion?

Mr Hardeman: Recorded vote.

The Chair: A recorded vote has been requested.

Ayes

Arthurs, Craitor, Milloy, Sergio, Smith.

Nays

Hardeman.

The Chair: That's carried.

GOVERNMENT ADVERTISING ACT, 2004

LOI DE 2003 SUR LA PUBLICITÉ GOUVERNEMENTALE

Consideration of Bill 25, An Act respecting government advertising / Projet de loi 25, Loi concernant la publicité gouvernementale.

STATEMENT BY THE MINISTER AND RESPONSES

The Chair: Our next order of business is an invitation to the Chair of Management Board to make an opening statement. Good morning, Mr Phillips.

Hon Gerry Phillips (Chair of the Management Board of Cabinet): Thank you, Chair. I guess you'd like me to give a few opening remarks, and then I'd be open to any questions or comments from members of the committee.

I appreciate the chance to be here. This really is, in my view, groundbreaking legislation. I'm not aware of any other legislation like it in North America, perhaps in the world. We, the Ontario Legislature, are ploughing some new and important ground here. As members know, this is a bill that would eliminate the use of taxpayers' money to fund partisan advertising.

I think you all know the essence of the bill, that before any paid advertising or broadly based householders, bulk mail, are sent out from ministries, they would have to go to the Provincial Auditor for review. The Provincial Auditor is the most appropriate body, an officer of the Legislature. The Provincial Auditor or his or her appointee would review the advertising. The bill lays out the ground rules for advertising that could be approved. I think you all know that, to use the language of the bill, "It must be a reasonable means..."

"i. To inform the public" ... about "government policies, programs or services...."

"ii. To inform the public of their rights and responsibilities...."

"iii. To encourage or discourage specific social behaviour, in the public interest."

"iv. To promote Ontario or any part of Ontario as a good place to live, work, invest, study or visit."

All ads have to "include a statement" that they were paid for by the government of Ontario. The bill also says that the "primary objective" of the ad must not be "to foster a positive impression of the governing party or a negative impression of any person or entity who is critical of the government."

As well, under the proposed legislation the name, voice or image of members of the executive council could not appear in advertising directed at an Ontario audience.

The one issue that I think was discussed in the House during debate on second reading of the bill was the ability to use the image of an executive for advertising

whose primary audience is outside of Ontario, and let me give you our thinking on it.

Often, it is the individual who heads up a government who can be the best spokesperson for that jurisdiction. If you've listened over the last few months, the state of Florida has gone through quite a difficult period of time with hurricanes. To try and restore their tourism, you will notice it is the governor of Florida's advertising that is running here in Ontario. I gather they've concluded that that is the most effective way to get tourists to go back to Florida—to use the governor of Florida to be the spokesperson.

The governor of New York state is often used to attract industry to New York state.

So the intent of that exclusion was clearly to not put Ontario at a disadvantage if we were to be faced with a similar circumstance. I think that's a prudent thing to do on behalf of the taxpayers of Ontario.

As I said earlier, we're confident that the Provincial Auditor is the appropriate officer of the Legislature to refer this advertising to. I think you all know that, where there is a health or a safety issue, an emergency, advertising is permitted to be done without the review of the Provincial Auditor.

I would say once again to the committee that, if we pass this legislation, I think the Ontario Legislature will be very proud of it. It is groundbreaking legislation, like nothing else that I'm aware of, certainly, in North America. The auditor commented on this in his report a few years ago. I think it will be another step forward in helping the public to feel confident about their tax dollars being used wisely.

With those brief comments, I'm open to questions or comments from members of the committee.

The Chair: Are there any questions of the minister?

Seeing none, thank you very much for your time. Oh, did you have a question, Mr Hardeman?

Mr Hardeman: Just a couple of quick questions. First of all, I want to thank you, Minister, for the comments. The issue of being able to advertise outside of Ontario using the best salesperson the province has, which may in fact be—I don't want to commit to that, but it may be the Premier. If that's good for advertising on the American side and back into Ontario, why is that not good in Ontario? Why should that not be allowed, that the Premier could in fact encourage people from one end of Ontario to frequent the other end of Ontario? Doesn't he remain the same spokesperson?

Hon Mr Phillips: What you're looking for in other jurisdictions is a credible spokesperson. People may not be aware of that individual, but they're aware of the position. That's not necessary in Ontario, I don't think. If Ontario is advertising travel in Ontario, everybody would know that you don't need the Premier to say that's a good idea. I think they are quite different circumstances. It's having an instant spokesperson in a jurisdiction that may not be familiar with our province in detail, but would be aware of the position.

Mr Hardeman: I guess my question is, though, a few years ago the farmers of the province were very concerned that the head of the province of the day was not being visible enough about promoting their product, and this legislation would prohibit that from happening. I can see that a lot of the farmers I represent would be opposed to taking away that ability to have the Minister of Agriculture or the Premier of the province to say, "Everybody in Ontario should buy Ontario products."

Hon Mr Phillips: Are you speaking of Foodland—

Mr Hardeman: No, it's any type of advertising, but it was in Foodland that they were talking about.

Hon Mr Phillips: Advertising shouldn't prohibit the use of advertising like Foodland, but I think there is a challenge in using the images of the Premier broadly in Ontario. The reason for the exception outside of Ontario is, as I said earlier, that the position of the Premier has credibility just as the position of governor would have credibility outside of a state. That's the reason for the exclusion. I think we have to limit the exceptions we would have in Ontario.

Mr Hardeman: Just one final question just to help me understand the full impact of the bill. Obviously it's been on the docket for some time now. Do you believe that everything the government has done in advertising since the introduction of the bill would comply with the bill?

Hon Mr Phillips: Actually, I do, yes.

Mr Hardeman: So the bill really isn't earth-shattering or—

Hon Mr Phillips: Pardon me?

Mr Hardeman: It isn't really a groundbreaking bill then, because advertising hasn't changed much since the introduction of the bill.

Hon Mr Phillips: Only because we committed that we would live up to the intent of the bill, even though it wasn't passed. I think you're all familiar that, dare I say, the previous government was spending \$10 million every single year just on broad householders that we've eliminated. So both the spending on advertising and the approach in advertising have changed, and they've changed because the Premier made a commitment when we introduced the bill that even though it hasn't been passed—by the way, the auditor has indicated that even when it's passed, he will need a period of time to phase it in because he's going to have to make sure he has the resources to be able to do the job. I think he's indicated a period of a few months before he can begin to accept advertising. He's got to staff up and get an individual on board who can deal with it. The reason the advertising that's been run since the bill was introduced hasn't changed is because it meets the intent of the bill.

1020

Mr Hardeman: I guess, Mr Minister, you misunderstood my question. The question was, why hasn't it changed from before the introduction of the bill to after the introduction of the bill? My people haven't noticed any difference in the advertising your government's doing than previous governments were doing. We're still

getting all the good stuff that you want the people to know.

Hon Mr Phillips: I'd say two things: One is there's substantially less money being spent on it, and it clearly meets the intent of the bill. This was one of the early pieces of legislation that we introduced, as you know.

The Chair: Any other questions? Thank you, Minister. Please feel free to stay. I know you probably have a busy schedule, but if you'd like to stay for the opposition's comments, please feel free to stay.

Hon Mr Phillips: Actually, there is cabinet, and I do have a couple of items on the agenda that I should go back to.

The Chair: Thank you for coming.

Mr Kormos: I suspect you know what we're going to say.

Hon Mr Phillips: I'll await the outcome of the independent legislative committee's work.

The Chair: Thank you. Our next item of business is the opening statement from the official opposition critic, Mr Yakabuski.

Mr John Yakabuski (Renfrew-Nipissing-Pembroke): I listened intently to the minister this morning, and I have a couple of concerns with regard to the possible amendment that I believe we would like to see proposed, prohibiting the use of advertising that originates in a source outside of the jurisdiction. He touched on advertising like the Florida governor might do or something.

Our concern is that, if the government can advertise from those sources, if it can be viewed by the people of the province of Ontario, it would break the spirit of the law. They're saying they can't do this; Mr Phillips was just talking about it. If you can't do it from inside the province, we would certainly be concerned if the same kind of message could be delivered from outside the province. He did talk about the tourism industry and stuff like that, but I don't necessarily agree that we can go through the back door instead of the front door with getting the Premier's face on television. It could be used that way.

I agree with the spirit of the bill, but I question whether or not the government has adhered to the spirit of the bill, even though it has not yet been passed, with regard to their own behaviour. The pamphlet they released chronicling the first year of the McGuinty government was certainly a glossy, wonderful story about how perfect things have been in Ontario in the past year. Most people on the outside would wonder who wrote it, if it's supposed to be simply an information pamphlet for the people of Ontario. It was clearly political, with the intention of swaying the electorate and the voters to believe that this government has done a tremendous job in the past year. That's a matter of opinion, which is not really my concern with regard to this committee or this bill, but the intention of it is the concern, and it certainly goes against the spirit of the bill as we see it.

Another concern we have about the bill is that there are no penalties. It's pretty hollow if there's no penalty

for breaking the legislation that you're bringing in. It kind of makes it somewhat meaningless in that respect. The fact is that there's only one opportunity for the auditor to chastise the government, if we can call it that, for doing something against the law, and that's only the one time of year that he would report on it.

So while we support the spirit of the bill, it's questionable what the government's true commitment to the bill is, because there are many ways around the legislation and many ways in which they could abuse the spirit of the legislation and get away with it. That's a concern.

We don't want a bill being brought in just for the politics of the bill, and I think that to some degree that's exactly what we've got here: The bill has been tabled because they want to satisfy a political constituency. But are we really going to see substantive changes in the way business is done in the province of Ontario?

We will be proposing an amendment to that effect. If they could eliminate that as a possibility, advertising from a source outside the province that could be piped back into the province—if we were targeting a situation in Texas that was going to be run on Texas local stations that were not viewed in Ontario, that might fit the bill. But if it can be pumped back to the people of Ontario, I think it could be viewed as a cynical way of getting the Premier out there and promoting Ontario, which, quite frankly, is political.

Those are some of the things we have concerns about and one of the amendments that we expect to be bringing.

The Chair: Our next item of business is an opening statement from the third party critic, Mr Kormos.

Mr Kormos: What happened to the opening statement from the government?

The Chair: I believe Mr Phillips was the one—

Mr Kormos: No, the report of the subcommittee said each caucus would have five minutes: item number 13.

The Chair: Mr Arthurs, were you prepared to do that or was Mr Phillips essentially the—

Mr Wayne Arthurs (Pickering-Ajax-Uxbridge): My understanding, prior to arriving and seeing the subcommittee report, was that the minister would be presenting on behalf of the government.

Mr Kormos: I'm not suggesting you have to. Item 13 says "each caucus."

The Chair: I think yesterday it was kind of an either/or; it was one or the other. If we couldn't get the minister here, then Mr Arthurs was going to pinch hit.

Mr Kormos: I just wanted to make sure the government caucus had an opportunity to put themselves on the Hansard transcript here.

The Chair: I'm sure they'll have an opportunity later on. Mr Kormos?

Mr Kormos: Look, I've been around here long enough to know that government after government has the frequent refrain of, "Oh, if only we could get our message out." I'm not going to say I know what goes on in this government's caucus meetings, but I bet there's been more than a few of them where the lecture from the front of the room has been, "It's all about getting the

message out. The broken promises? No, we've got to get the messages out that these are the promises we kept"—just as an illustration; I don't know whether that happens, it's speculative on my part—and how people have to be consistent and stay on message. They shouldn't deviate, because that's what causes difficulties. Do you understand what I'm saying, Chair?

Trust me, yours is not the first caucus that's received those kinds of lectures. I'm sure the Conservative caucus got those lectures time after time. I know the government from 1990 to 1995 got those lectures time after time, and I also know that the Peterson government did the same. That's the frustration of being in government. It's the—oh gosh, who's the comedian who just died in the States? The "I don't get no respect"—

Interjections: Rodney Dangerfield.

Mr Kormos: —the Rodney Dangerfield syndrome: "We don't get any respect. We don't get credit for the things we've done. This is so unfair." While the opposition criticizes the media—television, print media, radio—for buying everything the government spin doctors put out, lock, stock and barrel, the government and their members insist that the media is biased against the government and doesn't treat them fairly either.

So there's a natural desire on the part of government to want to present itself in the best possible light. I've got to give credit—we made reference to this during the course of second reading debate—to the drafters of this bill, who are very competent drafters. Let me give you a for-example: Although Mr Phillips suggests Jeb Bush is the appropriate person to be promoting Florida, let me tell you, a photo of a plate of stone crab claws would be far more effective for me than an image of Jeb Bush.

Take a look at section 6 and the critical—look, the fact that Dalton McGuinty has his image in something broadcast in the United States—nobody in the States knows who he is.

Mr Hardeman: It's irrelevant.

Mr Kormos: Yes, it's irrelevant. But then that brings into question why you would put his picture on it, right? If it were being broadcast out of Houston, fair enough, but when it's broadcast out of Detroit or Buffalo, then one wonders what the true intent was.

Take a look at paragraph 5 of subsection 6(1), because I think it is the critical standard. "It must not be a primary objective"—and that, we've talked about in second reading, is interesting; in other words, it can be a secondary objective, right, as long as it's not the primary objective?—"of the item to foster a positive impression of the governing party."

If this standard had read, "It must not be an objective," instead of just "the primary objective"—in other words, if it's a secondary objective, the government can say, "Well, no, no, we're making it quite clear that it was a secondary objective of this propaganda piece to promote the governing party," and then it passes muster. It's A-OK. It's pristine, according to the bill.

But "a positive impression of the governing party"—look, governments try to campaign on their history as a

government. The piece we saw a month ago—was it five weeks now?—the glossy piece, the report back to the people of Ontario, although I acknowledge it did not mention Liberal Party once and by doing so, that is, omitting any reference to the Liberal Party, it is pristine under this section, because of "positive impression of the governing party."

Let's cut to the chase. There was a clear intent to get a message out there, to get some spin out there, to create a positive impression of the government in the context of what had been a pretty bad year or rough year. So, please, let's not kid ourselves here.

I congratulate the drafters of the legislation. If it's a secondary objective of the item, then it's OK, and people can even concede that. People can admit, "Yes, the primary objective was to talk about how good our educational system has become"—please—"but the secondary objective was to promote the Liberal Party, and it was Liberal policies that were able to do that." So that then clears the bill. Second, if it's the governing party that's excluded from being touted, as compared to the government, that then clears the bill. So that's where, I suppose, a whole lot of folks have a problem.

Now, part of me says, "Go ahead and spend all that money anyway," because you're right, the Tories spent a fortune. My blue box outside my old house on Bald Street was just chock full of the stuff. Just as you people use red background to try to create that identification—and I'm not sure it really exists out there, the identification with the Liberal Party; it's only political activists who really understand that—the Conservatives were using blue. And I can't recall, but I suppose the New Democrats would use green or orange back in the era of 1990 to 1995. I don't think it works.

Mr Phillips made reference to the fortune the Tories spent. It didn't do them a bit of good. They still got slaughtered in the last election. The public finds that stuff, in my view, offensive, claptrappy bunkum. They're more sophisticated than that. I really believe they are.

So this government will pass this bill, I presume, and will continue to produce message pieces, and those pieces will not offend the letter of the law, as the letter of the law is expressed in this bill, but I'm saying that's precisely the problem. The objective should be—if this is what people want—to prevent any item being paid for at taxpayers' expense that has a primary, secondary or tertiary objective to foster a positive impression of the governing party or of the government. Without that, it's not much of a hurdle. This is, as New Democrats have been wont to call it, the Mack truck bill, the Caterpillar tractor bill, the Lectra Haul bill, to whit the size of the loopholes through which one could drive a Mack truck, Caterpillar tractor or Lectra Haul.

There you go, Chair. I'm looking forward to this afternoon.

The Chair: I think that concludes our business this morning.

If there are any amendments, they are supposed to be filed with the clerk by 1:30 so we can give consideration

to them this afternoon. If there are amendments, please make sure you meet that deadline to assist our clerks in preparing the documents necessary. We'll be recessed until 3:30, when we'll be conducting clause-by-clause consideration of Bill 25.

The committee recessed from 1034 to 1535.

The Chair: The standing committee on the Legislative Assembly is called back to order. We are considering Bill 25, An Act respecting government advertising. We meet this afternoon for the purpose of commencing clause-by-clause consideration of the bill.

At the outset, I'm required by standing order 78 to ask this question: Are there any comments, questions or amendments and, if so, to which sections?

Mr Arthurs: The government has amendments to the bill in a number of sections: 2, 3, 3(2), 3(4), 3(6)—

Mr Kormos: If I may, Chair, I've received copies of all the government amendments, along with the PC amendments. As I indicated earlier, there are no NDP amendments. We don't have to go through them one at a time.

I do want to mention that the clerk's office went out of their way to get them to me in a timely fashion, and I appreciate that.

The Chair: OK, so everybody has a copy of the amendments. I understand there have been a number of amendments filed with the committee dealing with a number of sections of the bill, so we can go through each one in order.

Are there any comments on section 1 of the bill?

Mr Hardeman: Just a question on procedure: Are we going through the bill as it's presented, and then just dealing with the amendments as we come to them? So if there are no amendments to the section, we either agree or disagree.

The Chair: Yes.

Mr Hardeman: Very good, thank you.

The Chair: So going back to section 1 of the bill, are there any comments or questions? If not, shall this section carry? It's carried.

On section 2 of the bill, I have a motion here.

Mr Arthurs: I move that section 2 of the bill be amended,

(a) by striking out "Provincial Auditor" in subsection (2) and substituting "Auditor General"; and

(b) by striking out "Provincial Auditor's" in subsection (4) and substituting "Auditor General's."

The Chair: Any further discussion?

Mr Hardeman: If I could just have the parliamentary assistant tell me the significance of the name change.

Mr Arthurs: This is in accordance with Bill 18, where the change is from "Provincial Auditor" to "Auditor General." So this is making this consistent with legislation recently passed.

Mr Hardeman: Legislation being passed or is passed?

Mr Arthurs: Passed as of yesterday. It received royal assent yesterday.

Mr Hardeman: OK.

The Chair: Is there any further discussion? I'll now put the question on the amendment. All those in favour of the amendment? All those opposed? That's carried.

There being no further amendments to section 2 before the committee, I'll now put the question. Shall section 2, as amended, carry? All those against? That's carried.

On section 3, there are three government amendments.

Mr Arthurs: I move that subsection 3(1) of the bill be amended by striking out "by a person other than the crown or a crown agency" at the end.

The Chair: Any discussion?

Mr Kormos: If I may, this is an interesting amendment. It would be interesting as well to have some Hansard of what the intention is.

Mr Arthurs: The principle objective here is that the distribution of material would be other than by the crown or crown agency, so in effect it's a redundant clause.

The Chair: Any more questions? Any further discussion? I'll now put the question on the amendment. All those in favour? All those opposed? That's carried.

Continuing with the second amendment, Mr Arthurs.

1540

Mr Arthurs: I move that section 3 of the bill be amended,

(a) by striking out "Provincial Auditor" in subsection(2) and substituting "Auditor General"; and

(b) by striking out "Provincial Auditor's" in subsection(4) and substituting "Auditor General's".

The Chair: Any further discussion?

Mr Kormos: If I may, "Auditor General's", I presume, is—OK, it's possessive.

Mr Arthurs: Yes, as opposed to plural.

Mr Kormos: Otherwise, I would have had to be critical.

Mr Bob Delaney (Mississauga West): It would have to be "Auditors General."

Mr Kormos: Very good.

The Chair: You've had your question answered, Mr Kormos?

Mr Kormos: Yes, ma'am.

The Chair: Is there any further discussion?

I'll put the question on the amendment. All those in favour of the motion? All those against? That's carried.

Was there one more?

Mr Arthurs: I move that section 3 of the bill be amended by adding the following subsection:

"Interpretation

"(6) For the purposes of this section, printed matter is distributed by bulk mail or another method of bulk delivery if, when it is distributed, it is not individually addressed to the intended recipient."

Mr Kormos: This is interesting because we all know what bulk mail is. You refer to it in subsection (1). Does this emphasis on bulk mail, though, because you go one step further—and just in case we weren't sure what bulk mail was, you've defined it in subsection (6)—clear the roadway for propaganda that is individually addressed?

Mr Arthurs: The intention is that individually addressed mail, that could include anything from pay

stubs to a licence renewal, that would go out in quantity, that one might want to argue then would be bulk—it's clearly to ensure that the business that is addressed specifically to individuals actually gets to them without having to go through the necessity of the commissioner's review as advertising; in effect, it is not.

Mr Kormos: Help me, just very quickly. We see that section 3 requires that distribution of stuff under—now we know—bulk mail has to meet the standards required by the act, because subsection (4) indicates that clearly: You've got to get it cleared. So by inference—help us; if the bureaucrats who are here could be of assistance, just to make this very clear. We know it's clear that bulk mail has to have the seal of approval of the Auditor General; right? That's what section 3 tells us. You're going to great lengths to ensure “bulk mail” means what we call bulk mail. So is mail that's addressed—to wit, it is individually addressed, so therefore it's no longer bulk mail but it can be mass mail.

Mr Arthurs: It could be in quantity but it's not intended to fall within the act for the purposes of advertising. It's intended to ensure that a quantity of mail that one might argue was bulk mail isn't held up in some fashion by virtue of the fact it's been individually addressed.

Mr Kormos: Fair enough. You don't want to have to have pay stubs vetted; right? But I wouldn't think you would have to, because you're so *prima facie* not close to the line. What I want to know is—help us—where in the bill does the bill extend its coverage to individually addressed mail? We all know what that's about. We all in this business develop mailing lists.

The Chair: Would ministry staff like to respond to this? Could they come to the witness table and identify themselves for Hansard, please?

Mr Paul Korn: Hello. I'm Paul Korn, senior counsel with Management Board Secretariat.

The term “bulk mail” refers to a large quantity of mail, not necessarily unaddressed mail. I believe this section of the bill is intended to catch householders that are unaddressed and sent in bulk. This is to clarify that intent.

Mr Kormos: I understand that, and that seems to me to be patently clear. But there are two—and if I'm wrong, don't hesitate to say so, because those people will enjoy it no end—classes of things obviously covered. One is advertising via magazines, television, radio etc. We're familiar with that. We know what that means. That's section 2. The other is printed material distributed to households by bulk mail. You've gone further to define bulk mail. Your definition of bulk mail is what most of us understand bulk mail to be.

I'm looking for the third class of distribution that politicians, governments and political parties use all the time, and that is the mailing list mail-out, which is clearly not bulk mail, because you've gone so far as to very specifically define bulk mail as unaddressed mail. It could be a postal walk. It could be defined in any number of ways—it doesn't have to be to every resident of

Ontario—but it's unaddressed. There's no name of addressee or street address.

So then what about a mailing list—because you know how governments do that. It's phony, really: “Would you like more information on X, Y or Z? Check that off.” It's the same way the commercial world develops mailing lists. So where are mail-outs—which could be, quite frankly, thousands in number, tens of thousands in number—dealt with in this bill, as compared to bulk mail?

Mr Korn: Those would not be captured.

Mr Kormos: Thank you, sir.

Mr Hardeman: I was with it right till then. Technology has advanced so far in the last number of years that in fact I expect there are computers in this building that would have every voter in the province of Ontario being able to get an itemized bulk mailer with their name on it. You're saying this clause exempts that from the review?

Mr Korn: Printed matter that is individually addressed to the intended recipient would not be caught by this section.

Mr Hardeman: It would seem to me—I suppose this is for the government members. In my office, I have a mailing list for every constituent. It came directly off the voters list. So in fact, government advertising doesn't relate to getting to those people. In fact, the government could decide that they're going to do a mailer to every person in the province, with whatever propaganda they were going to use, and mail it directly to every person. This bill doesn't apply to that.

I really don't know why this bill is in existence. Of course, with this bill, you wouldn't put it on the front of the *Toronto Star*; you would send it to every home individually, and it doesn't have to pass one test. It's just beyond me that they would consider coming up with an amendment that would totally negate the whole bill. I don't know what we're restricting now. I suppose we could say that you could actually put an ad on Citytv and have them list—I know it would cost a lot of money—every person in the province and now it's directly to them and it's not considered advertising any more. It just doesn't make sense to me.

1550

Mr Korn: TV ads are caught under section 2. So that's an issue—

Mr Hardeman: It's OK. They can't do it on television, so it will have to be direct mailing.

Mr Arthurs: The clear intent is matters such as drivers' licence renewals that would go out in batches at particular times of the month. I believe renewals come up at month's end, so they're not necessarily staggered. They may be staggered over the month, but they're in such quantity that one might want to pose that those are bulk mail. They're a large quantity.

The intention here is to ensure that type of business can go on, but it's obviously not intended to be advertising. It's also not intended to be a mass mailing from the context of government material save and except for the individual function of the business of government.

That's the clear intention of this particular clause, to avoid that type of confusion at that time.

Mr Kormos: We understand that, but that observation on your part doesn't address the reality, because there's a difference between mass mailing and bulk mailing, and you've gone to great lengths to define bulk mailing as being unaddressed mail. A mass mailing is—well, it's precisely that. It's a campaign conducted via the mail to addressees. You're saying here that the government can conduct—what we're understanding rather, not what you're saying. What we're understanding is that the government can conduct a mass mailing, as long as it's not a bulk mailing, of the most provocative, partisan, expensive, taxpayer-funded self-promotion imaginable, and I find that shocking.

Mr Delaney: I understand the feelings of Mr Kormos and Mr Hardeman. I would caution them, however, that if they wish to include bulk mail, that would also include, I assume, mail emanating from their offices, which is also individually addressed. At what point do you stop in, for example, defining bulk mail as the response to a petition, the response to an e-mail campaign? What you're proposing is administratively unworkable and unfeasible for the Provincial Auditor to be able to referee in any way.

Mr Hardeman: First of all, just in clarification to Mr Delaney, I've been around here long enough to know that the goods that are mailed from my constituency office are in fact not government mailings. To somehow—

Mr Kormos: At one point they might have been.

Mr Hardeman: At one point they might have been, but I can point out that in this bill how bulk mailing can be done is not going to impact a constituency office or any member of the Legislature.

My concern is that it appears to me the government's intent is to make sure we can send mail out; Mr Arthurs and the parliamentary assistant mentioned the drivers' licence renewals. I think it's quite obvious that if it's requested mail, if the receiver wants the information that's being sent, that makes it appropriate, that's not government advertising.

But if the government decides, "This is what I would like people to know"—they haven't asked for it, they haven't done anything except be a citizen of this province and have an open mind—if the government decides they want to send them advertising, we can do that under this bill. With this amendment we can do that by putting their name on the envelope.

I think it negates the whole bill. If the government is looking to allow the type of mailing the parliamentary assistant talks about, I think they've got to have a different way of wording it because this just opens it up that any mailing can be done without approval of the Auditor General's office.

I don't think that was the intent of the government, but that's what this amendment is going to end up doing.

The Chair: Is there any further discussion?

Mr Arthurs: I appreciate the comments from the members opposite in committee, and I'm satisfied by

virtue of counsel from the ministry that we're going to be able to meet the objectives we have, in particular with respect to the bill, and acknowledge that there are always questions about aspects of a bill that one may find reason to query.

The Chair: Is there any further discussion?

Mr Hardeman: Could we have a recorded vote on this one, Madame Chair?

The Chair: I will now put the question on the amendment. All those in favour?

Ayes

Arthurs, Craitor, Delaney, Racco, Van Bommel.

Nays

Hardeman, Kormos.

The Chair: That's carried.

There being no further amendments to section 3 before the committee, I'll now put the question.

Mr Kormos: Recorded vote.

The Chair: Shall section 3, as amended, carry?

Ayes

Arthurs, Craitor, Delaney, Racco, Van Bommel.

Nays

Hardeman, Kormos.

The Chair: Section 3, as amended, is carried.

On section 4, there's a government motion.

Mr Arthurs: I move that section 4 of the bill be amended,

(a) by striking out "Provincial Auditor" in subsection (2) and substituting "Auditor General"; and

(b) by striking out "Provincial Auditor's" in subsection (4) and substituting "Auditor General's".

The Chair: Any discussion? I will now put the question on the amendment. All those in favour of the motion? All those opposed? The motion is carried.

There being no further amendments to section 4 before the committee, I'll now put the question. Shall section 4, as amended, carry? All those in favour? All those opposed? It's carried.

On section 5 there is a government motion.

Mr Arthurs: I move that section 5 of the bill be amended by striking out "Provincial Auditor" in the three places where it appears and substituting in each case "Auditor General."

The Chair: Any discussion? I'll now put the question on the amendment. All those in favour of the motion? All those opposed? That motion carries.

There being no further amendments to section 5 before the committee, I'll now put the question. Shall section 5,

as amended, carry? All those in favour? All those opposed? That carries.

On section 6 there are two government amendments and one amendment from the official opposition. Is there a mover for the first government motion?

Mr Arthurs: I move that subparagraph 1 iv of subsection 6(1) of the bill be amended by adding at the end “or to promote any economic activity or sector of Ontario’s economy.”

The Chair: Any discussion?

Mr Hardeman: Madame Chair, if I could have the parliamentary assistant explain the intent of this amendment.

Mr Arthurs: The intent is to ensure that there are matters whereby governments can continue to promote economic activity, probably the example being things like Foodland Ontario, which might have escaped the capacity to do that without this inclusion.

Mr Hardeman: Thank you.

The Chair: Any further discussion? I’ll now put the question on the amendment. All those in favour of the motion? All those opposed? That motion is carried.

The next motion is a PC motion. Mr Hardeman, did you want to move that?

Mr Hardeman: I move that subsection 6(2) of the bill be struck out.

The Chair: Any discussion?

Mr Hardeman: As we heard this morning from the minister, the bill presently allows advertising to be done without all the scrutiny of other advertising, provided the advertising is being disseminated or provided by, and getting paid to, someone other than an Ontario broadcaster. So as long as you can broadcast on the other side of the border, it can come in, and the government can do whatever they wish, provided it isn’t going to our broadcasting. We think that’s wrong. Either it should happen or it shouldn’t, but it shouldn’t give preference to American broadcasters. That’s in fact the essence of what the section does.

1600

Mr Arthurs: I can’t support the amendment. This, in effect, by striking this, would preclude the government from advertising outside the jurisdiction of Ontario using the Premier or a minister of the crown, whether that be elsewhere in the country or internationally. The minister spoke this morning of the importance of having a figure of importance in government, the capacity to provide that type of exposure on an international scene.

Mr Kormos: I’m going to support the Conservative amendment. First of all it’s probably, in most instances, like those ads on TV where, if you need a lawyer if you had a slip and fall, you call this number and then there’s fine print that says, “This is not a real lawyer; this is an actor” doing the promotion.

I suspect that in most cases the government will be shooting itself in the foot by using the Premier or any of his cabinet. They’re probably far better off hiring professional actors, especially after what we saw this morning with the difficult conditions that are being faced by

people in the film industry, all the more so. We should be hiring trained professionals to do promotions of Ontario and not let ersatz, wannabe thespians access the air-waves.

I support the amendment. Also, the section could have been written—clearly, the primary target audience is located outside. The amendment clearly could have been written—look, there has to be an exercise of caution used by the government if it really believes in the spirit.

We know darn well that a broadcast emanating out of Detroit or Buffalo is going to flow over into Ontario big time—big markets for those particular networks. I have no qualms about seeing something that’s clearly broadcast in California—or a billboard or whatever—or Texas. Florida would be a different problem. You’ve got a lot of Ontarians in Florida, especially this winter, I suspect, although as long as the blockade is being imposed upon Cuba, I say Cuba, si; Florida, no.

The section could have been written to protect against the overflow, the spillover. It wasn’t, so I’m supporting the amendment.

Mr Delaney: I couldn’t support this amendment. This would preclude the government from, as an example, advertising for additional film business on a Los Angeles television station, using an image of the Premier or anyone else, which may or may not be carried by a particular cable provider. It is, again, administratively unworkable and patently unfair to the government’s legitimate business development practices.

Mr Hardeman: I have a bit of a problem because I’m not sure that using the Premier would in fact encourage business from Los Angeles. I don’t have any problem with the government having the ability to use whatever means they can to attract more investment to Ontario. I’m really concerned with the section that has to do with what we would do with the media outside our jurisdiction. The primary audience would be written as obviously the market we’re in, but the only audience the government has an interest in is that secondary audience that’s on our side of the border, listening to the commercial.

We can make a case for it, that we’re doing it because we wanted to encourage all the farmers in Wisconsin to come to Ontario because things are so good here for Ontario’s farmers, and the Premier is telling us that on the Buffalo radio or TV station, but in fact it’s going to more Wisconsin viewers than to Ontario viewers. But the intent is to tell Ontario viewers how good agriculture is in Ontario.

So I think this wrong, because it really does allow you, using media outside of Ontario, to get the benefit without having the restrictions that you’re putting on advertising in the province. I think it’s a loophole that would be used at an opportune time. I think it’s better not to be in the legislation.

Mr Craitor: I have just a couple of short comments. Having spent 13 years on city council, and coming from Niagara Falls, which is primarily a tourist industry, I don’t know how many times we utilized advertising

across the border, whether it's New York state or Pennsylvania, to attract people into our community. It wasn't uncommon to have the mayors as part of that, sometimes a councillor. It was always appropriate, and we derived a lot of benefit from it.

I guess we're so close to the Americans now, and with satellites, you're not far away from talking to anyone in the States. The point I'm making is, I saw the benefits we had as a community, just in our own area, utilizing some of our elected officials to try to promote Americans to come into Niagara Falls. Our mayor would speak on it: "Here are the reasons. Here are the benefits that we offer to the community."

So I have no problems with the intent of this. The intent is—and I think of everyone sitting in this room—how do we make Ontario a better place, how do we make it more viable, how do we bring more people into Ontario, how do we make it more sustainable for tourism? I think the addition is well-meaning and it's appropriate, and I've seen it used, like I said, in my own local community, where it's worked well, so I'm certainly going to support it.

The Chair: Any more discussion?

Mr Hardeman: Just one final comment. I'm not disagreeing with Mr Craitor. I guess my problem is, if that works well on the New York side of the border, it likely works well on the Ontario side of the border too. Why is this legislation prohibiting it in Ontario and not prohibiting it just on the other side of the border, if it's the right thing to do?

Obviously the government feels it's not the right thing to do to use the Premier or any other elected official to encourage our people's spending trends. I don't know why we would then use that same thing just across the border. It just doesn't make sense where I come from. With that, enough said.

Mr Mario G. Racco (Thornhill): My understanding of this section is that we are trying to avoid that politicians try to promote themselves within the jurisdiction where we are elected. But trying to promote Ontario outside of Ontario, surely everybody supports that idea. As I understand it, that's what that section does and what it's supposed to do. Nobody can sell the province of Ontario better than the leader, whoever it happens to be. But if the objective is to try to not use it for political reasons, as unfortunately it was used in the prior administration, then I think this section is very useful and should stay.

Mr Kormos: Just a final observation, once again, and I hear Mr Racco say the previous government used these tactics, but understand that they were soundly defeated. So one has to question, then, whether these tactics are even workable.

The Chair: Is there any further discussion? I'll now put forward the question on subsection 6(2) of the bill.

Mr Hardeman: Recorded vote, please.

Ayes

Hardeman, Kormos.

Nays

Arthurs, Craitor, Delaney, Racco, Van Bommel.

The Chair: The motion is lost.

Our last motion on this section is subsection 6(3).

Mr Arthurs: I move that subsections 6(3) and 6(4) of the bill be amended by striking out "Provincial Auditor" in the two places where it appears and substituting in each case "Auditor General."

The Chair: Any discussion?

I'll now put forward the question on the amendment. All those in favour? All those opposed? That's carried.

There being no further amendments to section 6 before the committee, I'll now put forward the question. Shall section 6, as amended, carry?

Mr Hardeman: Recorded vote.

Ayes

Arthurs, Craitor, Delaney, Racco, Van Bommel.

Nays

Hardeman, Kormos.

The Chair: That's carried.

Section 7.

Mr Arthurs: On section 7: I move that subsection 7(1) of the bill be amended by striking out "Provincial Auditor" and substituting "Auditor General."

The Chair: Any discussion?

I'll now put forward the question on the amendment. All those in favour of the amendment? All those opposed? The motion is carried.

1610

Mr Kormos: Point of order, Chair: I would invite the parliamentary assistant to move amendments 11, 12 and 13, and then the Chair, with the consent of the committee, could put those respective sections collectively to the committee.

The Chair: As we've begun and we're three quarters of the way through, I'm going to rule that we're going to do these in sequence, as we've begun this way.

Mr Kormos: I appreciate it's a little more complicated. You have to keep on top of things.

The Chair: I think it will be just as quick.

On the motion we have before us, 7.1 of the bill, any further discussion? I'll put the question on the amendment. All those in favour of the motion? All those opposed? That's carried.

There being no further amendments to section 7 before the committee, I'll now put the question.

Mr Kormos: Invite debate, please.

The Chair: Yes. Any discussion? No discussion. Shall section 7—

Mr Kormos: See, you thought it was going to be easier.

The Chair: —as amended, carry? All those in favour? All those opposed? Section 7, as amended, is carried.

I don't need to be confused, Mr Kormos. It can happen very easily.

There's a government amendment to section 8.

Mr Arthurs: I move that section 8 of the bill be amended,

(a) by striking out "Provincial Auditor" in the two places where it appears in subsections (1) and (5) and substituting in each case "Auditor General"; and

(b) by striking out "Provincial Auditor's" in subsection (3) and substituting "Auditor General's".

The Chair: Any discussion? I'll now put the question on the amendment. All those in favour of the amendment? All those opposed? The motion is carried.

There being no further amendments to section 8 before the committee, I'll now put the question. Any discussion on that? Shall section 8, as amended, carry? All those in favour? All those opposed? Section 8, as amended, is carried.

On section 9 we have a government motion.

Mr Arthurs: I move that section 9 of the bill be amended by striking out "Provincial Auditor" in the six places where it appears and substituting in each case "Auditor General".

The Chair: Any discussion? I'll now put the question on the amendment. All those in favour of the motion? All those opposed? That motion is carried.

Any discussion on that?

Mr Hardeman: I have a question, I guess, in order to facilitate more efficient and effective government. Obviously we all have a great interest in that. To the legal branch, I noticed in the last amendment that was passed the amendment actually reads to strike it out in as many places as it appears. I wonder why it is that we couldn't have had an amendment at the start or at the end of this whole thing saying "strike every place that it appears in the bill" and replace it with the other words and prevent the need for Mr Kormos to have gone to such great lengths to try and expedite the process and so forth. We could have then just had it all done in one fell swoop. It really wouldn't make any difference, because that's all the majority of these amendments are. Why not just have one motion for that?

Ms Laura Hopkins: The amendment could have been drafted in either fashion. It would be for the Chair of the committee to decide whether the one global amendment would be in order.

Mr Hardeman: Am I to understand this whole afternoon and the time being spent on this is the responsibility of the Chair and it's her fault that I'm going to be late for dinner?

The Chair: Mr Hardeman, I can't believe you wouldn't want to spend more time with me. I can only

call them as I see them. What I had in front of me was separated. But thank you for your interest.

Any further discussion? There being no further amendments to section 9 before the committee, I'll now put the question. Shall section 9, as amended, carry? All those in favour? Any opposed? That's carried.

Section 10: Is there a mover for the motion?

Mr Arthurs: I move that section 10 of the bill be amended by striking out "Provincial Auditor" in the two places where it appears and substituting in each case "Auditor General."

The Chair: Any discussion? I'll now put forward the question on the amendment. All those in favour of the motion? All those opposed? That motion is carried.

There being no further amendments to section 10 before the committee, I'll now put forward the question. Shall section 10, as amended, carry? All those opposed? Section 10, as amended, is carried.

Sections 11 and 12: Are there any comments or questions on sections 11 or 12 of the bill?

Mr Kormos: I have comments on section 11, so we'll just hold on before you decide to call them collectively.

This, of course, is immunity to those who would publish, distribute etc etc basically, I'll say, illegal advertising: advertising that contravenes the act. I'm not sure why you'd want to protect—maybe you wouldn't want to put an onus on a company that did mass distribution of material to ensure it was legal. Then again, we've got lawyers here who tell us that that exemption or immunization doesn't necessarily apply, for instance, to libellous material; it doesn't necessarily apply, depending upon the circumstances.

When you've got this scenario, why do you want to immunize in this manner people who would distribute what I call illegal material? It seems to me that—first of all, I'd like to know what penalty section they'd be prosecuted under, in any event, and what is being contemplated. Are you talking about the prospect of litigation? I don't know. Are we immunizing against provincial offences prosecution or against civil litigation? We need some fleshing out of this—very quickly. I'm not going to belabour it.

Mr Arthurs: Perhaps we could ask legal counsel. I think you already have come to the conclusion on the principal intent. Obviously, it's to not have some mass distributor do a bulk mailing, by virtue of having taken on the role, and then, if it's found that what the government had done was illegal, be held liable. That just doesn't seem to be very appropriate.

Mr Kormos: Held liable how?

Mr Arthurs: Your further question—that's probably where legal counsel can help much more than I possibly could.

Mr Korn: The intention here is to protect a publisher, displayer, broadcaster or distributor from any possible proceeding based on the sole ground that the ad or printed matter hadn't been vetted or had been sent out contrary to the auditor's ruling. These third parties aren't going to have any capacity to check whether the govern-

ment did what it was supposed to do, so this is intended to protect those third parties from any civil or other claims.

1620

Mr Kormos: This is interesting—I hear you—but there’s no offence in the bill, that I’m aware of, for a government or a player in that government, for instance, contravening the act; that is to say, not submitting something and still having it published, or having something denied by the Auditor General and then publishing it anyway. So there’s no offence for the party doing it. I understand the effort is clear to try to avoid an offence or a liability on the intermediary, on the conduit.

Take a look a little bit earlier and you see that what happens is that the auditor “shall notify the Speaker about any contraventions of section 2....” Are you suggesting that there are general penalty sections of the Provincial Offences Act that are applicable here?

Mr Korn: I was simply trying to explain section 11.

Mr Kormos: OK. So am I correct that there’s no offence here by anybody who knowingly, blatantly, disdainfully, scornfully violates this statute once it becomes law? I don’t see any part where somebody can swear out an information under the Provincial Offences Act and haul people into court, where the scoundrels belong if they’re scofflaws. Is there anything in the bill?

Mr Korn: I’m not sure exactly what your question is, Mr Kormos.

Mr Kormos: If I’m breaking the Highway Traffic Act going home on the QEW, I know what happens if I get caught: I get charged with speeding under the Highway Traffic Act, on a good day. Now, if a government official breaks, violates, contravenes—because the drafters use the word “contravene” in here—Bill 25, I don’t see anything equivalent to “It is an offence to drive in excess of 100 kilometres an hour,” or whatever the language is. Are there any offences in Bill 25?

Mr Korn: There are no offences sections in the bill.

Mr Kormos: You see, what I’m worried the only outcome that could possibly happen is for the Auditor General to notify the Speaker in an annual report of contraventions.

Now, Chair, catch this. Listen, please. We saw a Speaker during the last government tear a strip off that government on the basis of it being in contempt for having used public monies for what amounted to partisan advertising. Mr Hardeman will recall that. He may be the only one here in the room who will actually specifically recall that. What I’m worried with here is that Speakers, as you know, and the Clerk—no, we won’t put the Clerk in that position. Clerks are eager to advise Speakers not to interpret the law. That’s an annoyance to some of us who have had occasion to want to point out to the Speaker that something’s illegal. The Speaker would say, “It’s not my job to interpret the law.” You saw your current Speaker, in fact—a wonderful example of what it means to be a skilled, professional, dedicated Speaker, Speaker Curling—at the beginning of this government’s mandate, on a couple of occasions, say, “It’s not my job

to interpret the law.” Federal Speakers have done the same.

Do you understand what the bill does in that regard? By creating a statutory contravention that can’t be prosecuted, for which there’s no remedy cited—think about this, Mr Hardeman—this bill is the exit point for a Speaker to say, “Well, I’ve received the Auditor General’s report, but it’s not my job to interpret Bill 25. I can’t, as Speaker. That’s for the courts to do.” There are people here who know exactly what I’m talking about. Speakers say that it’s the court’s job to interpret the law, not a Speaker’s job. Holy moly; this isn’t just the Mack truck loophole, this is the Catch-22 of all Catch-22s, because this may create an even worse scenario than what the common law basically provides for. That’s where Speakers can find, as Speakers are wont to, a government, a minister or a ministry in contempt of Parliament for egregious use of public funds for self-promotion.

I appreciate counsel’s position on this, because I can’t find a penalty section. I can’t find any remedies that are available. For instance, there’s nothing here that says—and I’m not talking about inadvertence, right? I’m not talking about somebody screwing up, because that happens. Governments are wont to screw up. I’m talking about somebody maliciously, overtly saying “Screw Bill 25. This mailing’s going out.”

One of the remedies might be to make the political party that happens to be the government of the day pay for the advertising. It’s been done. Another remedy might be to prosecute that person and send them to jail; maybe a place like Millhaven, where they share a cell with Conrad Black or, if they’re a woman, with Barbara Amiel, both of whom very much belong in jail because they’re thieves and crooks, or with John Roth from Nortel, who’s another crook, or the guy from Royal Group up in Woodbridge, right? That guy from Royal Group is another crook—six million bucks he made on that one flip of land.

Mr Racco: Chair—

Mr Kormos: What’s the matter? Go ahead; you’ve got some whining to do. Go ahead; say, “Point of order.”

The Chair: No, no. I have a speakers’ list. Are you finished?

Mr Kormos: No, I’m not done yet. But maybe he has a point of order.

The Chair: I doubt that. I’m going to let you finish.

Mr Kormos: Thank you. The problem is that a blatant, egregious contravention of this law will never put the culprit in jail, along with crooks like John Roth, Conrad Black, Barbara Amiel or those guys from Royal Group who stole from their shareholders and company. It’s just an observation. I suppose that’s why I’m not going to be supporting the bill, among other reasons.

The Chair: Mr Arthurs.

Mr Arthurs: First, we are on section 11 specifically, but I appreciate the broader discussion, so we can complete it at this point.

Section 11 does deal with the intermediary. It’s some protection for them from the context of having to accept

any liability by virtue of having taken on a particular function. I think it's appropriate in the context of the legislation for section 11 to be there.

On the broader question, though, about what are the remedies, sanctions or other what one might refer to as penalties, even if it's not a provincial offence in the formal sense, where you've got four or five copies—like when you're pulled over in your car and they give you your copy and their copy and the copy that goes downtown and all those kinds of things. I think there are a couple of matters within the bill that address that, and some other things they tend to address as well.

First, the fact that it has to be vetted and that there is legislation is a form of protection from the use of advertising and printed material in an inappropriate fashion.

Secondly, if the Auditor General determines that what's before him doesn't meet the criteria, then he can demand that it be revised, if one wants to move forward with that. That's step 2 that's available.

If, in effect, it were to escape both or either of those for some reason, he will present an annual report. He has the capacity as well to present a report at any time. So if he felt there was advertising or broadcasting going out, he could present to the Legislative Assembly at any time.

To my limited knowledge, ministers have been known to be called upon to resign as ministers for activities that might be deemed far less significant than the deliberate breach of a piece of legislation. In this case, I would suggest that they would be called to task in the Legislature, as the minister in charge, if in effect the legislation was breached so blatantly, as Mr Kormos suggests.

1630

The wilful breach of law by any government office, whether it's political or administrative, in the sense of a deputy minister who would have charge of the ministry, is considered a serious matter. It would be a serious matter in the context of their employment and their professionalism, and that's separate from what might be considered a serious matter in the political arena in which we all work.

Although there is no offence provision, no formalized penalty fine provision, there are a variety of processes and sanctions that could come into play, both politically and administratively, if, as suggested, someone were to wilfully breach the legislation.

The Chair: Mr Racco, did you have anything further to say?

Mr Racco: It ain't worth it, Madam Chair. Thank you.

The Chair: Anybody else?

Mr Hardeman: I guess I really do have a problem with this section. As Mr Kormos pointed out, there are no penalties, so there are no consequences to one's actions.

My concern is that the only possibility of some tension in the system, some way of monitoring after the Auditor General has said that it contravenes the act, the only way a penalty can be put in place would be if a broadcaster or anyone in the media actually circumvented their licence, because they did something illegal. So they might be a little cautious about saying, "Well, my gosh, this looks

pretty blatantly against the law but we won't put it on the air because if it goes on the air we may get charged for breaking the law." They would be covered through their licence. There is nothing in this bill that holds anyone else accountable for anything they do, except that it's going to be reported that they did it.

Mr Kormos brought up the issue about the former government, when the Speaker ruled on some advertising he deemed inappropriate. The Speaker didn't say it was contempt of the Legislature; he said there was a *prima facie* case made for it. The Legislature got to debate the issue and the Legislature got to decide whether in fact there was contempt of the Legislature. This would appear to me to circumvent that, because this never becomes something the Speaker rules on; it's just that the Auditor General brings in a report and lays it on the table. How do you get a legislative debate on whether in fact there is a case or there isn't?

I think this actually makes the whole thing weaker rather than strengthening it. I'd be the first to say there is something needed to curtail government advertising for the wrong purposes. I don't have any problem with that. But I don't believe this bill is doing that. This section is the only thing that deals with some tension in the system; not a lot, but some tension in the system. We're going to say no one, being an accomplice under the act, is going to be charged, even if they knowingly did it. If they knew there was a report from the Auditor General that said this is definitely wrong according to the act, they'd say, "That's OK. If you want me to do it, I'm immune from penalty, so go ahead, she's on the air." I think this really is the one clause that takes any tension out of the system.

Again, as I said earlier on one of the other areas, it really doesn't seem to be doing what the government's intent was. At least, it's a long way from doing what the government has been telling the public its intent is. I'm not saying it isn't the government's intent, but it sure isn't the message that's been going out. This was going to curtail government advertising of a partisan nature and, with these kinds of loopholes, I don't think it's going to do that at all. In fact, I think it's going to provide the ability to do even more of it, but the public won't be looking quite as closely because we have this bill that prohibits partisan advertising. There is no tension in the system for anyone to ever be held accountable for what they did except that once a year or maybe, as Mr Arthurs says, five times a year, a report comes in that says, "We didn't approve that advertising that went out." But it will have long since—

Mr Kormos: The auditor's report.

Mr Hardeman: Yes. We got that big book yesterday from the Auditor General that spoke about all the things that have happened in government that weren't appropriate, but I don't see much action being taken. I think that's exactly what would happen here, and this clause points out the fallacy of the whole bill.

Mr Delaney: Interesting discussion. I point out to Mr Hardeman that advertising is a government resource and that the sanctions in this bill are substantially the same as

for any other type of government resource—for example, the way in which employees use their time, the manner in which people are deployed and the manner in which money is spent. It is just a government resource and, as such, this authorizes the Provincial Auditor to treat government advertising as if it were the same resource as time, people and money. That's the intent. The sections that you refer to are intended to provide immunity to a third party who publishes, displays, broadcasts etc to communicate with the public. Those sections on immunity are intended to indemnify people who can say, "I was just following orders," if they are indeed a third party—

Mr Kormos: That's a very bad choice of words.

Mr Hardeman: If that's what it is, I'm with you. That's exactly my concern.

Mr Delaney: Or they would call it "following instructions."

Mr Hardeman: If that's what it is, this bill is not what you're telling the public it is.

The Chair: Could we stop the cross-debate? Mr Delaney, you still have the floor.

Mr Delaney: The point that I wish to make here—again, I'll repeat it—is that the sanctions in this bill that govern advertising are substantially the same as those that govern any other type of government resource as reviewed by the Provincial Auditor. It simply gives the Provincial Auditor jurisdiction over the audit of the use of government advertising, as he does over the use of government money in his examinations for value for money, as he does over how people use their time and what people are used for by the government.

The Chair: Mr Arthurs, I think you're my last speaker at the moment.

Mr Arthurs: Very quickly, I appreciate the debate around the matter and the specificity of penalty, as articulated by Mr Kormos and responded to by legal counsel.

On the broader question, I need to draw attention back, if I could, to subsection 9(4), just to be clear about the sanctions that could be brought into play. In subsection (4) it says, "The Speaker shall lay each annual report or special report of the Provincial Auditor before the Assembly forthwith if it is in session or, if not, not later than the 10th day of the next session."

It's not a matter of just presenting it to the Speaker; it's built into the legislation that it must be presented to the assembly. So the capacity for that debate to occur, and the capacity for members of the assembly to make it well known if, in effect, there's a matter of concern—that can occur, and the processes that occur in that forum can then take their course. The provisions are there to ensure that it does get to the assembly, which does have ultimate ownership for the actions of government.

Mr Hardeman: I have a couple of things. I've been around here a while and I realize that when legislation says, "to lay on the table for the assembly," that's exactly what it is. But it does not allow or provide for debate on that item. It's there for your review, if anyone in the Legislature wishes to use that information during ques-

tion period to get some discussion going on some of the issues. But it doesn't come for a debate, whether it's right or wrong. Someone gets to answer questions, but there is no opportunity for the Legislature to debate the merits of it and to sanction the people for it. I don't think that's quite the case.

The other thing with Mr Delaney's comment that this is no different than the Auditor General's review of all other government expenditures: If it's the same as all the other government expenditures, that makes this bill even more redundant, with even greater loopholes, because the Auditor General has always had the power to look at government advertising and whether it is, in his opinion, a good expenditure. With this, you're asking another body to review whether it is government or partisan advertising. They get to make that decision one way or the other, but there's absolutely nothing in the bill to hold anyone to account for the decision that the Auditor General makes.

Mr Delaney: This bill gives the Auditor General the very specific mandate to shine light on it.

The Chair: Mr Delaney, Mr Hardeman has the floor.

Mr Hardeman: This bill has absolutely nothing in it to hold the government to account for the Auditor General's recommendation—absolutely nothing. In fact, even if the Auditor General just happens to be too busy reviewing hospitals and school boards, if he doesn't get back in time with a comment to say that this is partisan advertising, then the government can assume it's OK and go on with it. Now, there are not many other parts that get that.

1640

Incidentally, on no other department is the Auditor General asked to comment on the merit of the expenditure prior to it being made. He audits the expenditures for value for money and for appropriate expenditures after the year is complete, not to send it for him—when the minister of public works and transportation decides to hire five new people, he doesn't have to ask the Auditor General whether that's a wise expenditure. That comes out in the audit, when they find out that he hired too many people or not enough, after they have that done.

This is slightly different, when you're asking his opinion and then providing absolutely no recourse if nobody is listening to his opinion and no penalty if they don't. I think it's window dressing.

Mr Delaney: Just one last comment. Mr Hardeman is incorrect. The bill requires the Provincial Auditor to report annually to the Legislative Assembly on matters related to the proposed act, particularly any contraventions of the act. The bill requires the Provincial Auditor to report annually on government expenditures for reviewable items and authorizes the Provincial Auditor to report on government advertising expenditures in general; hence, it does treat government advertising as any other resource under their umbrella of a mandate.

Mr Hardeman: Obviously, I had nothing better to do this afternoon than have this debate, so—

The Chair: Are there any other comments or questions?

Mr Hardeman: Yes, Madam Chair.

The Chair: Now you've indicated you'd like to speak. OK. Mr Hardeman, you have the floor.

Mr Hardeman: I don't want to leave on the record—I might have said something that I didn't get the right meaning out. I've said all along that the Auditor General has had the ability to look at all government advertising at any point in time that they wish to do that and report to the Legislature on whether they think that was appropriately done. They can audit government ministries for advertising the same as for anything else. I'm not aware whether they've ever done it before, whether they do it or whether they want to do it.

What I'm saying is that this is requesting him to have a look at it prior to it being spent. If he says it's not going to be appropriately spent, that it's going to be inappropriately spent, there is nothing in the bill that says, then, that the government can't do it. It says that you shouldn't, and you can change it a bit, and you can ask him again. If, in the end, you still want to do it, there is no penalty for going totally against the auditor's recommendation.

At the end of it, yes, the auditor, once a year or whenever they feel is appropriate, must lay on the table their Provincial Auditor's report, which will include a section that says, "Three times in the past year the government went against my recommendation. I believe that that was partisan advertising, but they did it anyway." Then, as the opposition, I'm going to say, "Oh my gosh, how could the government do that?" And the government will say, "We thought it was appropriate." That's it.

There's no way of being held accountable for it. It's no different than it is today, so I don't know what this bill is supposed to accomplish.

The Chair: Any other comments or questions on sections 11 and 12 of the bill?

If not, shall sections 11 and 12 carry?

Mr Hardeman: Recorded vote.

The Chair: A recorded vote has been requested. Do you want a recorded vote on each section separately?

Mr Kormos: Section 11 first, please.

The Chair: Shall section 11 carry?

Ayes

Arthurs, Craitor, Delaney, Racco, Van Bommel.

Nays

Hardeman, Kormos.

The Chair: Shall section 12 carry?

Ayes

Arthurs, Craitor, Delaney, Racco, Van Bommel.

Nays

Hardeman.

The Chair: Sections 11 and 12 have carried.

On section 13: There is a government amendment. Is there a mover?

Mr Arthurs: I move that section 13 of the bill be struck out and the following substituted:

"Amendments to the Auditor General Act

"13(1) Section 2 of the Auditor General Act, as re-enacted by the Statutes of Ontario, 2004, chapter 17, section 4, is amended by adding 'the Advertising Commissioner' after the 'the Auditor General, the Deputy Auditor General'.

"(2) The act is amended by adding the following section:

"Appointment of Advertising Commissioner

"8.1(1) Subject to the approval of the board, the Auditor General may appoint a person to act as Advertising Commissioner.

"Duties

"(2) The Advertising Commissioner may exercise such powers and shall perform such duties as the Auditor General may delegate to him or her under subsection 24(2).

"(3) Subsection 12(2) of the act, as amended by the Statutes of Ontario, 2004, chapter 17, section 14, is amended by adding the following clause:

"(g) expenditures for advertisements, printed matter and messages that are reviewable under the Government Advertising Act, 2004.

"(4) Section 12 of the act, as amended by the Statutes of Ontario, 2004, chapter 17, section 14, is amended by adding the following subsection:

"Report re government advertising

"(4) In the annual report, the Auditor General may report on expenditures for government advertising generally.

"(5) Section 24 of the act, as re-enacted by the Statutes of Ontario, 2004, chapter 17, section 24, is amended by adding the following subsection:

"Same

"(2) The Auditor General may delegate in writing to the Advertising Commissioner or to a person employed in the Office of the Auditor General any of the Auditor General's powers and duties under the Government Advertising Act, 2004 and may impose conditions and restrictions with respect to the delegation.

"(6) Subsection 27(1) of the act, as amended by the Statutes of the Ontario, 2004, chapter 17, section 27, is amended,

"(a) by adding 'the Advertising Commissioner' after 'the Auditor General, the Deputy Auditor General'; and

"(b) by striking out 'under this act' and substituting 'under this or any other act'.

"(7) Subsection 27.1(1) of the act, as enacted by the Statutes of Ontario, 2004, chapter 17, section 28, is amended by striking out 'The Auditor General, the

Deputy Auditor General' at the beginning and substituting 'The Auditor General, the Deputy Auditor General, the Advertising Commissioner'".

The Chair: Is there any discussion?

Mr Hardeman: Maybe the parliamentary assistant could assist me and tell me what's the difference between the bill and this amendment. It looks like we just removed the whole thing and then reprinted it with the change of words. Is there an operational change in this amendment?

Mr Arthurs: I don't believe so. Given the quantity of material, can I ask again for ministry staff to provide a brief comment? It's just the magnitude of it as opposed to a single paragraph; it's multiple pages.

Mr Korn: Section 13 is being substituted in order to recognize the passage of Bill 18, which also amended and changed the title of the old Audit Act. There are no substantive changes here.

Mr Hardeman: Thank you.

The Chair: Any further discussion? I'll now put the question on the amendment. All those in favour of the motion? All those opposed? That motion is carried.

There being no further amendments to section 13 before the committee, I'll now put the question, if there's no discussion.

Shall section 13, as amended, carry? Section 13, as amended, is carried.

Sections 14 and 15—

Mr Kormos: Section 14, please.

The Chair: Section 14: Are there any comments or questions?

1650

Mr Kormos: This is very slick. This is cute. This is called having your cake and eating it too. This is called bamboozle, razzle-dazzle, because section 14 says, "this act comes into force on the date it receives royal assent," but then says, "Sections 1 to 13 come into force on a day to be named by proclamation of the Lieutenant Governor," to wit, the Lieutenant Governor in Council.

So the government is having its cake and eating it. Usually you see one or two sections that are not coming into effect on the date of royal assent. So the government wants to be able to say, "We passed our government propaganda advertising bill," but they really didn't. And it's not just one or two sections that are being withheld, detained or retarded by virtue of requiring them to wait for the Lieutenant Governor; it is all of the bill. So I just say, too cute for words.

Is the government really serious about the legislation? Are we going to see an orgy of taxpayer-funded propaganda while the government dithers and malingers on directing that the Lieutenant Governor pass or proclaim sections 1 to 13? Perhaps. We've seen similar displays of outrageous excess on the taxpayers' tab before. The only salvation, the only saving grace, is that Chris Stockwell had to surrender his corporate ministerial credit card—isn't it, Mr Hardeman?

The Chair: Mr Arthurs.

Mr Arthurs: As I understand it, the Auditor General will require time in which to put in place the Advertising Commissioner and lay out the administrative framework. So there's some lag time required to ensure that the processes are in place such that advertising and printed material can effectively be reviewed. Thus the inclusion of the particular clause is an effort to ensure that that administrative activity can occur.

The Chair: Any discussion on section 15?

Mr Hardeman: I guess it's a question again to the parliamentary assistant. I understand the need for the ramping up of the Auditor General's office in order to deal with this, but hearing Mr Kormos's concern that it may never be proclaimed, can we be assured that—

Mr Kormos: Sort of like the consumer protection act of 2002.

Mr Hardeman: Exactly. Can we be assured that it is for the ramping up of the office, that in fact the government already has the resources in place to ramp up the office?

Mr Arthurs: No. The bill is still before the Legislature and thus the government certainly wouldn't undertake to do that.

Mr Hardeman: I think when the bill was proposed—obviously the government has some vision that we're going to debate it, it's going to go through the legislative process, it's going to become law and then we'd like to see it implemented. Assuming they made every effort to get it through this sitting of the Legislature, I have to make the assumption that the government has an interest in getting this bill working. Has the Minister of Finance put resources in place so that when it's time to ramp up for this bill to be implemented, in fact that's going to happen, as opposed to next year's budget or the following year's or whatever? Obviously, it's going to take some resources, as you mentioned, to ramp up the auditor's office. Is the government in the process of doing that, or is this just wallpaper being done because we said we were going to do it, but actually never implement it because we're not preparing to ramp up the Auditor General's office?

Mr Arthurs: Subject to the passage of the bill, the government has the full intention, if the bill is passed, to activate the processes necessary at the earliest possible time, but the government was not being presumptive about the actions of the assembly in the context of passing legislation.

Mr Hardeman: But you can assure us that we are looking at this bill actually becoming the law of the land in this term of office of this government?

Mr Arthurs: I guess my response would have to be that, at the first, it's certainly subject to this committee and subject to these deliberations, third reading and all of those processes. I wouldn't want to be presumptive on behalf of the government or the minister, but it's clear that, subject to all those things occurring, the intention is to bring this into force as quickly as possible.

Mr Hardeman: I thank you very much, and I'm sure, Madam Chair, that with the discussion we've had here

this afternoon, when it goes back for third reading, the majority of government members will vote against it too when they realize how many flaws are in it and you will not need to ramp up the Auditor General's office to get it done.

Mr Kormos: Are you saying that you will resign if this bill isn't proclaimed as law?

Mr Arthurs: Not at all.

The Chair: Are there any comments or questions? I'm going to take these items separately. On section 14—

Mr Kormos: Recorded vote, please.

The Chair: A recorded vote has been requested. Shall section 14 carry?

Ayes

Arthurs, Craitor, Delaney, Racco, Van Bommel.

Nays

Hardeman, Kormos.

The Chair: That carries.

On section 15 of the bill—

Mr Kormos: Please, Chair.

The Chair: Yes?

Mr Kormos: These are, in effect, obviously, some of my final comments on this bill, until it gets to third reading in the House. I predict that this bill, once passed and if proclaimed, will herald an era of the most blatant and shameless government propaganda paid for at taxpayers' expense. Let me tell you very quickly why.

We've seen how the Members' Integrity Act and the Integrity Commissioner, now Mr Justice Osborne, were used, quite frankly, by the last government and by this government as the veil behind which culpable ministers concealed themselves, because whether it was the last government and some of the notorious scoundrels in that cabinet—

Mr Hardeman: Or the one before them.

Mr Kormos: I don't remember any scoundrels.

Mr Hardeman: I remember a lot of that here.

The Chair: Please allow Mr Kormos to finish.

Mr Kormos: The scoundrels, like Chris Stockwell, who spent money like a drunken sailor—and I have no quarrel with drunks or sailors. The problem with Stockwell was, the money he was spending wasn't his own.

You see, the immediate response is, "Well, we'll refer it to the Integrity Commissioner." Now, the Integrity Commissioner is restricted to consider the matter in the context of the Members' Integrity Act. So it isn't a matter of saying, "This minister violated the traditional, conventional standards," whether it's Mr Stockwell or, quite frankly, Mr Sorbara; it's a matter of saying, "No, this minister did not violate the Members' Integrity Act," which is a very specific piece of legislation and is restricted. As I say, people have hid behind the Integrity Commissioner's robes to defend themselves against what

in earlier times would have been resignation-type offences.

So what have we got here? We've got a statute that, as I say, has some interesting provisions, in particular in section 6 and in section 3. One, we know that direct mail is entirely permitted, that direct mail of the most blatant partisan nature is permitted by virtue of the act as it stands now. We also know that the only way a piece of propaganda would not pass muster is if it were the primary objective of the item to foster a positive impression of the governing party.

So, in other words, it can be a primary objective of the item to foster a positive impression of the government, and it'll pass muster. It can be an obvious secondary objective of the item to foster a positive impression of the governing party, and it will pass muster. It will be acceptable under the act. I, quite frankly, do not see this as the most serious flaw, but there is the overflow, the spillover effect of broadcasts out of the United States in border communities.

So what's going to happen is that you're going to have ministries and a Premier's office that are no more disinclined to snort up to the trough than any previous government was—and I'll speak in that regard of the tendency of governments to want to snort up to the trough—but that now have a means of covering their behinds in a most clever way, because it'll be a simple matter of saying, "Well, the Auditor General says we complied with the statute," just like now you have very culpable cabinet ministers standing up and saying, "But the Integrity Commissioner says I didn't violate the Members' Integrity Act."

I'm telling you, you don't gotta be a rocket scientist, like that guy on the cooking channel says; you don't gotta be a law school graduate; you can be a first-year law student, and you're not going to have much difficulty developing the pattern for how you avoid being mentioned in the Auditor General's annual report.

I predict we're going to see more government advertising. We're going to see blatant government advertising. We're going to see self-promotion of the governing party when it's a secondary objective. We're going to see self-promotion of the government in the same way we saw that glossy, red-covered item that was distributed around—what?—five or six weeks ago.

Mr Hardeman: The minister said it complied with the bill.

Mr Kormos: And it did, Mr Hardeman. It did comply with the bill; no two ways about it. It complied with the bill. This is one of the pros-and-cons considerations of codification. I regret that we will never again prevail upon a Speaker to exercise his or her power to find the government in contempt—prima facie contempt, but that means contempt—of a government, of a minister, of a Premier, because the Speaker will feel constrained by the fact that it was in compliance with the law of the land, not that he or she is going to interpret the law but as dictated by the Auditor General, who will interpret the law.

It is regrettable, and I put this to you: There were how many years of Drew, Frost, Robarts, Davis, Miller governments—42 years. I grew up—heck, it started long before I was born, even. The likes of that will never be seen again. Think about it: I've been here for—what?—16 years, and I've seen five different governments, with all three political parties forming government. I saw governments that got elected with huge majorities and piddled those away in short order.

The tendency is for there to be high turnover. I say to you—because the odds are that even if the Liberals should be defeated, out of six of you, at least one or two of you will come back—when you're in opposition and you're confronted with, "Well, you passed the law..." You know it's done, because you listen to question period, right? You've got minions who spend hours and hours and hours, days and weeks poring through old Hansards and press clippings to see what somebody said 28 years ago. "But you passed the law, and we're in compliance with the law." And you guys will be sputtering and huffing and puffing and spinning your wheels and trying to get some traction, and there will be no respite, no comfort for you. Just an observation, Chair. If, 10 years down the road, I'm wrong, and if I'm alive, you can call me up—my phone number is listed—and tell me I was. But I've got a feeling that on this one, I just might be right.

Oh, by the way, did I indicate the New Democrats are opposed to the bill?

The Chair: Not yet.

Mr Kormos: Yes. We'll be voting against it here.

The Chair: On section 15 of the bill—

Mr Kormos: Recorded vote.

The Chair: A recorded vote has been requested. Shall section 15 carry?

Ayes

Arthurs, Craitor, Delaney, Racco, Van Bommel.

Nays

Hardeman, Kormos.

The Chair: That's carried.

We're on to the title. Shall the title carry?

Mr Kormos: Recorded vote.

Ayes

Arthurs, Craitor, Delaney, Hardeman, Racco, Van Bommel.

Nays

Kormos.

The Chair: That's carried.

Shall the bill carry, as amended?

Mr Kormos: Recorded vote.

Ayes

Arthurs, Craitor, Delaney, Racco, Van Bommel.

Nays

Hardeman, Kormos.

The Chair: That's carried.

Shall I report Bill 25, as amended, to the House?

Mr Kormos: Recorded vote.

Ayes

Arthurs, Craitor, Delaney, Racco, Van Bommel.

Nays

Hardeman, Kormos.

The Chair: That's carried.

Please don't run away; I need the subcommittee.

We have finished considering Bill 25. I'd like to thank all of my colleagues on the committee for their work.

Mr Kormos: Thank you, Chair.

The Chair: The committee also thanks the Chair and staff of Management Board for their contribution to the committee's work.

This committee is now adjourned. If the subcommittee could stay, I'd appreciate it.

The committee adjourned at 1704.

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