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(Hansard)**

Wednesday 14 June 2006

Mercredi 14 juin 2006

Speaker
Honourable Michael A. Brown

Président
L'honorable Michael A. Brown

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**LEGISLATIVE ASSEMBLY
OF ONTARIO**

Wednesday 14 June 2006

**ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO**

Mercredi 14 juin 2006

The House met at 1845.

ORDERS OF THE DAY

Hon. David Ramsay (Minister of Natural Resources, minister responsible for aboriginal affairs): Mr. Speaker, I'd like to have unanimous consent to move second and third reading of Bill 62 right now.

The Deputy Speaker (Mr. Bruce Crozier): The minister has asked for unanimous consent for second and third reading of Bill 62. I heard a couple of nos.

**ELECTION STATUTE LAW
AMENDMENT ACT, 2006**

**LOI DE 2006 MODIFIANT DES LOIS
EN CE QUI CONCERNE LES ÉLECTIONS**

Mrs. Bountrogianni moved second reading of the following bill:

Bill 62, An Act to amend the Election Finances Act and the Legislative Assembly Act / Projet de loi 62, Loi modifiant la Loi sur le financement des élections et la Loi sur l'Assemblée législative.

The Deputy Speaker (Mr. Bruce Crozier): Mrs. Bountrogianni has moved second reading of Bill 62, An Act to amend the Election Finances Act and the Legislative Assembly Act. Mrs. Bountrogianni has the floor.

Hon. Marie Bountrogianni (Minister of Intergovernmental Affairs, minister responsible for democratic renewal): I'm pleased to rise in the House today to begin second reading debate on Bill 62, the Election Statute Law Amendment Act, 2006.

Ce projet de loi est important. C'est un projet de loi important qui marque la prochaine étape dans une nouvelle ère dans le paysage politique de l'Ontario, une ère de meilleure représentation pour les Ontariens et Ontariennes.

Political parties are one of the many vehicles that Ontarians use to participate in their democracy. This bill, if passed, will make it easier for small and new political parties to register in this province, and by making it easier to register new political parties, we're enabling citizens to choose their elected representatives from a greater diversity of voices.

Registered parties are entitled to run candidates in provincial elections and to take advantage of a number of benefits. These include being permitted to solicit finan-

cial contributions, issue tax credit receipts to contributors, request and receive a copy of the permanent register of electors for Ontario and be reimbursed for campaign expenses where qualified.

Under Ontario's current legislation, a party must run candidates in at least 50% of Ontario's ridings during a general election to obtain registered party status. In a non-election period, a party must submit a petition to the Chief Election Officer signed by 10,000 voters.

Our government believes that citizens should have a meaningful voice in shaping their democracy. This bill to reduce some of the barriers to party registration reflects that belief and our commitment to Ontarians. It's time to update the rules so they reflect our changing times and changing needs. We need to keep pace with new realities faced by our society, our communities and our citizens. That is what democratic renewal is all about.

With this bill, our government is proposing to allow parties to register by endorsing at least two candidates in a general election or in two or more concurrent by-elections. Outside an election period, parties will be able to register by providing the Chief Election Officer with the signatures, names and addresses of at least 1,000 voters. Many aspects of this bill may seem quite technical, but this bill is less about technicalities than it is about the quality of our democracy. By making it easier for political parties to register, we're encouraging better representation of the full diversity of perspectives across the province.

1850

This bill will create new opportunities for Ontarians to participate in the democratic process. At the same time, it introduces measures that will ensure that the integrity of party registration and the political finance regime are maintained.

This bill builds on protections in the current law by proposing amendments to the Election Finances Act. These include:

The Chief Election Officer will be required to deregister a party where fewer than two of its registered constituency associations nominate a candidate by the close of nominations in a general election.

The leader of a party will be required, as part of his registration application, and again annually, to attest that one of the party's fundamental purposes is to participate in public affairs by endorsing its candidates and supporting their election.

The Chief Election Officer may deregister a party whose leader fails to file the annual attestation of the

party's fundamental purpose or where there are reasonable grounds to believe that a party is not meeting its obligation to endorse candidates and support their election.

Grâce à ces mesures, nous établissons un équilibre entre l'ouverture et l'imputabilité, entre la représentation et la responsabilité. Et en ce faisant, nous revitaliserons la démocratie en Ontario et aiderons la population à participer de façon plus constructive à cette démocratie.

With these measures, we balance openness with accountability, representation with responsibility, and in doing so, we will revitalize Ontario's democracy and help citizens participate in that democracy more meaningfully.

This bill, if passed, will enable Ontarians to choose among a broader diversity of voices. This kind of choice is fundamental to a strong, vibrant democracy.

This is an exciting time for Ontario's democracy. We're building a lasting legacy of a more open and accessible government for generations to come. Encouraging meaningful participation in Ontario's democracy is the foundation of our government's democratic renewal agenda. It is the most ambitious agenda in our province's history.

We've already made significant progress in strengthening Ontario's democracy. The Citizens' Assembly on Electoral Reform was launched in March. For the first time, citizens will participate in a full, open debate on which electoral system best serves Ontario. This new form of independent decision-making will empower citizens as never before.

The citizens' assembly selection process is now under way. The 103 members, one from each of Ontario's ridings, will be randomly selected from the permanent register of electors by Elections Ontario. Beginning in September, the assembly will assess Ontario's current electoral system and others. It will recommend whether Ontario should keep the current system or adopt a new one. If the assembly recommends a change, our government will hold a referendum on that alternative within our current mandate.

The assembly is one of the most exciting things to happen in the history of Ontario's democracy.

We've also undertaken a number of other important democratic renewal initiatives. We've amended the province's election laws and set scheduled election dates so general elections take place every four years.

We've established real-time disclosure of contributions of \$100 or more to political parties and leadership candidates, retroactive to January 1, 2004. We believe citizens should know how political parties are financed.

We've preserved 11 ridings in the north and increased the number of southern ridings from 92 to 96. As a result, Ontarians will send 107 MPPs to Queen's Park in the next provincial general election—11 for the north and 96 for the south. We believe all Ontarians should be fairly represented in this Legislature.

We've extended the powers of the Auditor General to conduct value-for-money audits of public sector institu-

tions. We believe that taxpayers' money should be spent wisely.

We've enacted a law banning partisan government advertising.

We've required that cabinet ministers attend question period at least two thirds of the time. We believe that all ministers should be in the Legislature, on the job and accountable for their work.

We've required the Auditor General to independently review the state of Ontario's finances before provincial elections as part of our commitment to transparency and accountability.

And we've expanded freedom of information and salary disclosure laws to cover Hydro One and Ontario Power Generation to encourage more responsible spending in the future.

All of these measures are helping to restore public faith in Ontario's democracy and its democratic institutions.

In conclusion, Bill 62 is about making it easier for citizens to choose meaningfully from among the broadest range of possible representatives. This is fundamental to our government's vision of a strong, vibrant democracy for Ontario. I urge all members of this House to support this bill giving the people of Ontario more diverse representation.

The Deputy Speaker: Questions and comments?

Mr. Rosario Marchese (Trinity-Spadina): It's a pleasure to take the two minutes to respond to the minister's statement and to say that this was, I thought, about renewing democratic reform, or at least talking about democratic reform, the involvement of citizens in the decision-making. Consulting is part of what this Liberal government is all about. Yet, before coming to this chamber—and I was but a minute late, and the Conservative member luckily just came in at the right moment—

Interjection: Bradley?

Mr. Marchese: I was about to say—this has nothing do with Monsieur Bradley because he's an honourable member and has been here for a long time; it has nothing to do with him. But the minister evidently moved a motion to move to second and third reading—

Hon. Mrs. Bountrogianni: No, I didn't.

Mr. Marchese: Who did?

Mr. Peter Kormos (Niagara Centre): The other minister.

Mr. Marchese: Another minister. Not the minister of Intergovernmental Affairs but Minister Ramsay moved the motion. There's a difference between the Minister of Intergovernmental Affairs and Minister Ramsay here. They sit but two or three feet away from each other, and it has nothing do with the Minister of Intergovernmental Affairs that a motion would be moved to move immediately to second and third reading, thus eliminating any debate on this bill. This, from a government that professes to talk about democratic reform, that talks about the democratic deficit, that talks about the need to consult and discuss and debate, and we start the debate on this bill with a motion from Minister Ramsay to say,

“Move to second and third reading immediately.” How can you trust this government?

Interjection.

Mr. Marchese: Minister Bradley, I excluded you from this affair. I already did that, I hope, with clarity. I was talking about the Minister of Intergovernmental Affairs, who discharges herself from any responsibility from what Mr. Ramsay may or may not have been doing with that motion, but I wanted to condemn it in the two minutes I have.

Mr. Jean-Marc Lalonde (Glengarry–Prescott–Russell): Listening to the minister when she spoke about this bill—it’s very important that we increase participation for the government of this province.

In the last election, the participation was very low. With this bill we are creating new opportunity for Ontarians to participate in the democratic process while maintaining the integrity of the party registration and political finance regime.

Myself, I was fortunate to participate in observing elections in other countries like Cambodia and Africa, and let me tell you, the participation is way higher than what we have here now, and this is why we have a bill today.

We know that every party of this House will have a chance to submit amendments of the act. Let’s hope that they will participate in that debate today and tell us what they would like to have as a change in that bill.

Mr. Norman W. Sterling (Lanark–Carleton): I guess I’m a little disheartened when I’m locked out of this Legislature as we put the mace down etc. I’m pulling on the door to get in here and it’s still locked, and the clerk was a little bit late in opening the door, and I walk in—

Interjections.

Mr. Sterling: —I’m sorry—I walked in as soon as the door was open, I’m about 60 feet from my seat, and the Minister of Natural Resources, Mr. Ramsay, tries to curtail debate on an issue which deals with our democratic process, deals with our institution.

In some ways I’m not surprised, because this government has shown a lack of sensitivity with regard to all pieces of legislation dealing with democratic reform. There hasn’t been consultation with regard to this bill. There wasn’t consultation with regard to the citizens’ assembly, with regard to setting that up and how that process should go forward. There was no follow-up by the government on the recommendations of the select committee, which included all parties and was dominated by the governing party, with regard to that process. I mean, they just don’t get it. One party may be in power now, but another party is going to be in power again. I don’t know whether it will happen on October 4, 2007 or sometime in the future, but there is a duty on all of us to respect each other and respect each other’s opinions, and they’re not showing that respect.

1900

Mr. Kormos: I’m looking forward to the debate. I’m looking forward to Mr. Sterling speaking on behalf of the

Conservative Party. Of course, he’s one of the most senior members of this Legislative Assembly. I know that he, for instance, dealt with the ministry bureaucrats earlier today in a briefing on this matter. I wasn’t able to be there. One of our research folks was there, Elliot Anderson. I was interested, quite frankly, in hearing a little more from the minister because I was under the—I acknowledge it now—misapprehension that this bill was in response to the Figueroa decision, the Supreme Court of Canada. Yet I understand, as reported to me when this was put directly to ministerial officials, that they said, no, it wasn’t the case. I would understand if this were an attempt to respond to the concerns expressed by the Supreme Court of Canada in Figueroa. Having said that, the bill does not respond, is not responsive, to the judgment.

I then question, where does this come from? Why, on the one hand, is it up to a citizens’ jury to decide certain things? And on the other hand, well, here’s a little bill that’s going to be pushed through the Legislature with apparently only modest participation by the government members, who one would think have the responsibility to justify, explain the wherefore and the why of, this particular piece of legislation

I’m also concerned with this piecemeal approach, on the part of the government, to electoral reform. The piecemeal approach is a very dangerous one. The piecemeal approach without consultation is even more dangerous. The piecemeal approach without collaboration with other parties in the Legislature is downright undemocratic.

The Deputy Speaker: Minister, you have two minutes to respond.

Hon. Mrs. Bountrogianni: I don’t understand what the honourable member means by “piecemeal.” What we’ve done is made it easier for parties to register, but we’ve also put accountability in it so that the elections of Ontario, and the officer there, can immediately deregister a party if they do not have, by the end of the nominations before a general election, at least two candidates running. As it is right now, as the honourable member must know, parties often run without having members, just so that they can have the benefit of being called a party, so that they can have tax receipts etc. What this does is, yes, allow more parties to be formed if they wish, but it also makes them accountable to behave like political parties, to run candidates, to have platforms, as opposed to just being there for the sake of collecting their tax receipts. So, yes, we are making it easier for political parties to form, but we’re also adding accountability to the system so that those political parties are parties in the true sense of the word and not just an easy way to get a tax receipt for their organization. We put a number of mechanisms in the bill to ensure that that occurs.

I don’t know what the members opposite are worried about. Forming another political party is healthy for democracy, for a diverse population in Ontario. Yes, these are the three major parties, but there’s also the Green Party. There are other parties that may wish to

have a different outlook than we have and, in order to be a truly democratic society, we do need to give them the option of forming a political party, but at the same time having the accountability so that they behave like a party and not just an organization that wants an easy way to get a tax receipt.

The Deputy Speaker: Further debate?

Mr. Sterling: You know, this could have been a really good debate and could have had the co-operation of all the members of this House, including the opposition, had the government been honest about the reason we're here at this time. We're not here because the Liberal Party, the Liberal government, wants to put into legislation an easier process for people to register as parties, collect donations and get tax relief. We're not here because of that. That's phony. We're here because of the Supreme Court case of *Figueroa v. Canada*, and we're here because Jen Elizabeth White took the Attorney General to court. That's why we're here. I have the brief in front of me with regard to what your Attorney General said in defence of our existing laws in that case on March 8.

This bill was introduced on February 16. On March 8, the Attorney General in his factum says:

"On February 16, 2006, Bill 62 received first reading in the Legislature. If enacted, the bill would amend s. 10(2) of the Election Finances Act to allow a political party to be registered if it meets, among other qualifications, the following requirements:

"(a) the party endorses candidates in at least two electoral districts, following the issue of writs for an election; or

"(b) at any time other than during a campaign period, the party provides the Chief Election Officer with names, addresses and signatures of 1,000 eligible voters who endorse the registration of the party."

What does the Attorney General request?

"The Attorney General of Ontario requests that this application be adjourned for a period of nine months, with costs to the applicant on a partial indemnity basis. This adjournment would allow the Legislature the opportunity to debate Bill 62, which if passed would repeal the provisions of the Election Finances Act challenged in this proceeding."

So we're not here because of something that the Liberal Party and the Liberal government wanted to do to change the democratic system of this Parliament. We're here because Jen Elizabeth White took the government to court. I might add that the reason I was able to trail and bring this down was thanks to my assistant, Lesley Daw, who noted that last September, when we were debating Bill 214, the Election Statute Law Amendment Act, in front of the committee, came Mr. Stephen Best who is a member of the Animal Alliance Environmental Voters Party of Ontario. Liz White and Stephen Best were at the hearing, okay?

Stephen Best was the spokesman, and what he said was:

"The proposed amendments to the Election Finances Act that would, if passed, require that reports be filed

with the Chief Election Officer five days after the deposit of a political contribution are the portions of Bill 214 that concern us the most.

"Liz White is one of the founding directors of Environment Voters, she's a director of Animal Alliance of Canada and she is the leader of a new Ontario political party that is trying to become registered. The party name, which has been accepted by the Chief Election Officer, is the Animal Alliance Environment Voters Party of Ontario....

"As a consequence of recent decisions by the Supreme Court of Canada, Liz White has commenced an action in the Ontario Superior Court to have portions of the Ontario Election Finances Act declared unconstitutional. If the challenge is successful, which seems likely, Bill 214 will have a direct impact on how we conduct our affairs in the future."

When Ms. White gets on, she says that that very day, which would have been September 19, her lawyer was commencing the action in the Superior Court. The hearing was held on March 8.

1910

As we know, the chronology of events is, first of all, the *Figueroa* case, which was a case dealing with our federal system of elections or our federal elections act. At the Court of Appeal, they found in favour of the federal government, where they had a requirement that you had to have candidates in 50 ridings in order to constitute a political party. The issue, as described in the Supreme Court of Canada's decision, related to the fact about people, under section 3 of our Constitution, being able to participate in the democratic process. The Supreme Court of Canada came down pretty heavily in favour of the appellants, who took the Court of Appeal decision, which was against them, and the Supreme Court of Canada found in favour of them and said to the federal government, "You must amend your law to allow political parties to register in an easier fashion and they will have access to the same kind of financial advantages that a political party has at the federal level."

In other words, the taxpayer, as every politician in this House would know, is subsidizing the election process because when they give a contribution of \$100, they get \$75 back, and that makes it much easier to get a political contribution here in Ontario, and a similar case held at the federal level.

So the federal Parliament changed their rules, but they not only changed their rules with regard to how a political party could get registered and how easily that was done, but what they did as well, after, was to change the financing rules surrounding how political parties get their money in order to run campaigns. Had the government come with an open book with regard to this matter—they might have gained the co-operation not only of our party, but of the third party—and said, "Look, while this piece of legislation appears to be very simple and all we're doing is changing the rules for registration"—mind you, it's quite dramatic because at the present time, in order to be registered as a political party

in the province of Ontario, you would have to have somewhere between 53 and 55 seats where you had candidates, or you would have to have 10,000 people sign up as members of your organization before you became registered as a party. Then you could collect money with those advantages I mentioned.

The problem here is that when you tweak the system a little bit over here, it has effects over there. I think that once this piece of legislation is passed, it's almost asking for some election finance reform in terms of perhaps doing something like Canada did, and that is, the direct subsidization of political candidates and political parties, which the federal government has put forward as \$1.75 per voter that you collect, as opposed to the present system, where the subsidy is through a percentage of the contribution a person makes. For instance, in the last election, the subsidy my party received in obtaining something like 30,000 or 32,000 votes was somewhere in the neighbourhood of \$18,000 or \$20,000 to run the campaign in my particular riding. Had the federal law been in place, I would have received about two to three times that amount of money with regard to running the campaign in the area that I represent. If it had depended upon \$1.75 per voter, multiply 30,000 by a \$1.75 and you're in around \$55,000.

So what the conversation might have turned to, had the government actually consulted with the opposition and said, "Okay, look, we're trapped by the fact that we have a Supreme Court of Canada decision which says basically that our law is unconstitutional; we are in the throes of a court case with Jen Elizabeth White, who is a member of the animal alliance party"—I'm sorry if I don't have the name.

Mr. Marchese: Animal alliance environmental party.

Mr. Sterling: Environmental party, yes—"and we need to address the situation."

I would have hoped that, had it been done in that manner, number one, the passage of this bill would be a lot easier; we would not have had the kind of action from the Minister of Natural Resources, who tried to put this through the Legislature at both second and third reading without any debate. It's almost laughable when they talk about democratic reform and then one of the ministers of the crown stands and up tries to ram a bill through this Legislature 10 seconds after the session starts at 6:45 in the evening, on a summer night when legislators are making their way back from having a 45-minute break from dinner. It's almost laughable with regard to the government's whole idea that it is in any way really and genuinely engaged in any kind of democratic reform mandate.

I guess the other part of that that I found strange—as Mr. Kormos, the member from Welland-Thorold put forward—is that we were briefed yesterday by staff, and both I and the researcher from the New Democratic Party—my first question was, "Why are you doing this? Is it in response to the Superior Court decision?" They said, "No. We can't say anything about that." They were unsure of what they were saying to us, whether they were saying enough or not enough. They just couldn't be

straightforward. They couldn't discuss changes to our institution, changes to our system, without trying to hedge and be cute.

This is really astounding. Here the government had its back to the wall. The judge has not come down with his decision yet, so we're still waiting. We don't know what he's going to say with regard to Ms. White's action against the Attorney General. Maybe the courts will say to her, "You're all wrong. There's no need for change." And then, would we be going through this legislative process if in fact the courts upheld the present rules, which require a greater degree of participation before you can register as a political party?

I guess the other matter I would have liked to discuss with other parties before going forward with this piece of legislation is whether or not we would have to accommodate this kind of change in our standing orders. Our standing orders are basically written for party participation. In other words, it's the parties that have the control in this Legislature over who asks questions, how many questions are asked by each party. Basically, the whole process here is controlled by the leaders of recognized parties.

1920

We might have had a discussion that maybe we shouldn't lower the number to two ridings. Maybe we should have talked about a number which was equivalent to what a recognized party is in this legislative chamber: eight members. Maybe that's what we should have done. At least we should have had a conversation about those kinds of things, or whether we should change the rules how we run this place to accommodate an individual who was sitting as a one-party member. If we got into this Legislature a number of new recognized parties that only had one or two members, then I think it requires a different mentality with regard to the whole standing orders and the way we run this place, because you couldn't ignore those people who had elected these particular individuals.

I guess the other part that's interesting with regard to what the feds did when they lowered their threshold from 50 to one candidate—you used to have to run 50 candidates; now you have to run one candidate—is that they really bore down on some outside advertising during campaigns. I think you have to talk about the financial factors of a change like this, the dynamics that are likely to occur in an election when you have a change like this and whether it's fair to the various political interests that are there.

So here we are. We're not going to pass this bill probably before the House rises at the end of next week, although that would have been a possibility had perhaps previous discussions gone on, but when you read the factum of the Attorney General and the request they put forward, it really does sort of say in here, "Our whole defence is based upon the passage of this bill to avoid an unconstitutional election act, which we now have." That's basically what they admit in their particular factum.

I want to say that this bill leads to or will lead to the creation of a number of new parties. As I understand it, Ms. White ran in the last federal election. They had one candidate in one riding. The Animal Alliance Environment Voters Party had a federal party because they were able to register. She received, I believe, 75 votes in that particular federal election, but she did have the opportunity to participate, and she did have the opportunity of the same kind of financial advantages that other Ontario parties have.

It's interesting to note in history that there have been a number of parties that have tried to participate in this province over the last number of years. In fact, the election officer has rejected over 130 applications for party membership into this Legislature. Let me name some of the parties that have tried to register in the province of Ontario but have been unsuccessful: the Representative Party of Ontario, the Republican Party of Ontario, the Royal Canadian Equity Party, the Grey Party of Ontario, the Multicultural Party of Ontario, the Socialist Alternative party, the Ontario North Party, the Canadian Alliance of Ontario party, the Province of Toronto Party, the Cannabis Party of Ontario, Labour Party of Ontario, the Marijuana Party of Ontario, the Ontario Marijuana Party, the Priorities, Opportunities and Tolerance Party, the Canadian Compassionate Capitalist Party of Ontario, the Right Honourable Sir John A. MacDonald Party of Ontario, the Did You Know Party of Ontario, the Unlimited Services Party of Ontario, the Peoples Dynamic Party, the Socialist Party, the United Alternative Party, the Bible Party, the Cosmopolitan party, the Councillor Party of Ontario, the Ontarian Party, the Marxist-Leninist Party of Canada-Ontario, the Northern Ontario Coalition, the New Investors Committee Party of Ontario, the Rainbow Coalition Party, the Poor People's Party of Ontario, the Humanist Party of Ontario, the Ontario National Party, the People's Front Party of Ontario, the United Party of Ontario, the Justice Party of Ontario, the Environmental and Economic Earth Watch Party of Ontario, the Ontario Democratic Party, the Enhancement of Democracy Party, the Modern Party, the Peoples Political Party, the Renewal Party of Ontario, the Next Generation Party, the Public Interest Party, the Canadian Workers' Party, the Ontario Vision Party, the Canadian National Patriotic Front Party of Ontario, the Alliance of Intradependents Party, the Ontario Options Party, the Ontario Sovereignist Party, the Sovereignty Association Party of Ontario, the Free Ontario Party, the Abolitionist Party of Ontario, the Grassroots Party of Ontario, the New Conservative Party of Ontario, the Ontario Liberation Front, the Citizen's Party of Ontario, the Direct Democracy Party, the Nationalist Party, the Continental Party of Ontario, the Party of Principles of Ontario, the Party Party of Ontario, the Democratic Union Party of Ontario, the Populist Party for Ontario. You go on, you go on, you go on. I haven't read 30 or 40 of them.

I think what this points to is the fact that there no doubt will be a take-up with regard to this legislation, because basically what we're saying here is that all you

have to have is 50 people in order to form a party. You've got to have two candidates running in two ridings, 25 members each to sign them up, and they're in. And that, I think, causes reflection with regard to the electoral process, because by the very nature of the names of the parties, we can see that some people would want to be involved in this process in order to obtain notoriety etc. but weren't really interested in the electoral system, and I think a true debate should go on about that particular matter.

I can remember in the eight elections I have been involved in standing on the stage at an all-candidates meeting, and there would be five or six candidates up there. I can remember the frustration of the public with regard to the fact that what they really wanted to hear was the stand of those people who were truly involved in the election. In terms of the Liberals, the New Democrats and the Conservatives, they really wanted to hear from them, but it makes the process very awkward. Once you allow this particular situation to develop, you're going to have all-candidates meetings with 12 or 13 candidates. Those people who are involved in the actual election, those having a chance to become the government and whom the people generally come to hear, are caught up in this other milieu of candidates who under our present system can still run as independents and stand up and be there. It does make the process more difficult.

I'd like to talk about how you handle that at the local level, because it's very difficult for the ratepayers' association to run an all-candidates meeting when all of a sudden you increase the number of candidates from five to 12. I'd like to talk about that, as to how it can be done fairly, and have some kind of process for that to happen.

1930

It's pretty hard to argue against the Supreme Court of Canada when they hold that section 3 requires that we have to amend our act. So we have to amend our act and make it easier for people who didn't have the numbers and the organization to form a party. I accept that, but let's try to do it in some logical and reasonable fashion so that the rest of the public and the electoral process—those people who are interested in hearing and listening and working with candidates who have a real chance of forming the government—are also recognized in some fashion. This legislation just abandons the whole thing and walks away from it.

It's pretty hard to argue, however. You can't deny these people, because our constitution, which overrides anything that we can do in this Legislature, holds forth. I have a great deal of difficulty with that, and I have a great deal of difficulty with the process that this party has gone through and this minister has continued to exhibit with regard to the legislation; not being forthright about the reasons why we're here; not being forthright about the present action which is in front of the Ontario Superior Court of Justice. In many ways, the application mirrors the case we mentioned before, which was heard in the Supreme Court of Canada in 2003.

The other part that is amazing about the timing of this particular piece of legislation is that here we have set up

a citizens' committee and constituent assembly for 103 individuals from across our province to look at how MPPs are elected. One of the options they may come back with relates to a proportional representation system. In fact, I think it's almost a slam dunk that they're going to come back with a recommendation for some kind of proportional representation system. If they do that, how do you tie this piece of legislation in with what they're going to do? I understand they will be reporting in the fairly near future.

This legislation is really out of sync with regard to what the Legislature and this government are doing on the other hand with the citizens' committee. What happens if they come back and say, "We want a totally proportional system?" How do you have a riding then where a party must have candidates in two ridings? There won't be any ridings. They'll just have districts where you'll have a slate of candidates who can be elected.

The legislation doesn't take into account the present process that the government already has under way with regard to the constituent assembly to look at how MPPs are elected. It assumes that first-past-the-post is going to be the result. So the two efforts are going off in two different directions.

Mr. Marchese: Or could potentially.

Mr. Sterling: Yes, it could potentially. This legislation could be redundant if we go to a proportional representation system.

Mr. Marchese: So you're attacking the fact that this government is coming here with a piecemeal kind of a—

Mr. Sterling: Well, we've seen the way the government has set forward their agenda. Instead of dealing with what's wrong with the institution, to encourage people to participate in the institution, they've gone to the easy markers: a fixed election day. It was interesting to read the federal Liberals' reaction to Stephen Harper, our Conservative Prime Minister, bringing forward the fixed-date election. They called it fluff. They said it was a minute change. They had the same criticism that I had in this Legislature that Stephen Harper can still walk down the corridor any day to the Governor General and dissolve Parliament. Well, Dalton McGuinty can walk down the corridor tomorrow and call an election. The October 4, 2007, date is only a promise that we're going to have an election that day, but the Constitution says that there's only one way an election can occur, and that is when the Premier walks down the hall and says to the Lieutenant Governor, "Call an election." Even if we have a confidence motion or something that appears to be a confidence motion in this Legislature, if the Premier of the day doesn't interpret it as a confidence motion, he doesn't have to walk down the hall. There's nothing to force him, other than the public. He has total control of the situation as to when to hold the election, and that's true about Stephen Harper; it's true here. It's in the Constitution. You have to change the Constitution in order to make the fixed-date election an actual legal reality. But it's so interesting to see the federal Liberals talk about this, Ralph Goodale just dumping all over Stephen

Harper about this not being real, true democratic reform and that Stephen Harper can still walk down the hall etc. So the shoe has really been put on the other foot in that particular case.

I think people in general like the idea of a fixed election date. That's why I introduced a bill for a fixed election date here before the government did. As you may remember, I introduced that bill a long time before the government even brought a bill to the Legislature. My worry was that the government would chew out a four-and-a-half-year term rather than a four-year term, and I wanted to be sure that they held themselves to a four-year term. That's what they did in the end, because the public actually would like a three-year term, as I would.

This bill, and the ability of parties to set up under this bill, could cause—there could be some frivolous and vexatious use of some of the different sections of it.

Mr. Kormos: Some mischief.

Mr. Sterling: There could be mischief. I mean, can you imagine some particularly single-purpose parties who are not really interested in the governing of the province but are interested in their single issue? The Supreme Court of Canada has addressed that issue and that's what the Court of Appeal, that first heard the case before the Supreme Court of Canada got it—they said that there could be this heavier burden in terms of getting registration as a party, because they interpreted section 3 of the Constitution to say that it was reasonable, under section 1, to have that kind of threshold because of the idea that you should be in a position to form the government in order to become a political party. But the Supreme Court of Canada clearly rejected that argument in their final decision when it came down in June 2003.

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One part of the bill that is very bothering to me is the requirement that the party have as a fundamental purpose the political—here it is. I'd better read it: "A statement, attested to by the leader of the party, that participating in public affairs by endorsing candidates and supporting their election is a fundamental"—a fundamental—"purpose of the party." My view is that that section should read, "A statement, attested to by the leader of the party, that participating in public affairs by endorsing candidates and supporting their election is the fundamental purpose of the party."

My concern is that there are lots of well-meaning causes, people who feel very, very deeply about certain issues, but if you are in the electoral process and you are providing the opportunity to be registered as a party, and if you are giving taxpayers' money to those parties to communicate with the public, then I believe that it should be the primary purpose of the party to be involved in the election process. That should be the overall thrust of it. It shouldn't be just a part of the total idea of the party; it should be the primary purpose. I'm concerned that it's possible, under this piece of legislation, for people to form a party to be involved in a minor way with the election process, but be more involved with the idea of

professing an idea through and with their own membership rather than going out from that membership and to the public in order to have the public endorse that idea. So I worry about religions, sects and other kind of cults using this piece of legislation for mischievous means and for mischievous purposes. So I think just changing the word “a” to “the” would give great relief to my party in that regard.

I think it’s important for the public to know from where we are and to where we’re going. At the present time, it is required that a political party have candidates in 50% of the electoral districts. So that means in Ontario in the next election you’d have to have at least 54 candidates in order to be a registered party; that before that time you’d have to have 10,000 people who would set themselves up, who are eligible to vote in the election, and endorse the registration of the political party. Now, 10,000 voters out of, what, 8,000 or 9,000 voters, is probably not that large a hurdle to jump over, but what we have done is gone from that, from 54 ridings, down to two ridings, and we’ve gone from 10,000 signatures endorsing the party to 1,000 signatures. It’s quite a quantum leap downward with regard to the requirement to register the parties. I suspect that we will have some more parties registering as a result of this change in legislation.

I guess my greatest point is that when you do this, you should consider all of the other parts of the process. You should be considering how the election is going to be run, how these third parties are going to react in the election. I understand that some minor parties would run in a particular constituency and then endorse one of the other major parties as their chief purpose in running. They want to get the attention of the public and say, “We endorse such and such a candidate because they believe in our particular bent.”

I suspect that the debate of pro-life, pro-choice people, who are registered parties, will be included in future elections as a result of this kind of amendment. I don’t look forward to that debate. I have participated in that debate, but I guess that’s the price of having the Constitution as we have written as well.

The other part of this is that the bill does make some corrections with regard to the name of some ridings. That isn’t a big deal with regard to anything we would have. I am, I guess, most of all disappointed in the fact that the government has been so callous with regard to this. They have been so, I would say, almost childish with regard to how they bring this kind of legislation in.

You know, members who have been here for a while—and I have been here for a long time—

Mr. John O’Toole (Durham): Thirty years is not bad.

Mr. Sterling: Not 30 years; close to. I think my friend Mr. Kormos and those people who have been around here for a while—notwithstanding that we represent a party and we’re all looking for and recognize when advantage is there—all want to make this place work a little bit better, and I just have a great deal of trouble with the fact that when you bring in democratic reform, it comes from one party, a majority government, a fairly large

majority government, without regard, really, to the opposition and their input into the legislation, which is totally contrary to where I think the public are. I think the public really want the government of the day, even if it, in fact, has a very large majority, to not stomp on the opposition. That’s what this seems to be.

The government has not been forthright at all with regard to their reasons for bringing forward this legislation. If they had just said to the opposition, “Look, we’ve got to do this. We’ve got the Supreme Court of Canada decision against us. We’ve got this case in the courts with regard to Jen Elizabeth White. Let’s try to work out something that’ll hold us at least until after the citizens’ committee comes back,” and we’ll do that. You probably would get the legislation on a nod. Instead, we have the government denying that they’re reacting to a constitutional problem with regard to our present legislation, and then we have that reaction by the Minister of Natural Resources today to try to just stifle debate on this bill, to try to play cute on a piece of legislation that deals with how our electoral system works.

With that, I’ll finish my remarks and hope that the government at least changes the legislation to include the word “the” where “a” is and make it “the fundamental purpose of the party” to be involved in the election process and not just one of their fundamental purposes.

The Deputy Speaker: Questions and comments.

Mr. Marchese: I want to commend the member from Lanark–Carleton for raising a number of concerns about this particular bill, and I would start with a quote from the Liberals that said, “For decades, we have watched our democratic institutions erode. And for the last eight years, we have seen these trends accelerate dramatically under the Harris-Eves government. Public consultation on major legislation used to be automatic. Now it is the rare exception.”

I’m reminded about that quote because, as the government introduces such a bill that speaks about the democratic process, that speaks about democratic institutions and how we renew them or reform them, here is a bill around which the government has done little or no consultation—now, I shouldn’t say “little”—has done no consultation with the opposition parties or any of the 10 political parties that exist in Ontario, which are the Communist Party, the Libertarian Party, the Confederation of Regions Party, the Family Coalition Party, the Freedom Party, the Green Party, the NDP and the PC Party. They have not consulted with us at all, or with these other parties. You would think, given that this government has a predilection for consultation, that not only we here would be consulted, but the other parties that would be affected by this. And not only that, the member for Lanark–Carleton raises the issue of how is this consistent, if at all, with the citizens’ assembly in terms of its work, what it’s likely to do or what it’s likely to recommend, and would that or could that be consistent with this or inconsistent with this. We don’t have a clue.

And what about the Figueroa case that the member for Lanark–Carleton mentioned? Is this consistent at all with the Iacobucci ruling? We don’t know. The government

says it has nothing to do with it. But is it consistent? The minister hasn't commented, nor has the government. There's much to talk about when it comes to this bill.

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Mr. Lou Rinaldi (Northumberland): I'd like to add my two minutes' comment to this legislation. I've been listening for the last hour or so, and I keep on hearing that we haven't done consultation, we're not listening, we haven't done this, we haven't done that. I can tell you, just under three years ago, when we were campaigning—we are so fortunate, all of us, to be in this place today—that was consultation. I heard what people had to say. I heard about the challenges of people making choices. I heard about the lack of choices. I heard the cynicism among different parties. We, as a government, have listened, loud and clear. It's unfortunate that folks sitting on the other side of the House maybe weren't paying attention. We're addressing those.

Is this going to fix all the problems to do with elections? I think it's a step in the right direction. We're allowing for more choices, and the more choices we have out there, I think there's a greater opportunity for people to be engaged and to take part.

So yes. This does not fix all the problems, but it's certainly a right step to try to address some of those concerns. We've listened. The minister has done an enormous amount of homework on input from listening to the public. We're ready to move forward with this piece of legislation. Let's move on with democratic renewal.

Mr. O'Toole: I certainly have remained this evening just to listen to the member for Lanark–Carleton, the senator, if you will, of this caucus of this House. He has participated in debates on many topics, and on this particular topic he's engaged. Premier McGuinty would say he's seized by it. He's anything but seized, because he is committed to real discussion and real reform with respect to this particular initiative.

I listened to his remarks, talking about the Supreme Court decision of March 8, 2006, and how the Supreme Court was dealing with a particular application brought forward by Liz White and Steve Best on the Society for the Prevention of Cruelty to Animals and how this ended up here.

What I find now, under the guise of democratic renewal brought in by Minister Bountrogianni—it's surprising how easily they're manipulated. Just reading the preamble of this bill, the very tiny bill—and the member for Lanark–Carleton put considerable time into this—I was surprised. I'd encourage members to read it; most haven't. Currently, you have to have 50% of the electoral districts; they're moving that down to two. They're lowering the standards, similar to what they're doing in education, actually. Where you needed to have 10,000 voters, now you only need to have 1,000 voters on the list. This is anything but encouraging, almost demanding participation in the democratic process. I'm surprised and, quite frankly, disappointed that they would present this as a bill on democratic reform. I'm impressed by the member from Lanark–Carleton, our dean here. As he said, this is anything but a proper debate—

The Deputy Speaker: Thank you. Questions and comments?

Mr. Kormos: I will be speaking to the bill in the lead-off for the New Democratic Party in a couple of minutes' time, but I do want to thank and commend the member for Lanark–Carleton for his contribution. I told you before he spoke that he was inevitably going to have some important things to say, but I'm amazed at how (1) disingenuous Liberal backbenchers are in their responses to Mr. Sterling, and (2) I'm amazed at how people who have been elected to this assembly, people who are one of but 103 people who get to serve Ontarians in this Parliament, can be treating this whole matter so flippantly, so lightly.

I'm not amazed, but I'm certainly saddened, by the fact that the government chooses to call this bill for second reading, especially the initiation of second reading debate, in the evening when they know that the press gallery aren't present and aren't monitoring the debate in this assembly.

We're dealing with very serious stuff here. For the life of me, how some of the members in this assembly say, "Oh, well, we were told this is irrelevant, meaningless. We'll just let it pass and life will go on"—that's downright not only silly but I suggest an abdication of one's responsibilities here as a member of the assembly.

This bill represents a very serious shift, and for it to be done without the type of consultation—don't give me that stuff about having gone to the polls three years ago. It's a load of hokey to suggest that somehow any Liberal member went door to door saying, "Would you like us to lower the threshold for political parties to but two candidates in a provincial election or but 1,000 signatures?" I'm going to be speaking to this further in a few minutes.

The Deputy Speaker: The member for Lanark–Carleton, you have two minutes to respond.

Mr. Sterling: I noted originally that the Attorney General in the case against Ms. White has asked for a nine-month adjournment so that this legislation can pass, so that all the problems brought forward by Ms. White can be fixed up. This is what they say in the alternative: "In the alternative, if this court finds that this s. 10(2) of the Election Finances Act is unconstitutional, the Attorney General submits that the appropriate remedy is a declaration of invalidity, suspended for a period of nine months. Such a suspension would allow the Legislature the opportunity to debate Bill 62, to hear submissions from stakeholders, and to address the impugned provisions."

Then under the other part it says, "Charter s. 3 guarantees the right of each citizen to play a meaningful role in the electoral process. The Attorney General of Ontario submits that citizens should also have the opportunity to play a meaningful role in the debate concerning the amendments proposed by Bill 62. The issue of party registration may interact with other democratic renewal issues"—what we've been saying—"including the financing of political parties and election campaigns, the nature and level of the benefits associated with registered

party status, and the concern that the party registration system should not become a means by which lobby groups can access public funding to subsidize their political message. Such polycentric issues must be considered carefully as a whole, along with input from the public and affected stakeholders. The Attorney General of Ontario submits that this court should suspend the effect of its declaration of invalidity for a period of nine months, so as not to foreclose the opportunity of all interested parties, including the applicant, to make their views on political party registration known to the Legislature.”

We just want the same treatment as the Attorney General is saying that the court should give to the Legislature and the people of Ontario.

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The Deputy Speaker: Further debate?

Mr. Kormos: Firstly, I want to indicate how sad it is that this bill is being called, after being on the order paper since February 16, to commence second reading debate in the dark of the night and when there are, quite frankly, but precious few members in the House, most importantly government members, to hear the commentary on the bill.

There has been an effort to portray the bill as something akin to, oh, modest housekeeping.

Even more regrettable was the report from the briefing by Mr. Sterling, the member for Lanark–Carleton, and by the NDP staffer, Elliot Anderson, that ministry staff briefing opposition caucuses on the bill failed, refused, to identify the bill as a response to Figueroa. Of course, the pending case referred to in the Superior Court by Mr. Sterling is a made-in-Ontario application to the court to find some similar sections of provincial legislation invalid constitutionally, pursuant to section 3.

People should know that I’m one of the few members in this assembly who’s had to run against John Turmel. I suppose as much as he keeps that in his record book—oh, I see there’s perhaps one other member in the assembly who has run against Mr. Turmel. There’s a rumour the member from Essex, Mr. Crozier, might have had his campaign, his pursuit of elected office, contested by one John Turmel, who is, as you know, an incredibly intelligent, capable person. I mention Mr. Turmel to point out that nobody is denied the opportunity to run as a candidate. This bill doesn’t change anything in that regard. Any Ontarian eligible in terms of residency and citizenship and those sorts of things—you get enough nomination signatures on nomination papers, you can run. Heck, we’ve seen people like John Nunziata run, amongst others.

Mr. Marchese: As an independent.

Mr. Kormos: Without party affiliation. We saw litigation between members of the same party, one who was the official candidate, the other the unofficial candidate, litigation that would attempt to bar the unofficial candidate from using the Liberal insignia. It was Liberals in that particular instance, here in Toronto, as I recall.

Anybody can run, and nobody quarrels with that proposition. But I am concerned, and we all should be

concerned, about the potential for mischief. I raise Mr. Turmel as an illustration, because Mr. Turmel has the capacity—and again, he’s perfectly entitled to at law—to cause a great deal of mischief. If it is a matter of running against Mr. Crozier from Essex or myself down in Niagara Centre or anybody else who gets elected in a by-election, so be it.

But we’re talking here about taxpayers’ dollars; Mr. Sterling was quite clear about that. This goes beyond eligibility to run. This isn’t about eligibility to run, really, is it? It’s about taxpayers’ dollars. I don’t think there’s a single person in the room who isn’t going to stand up and say that they believe in the charter. I’m a charter fan. There’s a school of thought out there—and they’re not anti-democratic—that are not charter fans. But I want to raise, first and foremost, the potential for mischief at great expense to the taxpayer.

Mr. Sterling listed a number of political parties that, at the very least, have ownership of the names of their parties, most of which are not registered as political parties. But I put this to you: Mr. Sterling has made it very clear that 1,000 signatures in between elections can create a political party. Fifty signatures—25 signatures for each candidate—50 signatures can create a political party for the purpose of accessing significant amounts of tax dollars: 75% of the first hundred bucks. We all know the political donation tax credit system.

I tell you right now that there are scam artists anticipating this legislation. Do I have to be explicit about how the scam is going to work? Two persons with 25 signatures can pay the modest fee to run an election campaign and can then give each other political donations, and their families can give each other—and if they’re Liberals, the children of their families can give each other; infants unable to hold their own pacifiers will be signing checks to Joe Volpe. But think about this: Two scam artists can form a political party, because the only threshold is being a candidate and identifying yourself with a name. They could call themselves the Scam Party. They could give each other political contributions and the taxpayers would be bilked out of thousands upon thousands upon thousands of dollars, and it would be legal, wouldn’t it? This government is prepared to make that type of scam perfectly legal.

And I’m talking about the overt bilking of the taxpayer; I’m not talking about the mischief. The stories are legion: candidates who get nominated who have names similar to candidates for mainstream parties who never show their faces during the course of an election. It’s been done again and again. Out of our interest in preserving the right of people to run for elected office—and you have to be very careful. Unfortunately, in terms of how you balance these interests, you’ve got to allow people to run as candidates, and it then becomes very difficult to control that sort of thing.

One of the interesting things—and I must say, I was impressed that Rosario Marchese had read the Figueroa judgment from the Supreme Court of Canada.

Interjection.

Mr. Kormos: No, wait a minute; pay attention, please. He read it, but I wonder if the ministry has read it. Because in the concluding statement of the majority judgment, Iacobucci says, “But suffice it to say, the objectives advanced do not justify a threshold requirement of any sort, let alone a 50-candidate threshold.” That’s pretty strong language, isn’t it? The government is creating a threshold of 1,000 signatures and two candidates. They don’t have to be successful candidates. People have got to understand that. We’re not talking about two persons elected to sit in a Parliament, provincial or federal; we’re talking about two candidates, who could get three votes each. It matters not. They don’t even have to get their deposit back, they don’t even have to come close to getting their deposit back, and they get to keep all the taxpayer-subsidized money.

So the government here imports a threshold. I don’t want to speak for Mr. Sterling, but I think I understood him, again in the limited time available to him, to say that yes, part of the problem is, why the threshold of 1,000 signatures and two candidates? Why not one candidate? Why not 3,000 signatures and no candidates? Where did this number come from? Where’s the rationale? Where’s the justification? How does this threshold that you create have legitimacy? Because the Supreme Court of Canada was very, very careful not to prescribe the formula, neither in the minority judgment nor—and it is a minority judgment; it’s not dissenting, in that they come to the same conclusion, but the LeBel judgment is very interesting in its own right in terms of some of the things that are said there. The interesting thing is that the authors of the two parts of the judgments read each other’s judgments, because they refer to each other’s judgments in their judgments. Do you understand what I’m saying, Mr. O’Toole?

2010

Where’d the number come from? If you weren’t responding to Figueroa then where did you get your direction from? And if you were responding to Figueroa then why don’t you abide by the ruling which says, “... suffice it to say, the objectives advanced do not justify a threshold requirement of any sort...”

The justice was very careful to refer to the threshold—there were three objectives that were argued by the state, by the Attorney General of Canada, as justification for the 50-candidate threshold. Was it clear to the court? I don’t know. I’m assuming the court said if there were other objectives, which we haven’t considered here, they may justify the threshold. As a matter of fact, the court, because it wasn’t asked to rule on the need for a party to have 12 candidates in the federal rules before the party affiliation could be printed on the ballot, said, “That’s not before us; we don’t have to rule on it.” But they were also careful not to say, “That would be unconstitutional as well,” because that wasn’t one of the objectives that was being argued, as I understand it, by the Attorney General of Canada. The court was very, very careful to say that it was only in the context of the very specific arguments being made in defence by the Attorney General of Canada that no threshold at all was acceptable.

Peter Rosenthal, who argued the case—I’m a big fan of his. I have the highest regard for him. He’s a mathematics professor and a lawyer. He’s just a brilliant person and—

Interjection.

Mr. Kormos: I don’t know—I shouldn’t say it. Most of his cases are pro bono; I don’t know whether this one was or not, except that it appears that the Communist Party had a fair amount of—that’s what the decision was all about. The Communist Party of Canada, the old hard-line former Stalinist Communist Party, didn’t want to have to forfeit the election funds that had been raised, because if you are a registered political party, any excess election funds can be transferred over to the party so the party can be the recipient of it. Apparently there was enough money floating around from Communist Party contributions—they had no successful candidates; I think that is a notoriously known fact—and the government was going to seize the money. It was a very important issue. Well, it is an important issue. I’m proud of Peter Rosenthal. As a matter of fact, Kikelola Roach, who is becoming increasingly well known in her own right in the legal community here in Toronto, co-counselled with him. They did a brilliant job—a brilliant job. Yes, they forced the Supreme Court of Canada to make a very exhaustive review of the law and issues, the issues as presented in this case.

I wonder if the ministry of democratic renewal had occasion to talk to Mr. Rosenthal and to consult him about what he thought the standard should be, with or without a threshold, for political parties here in Ontario.

Again I don’t know, but I’m convinced the minister doesn’t either. I am being very candid. There have been a couple of major—the Barbeau commission and the Lortie commission, both referred to in the judgment, that have examined these things exhaustively. The minister inherited the file, and I appreciate that and I respect that. The minister inherited the file from her predecessor, who was too busy chasing pit bulls. Mr. Bryant’s passion for pit bulls overrode all the other things that crossed his desk.

There is just an arbitrariness to the design being proposed, and also, as I say, a very dangerous element in terms of the patchwork of it, and a lack of straightforwardness, a lack of candour, a disingenuous position taken by the government in that, “Oh, we’re not responding to Figueroa. We just decided that this is going to be part of our democratic renewal package.”

I, quite frankly, would be far more interested in letting the court make a ruling on the matter that’s before it dealing with Ontario election law as compared to federal election law, because the Supreme Court of Canada and Figueroa are fascinating to me, especially when the LeBel judgment took into consideration the regional factor. One of the observations Justice LeBel makes is that with the 50 rule, you couldn’t have a Bloc BC; it would only be Ontario and Quebec that could create a provincial or regional party. He makes that calling very objectively. There are a whole lot of people who may be

listening now who would say, “Well, all the more reason to perhaps raise the threshold.” The Bloc has not been particularly good, in my view. Other people may disagree, but the Bloc hasn’t been particularly healthy, with its regional interests, nor have other regional parties, like the old Reform Party, which was very much a regional party, very much a western party—not one province, because they couldn’t have passed the 50-candidate threshold. So that makes the consideration—I’m just raising this—in the Supreme Court of Canada judgment dealing with the federal election law distinguishable from the considerations that might be made dealing with the law in the province of Ontario.

I also find it interesting that the minister is here talking about: Two candidates and you’re a party. Where was she in 2003 when the poor New Democrats, having elected only seven members, were being told, “You’re not a political party”? Where were you, Minister?

Hon. Mrs. Bountrogianni: I was here.

Mr. Kormos: We didn’t hear from you then. We didn’t hear from you. You weren’t championing parties that didn’t elect in a—we had in 1990, but by 2003 there were seven. So where was the government when it came to democracy in 2003? Dalton McGuinty said, “The rules are the rules,” and then the folks of Hamilton elected Andrea Horwath.

So where is this shift coming from? Is the minister some kind of wild-eyed radical who is perhaps more interested in just overthrowing the system than in merely democratizing it? Is there an anarchist lurking deep in the heart of this Liberal minister? I don’t know.

We do insist, of course, that the bill go to committee, and I can hear it now: “Well, we’ll have 20-minute slots for these people and 10-minute slots for these people,” and there will undoubtedly be available to the committee, should we be able to force this bill to committee, people who would want to make major contributions to the discussion of this bill. How many times have all of us sat in subcommittees and been embarrassed when we listened to government members saying, “Well, let’s see. That’s a major national organization. We’ll give them 20 minutes. Here’s a professor with lengthy academic credentials with a great deal of insight and experience and we’ll give her or him 20 minutes instead of the 15 or 10.”

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I’ve watched committees, in the course of 18 years—nowhere near as long as Mr. Sterling, but then again, I’m not as old as he is—metamorphose from lengthy, thorough considerations of serious matters that utilize the talents of any number of people who come, free of charge, prepared to shed some light, to lend advice, to offer some creative solutions, to help guide the debate, to tool us, to give us the arguments and the insights necessary to effectively debate, and committees wherein the members were engaged, to committees where government members sub in for each other in and out throughout the course of a day, never mind the life of the committee, where the only questions that are asked are

those that are being asked of the PA, who is scripted, where there is no bona fide interest on the part of other government members because it’s a done deal.

You see people come to the committee and they’re excited—sometimes it’s the first time they’ve been to Queen’s Park—little organizations, big organizations, individuals with whole long lists of letters and degrees after their names, other people, just hard-working folks who have insights, all excited. They sit there waiting anxiously and then they get seated down and they’re earnestly trying to make their submission, and government members are waddling in and out of the committee, they’re gossiping with each other, they’re playing with their damned BlackBerrys. Lord knows what they’re watching on them, but I can see the looks on their faces, glazed eyes. It embarrasses me to think what some of those people are watching on BlackBerrys during the course of committee hearings.

People walk out of there not just shocked but hurt. They do. They shake their heads. They worked hard researching stuff, reflecting on stuff, and then 15 minutes is up and the Chair, doing the Chair’s job, I acknowledge, says, “Sorry, sir, madam, your time is up. Who’s the next presenter?”

Mr. Marchese: Sayonara.

Mr. Kormos: Yeah. “So long, it’s been good to know you.” That’s not a very impressive message to send to folks out there.

I used to believe—I think I still do—that the committee is the most important public venue in this place, in this chamber, in this whole process. I really believe that. I believed it in reality or I believed it in effect, in terms of its impact. But I believe that the committee is the most potent democratic tool there is in the whole parliamentary process. When you start time-allocating committees, when you start having—jeez, we started Bill 14 hearings on the paralegal regulation bill, amongst other things, and we got the treasurer of the law society with I think a 30-minute slot. The law society, as you know, is the critical operator in this whole regulation of paralegals, and they’re given 30 minutes, for a bill that’s long overdue and that everybody welcomes, for a bill that’s going to dramatically transform how legal services are provided and who provides them, in the broadest sense, lawyers through to paralegals. There’s the treasurer of the law society with 30 minutes.

I remember the subcommittee, the fight—because that was a real big deal: “Okay, we’ll give the law society 30 minutes, but everybody else gets 20 and the individuals get 10.” We’re fighting over the committee hearings; we’ve got 110, 114 people who want to submit to the Bill 14 committee. The door has been closed on that, even though we’ve got lots of time to accommodate more, because there are more. I’ve talked to, for instance, paralegals—good, strong, bona fide practising paralegals who have a whole lot to tell us to help us make that legislation better, to make it work. I don’t think the government’s going to let us accommodate those people, because then they’ve got Bill 107 lined up, the gutting of the Ontario Human Rights Commission.

The impression one gets is that they don't want to have any committee hearings for that, even though it's an incredibly contentious bill, with some real polarization of views, and again capable people on both sides of the argument and everywhere in between—capable people. Lord knows I'm not afraid to sit and listen to the advocates for Bill 107. These are some very intelligent and thoughtful advocates for Bill 107. I disagree with them, but persuade me. But why is the government afraid to listen to the people who are concerned and upset and angry and frightened by Bill 107? My concern, once again, because in the context of Bill 107, we're dealing with people who deal with human rights abuses, who deal with people who are liminalized, who deal with people who are attacked—my concern is that the manner in which those hearings are going to be conducted is not going to make them feel any better about the system; it's going to make them feel more poorly about the system.

Why wasn't this bill, of all bills, one that was put to committee after first reading? This is the very sort of bill that should be, because it's not a partisan issue. It's not a matter of Liberal interest versus NDP interest versus Conservative interest. There's nothing partisan about the bill. Well, there's nothing from our perspective, but I've got to tell you, it seems, over the last few months, I've become a little cynical.

Mrs. Carol Mitchell (Huron–Bruce): Not you, Peter.

Mr. Kormos: Well, I have. It makes me wonder about what the motive is behind the bill.

Hon. Mrs. Bountrogianni: I'm so devious.

Mr. Kormos: The minister says sarcastically that she's so devious. I'm not saying you are. You didn't write the bill. You didn't sit down and pen it. I know that. I'm not blaming you. You're doing your job. You inherit the ministry, you've got this bill on the table, you're told to present it, and you present it. I understand that, but in view of the fact that this isn't a partisan issue, why wasn't there a little more candour and forthrightness at the briefing?

I looked for the background material on the Legislative Assembly website. All I got was the crummy press release.

Hon. Mrs. Bountrogianni: Was there a press release?

Mr. Kormos: See, this is the point I'm making. The minister wasn't even aware that there had been a press release issued with respect to it. I read the press release, and it says: "Government Proposes Easing of Requirements for Political Party Registration: Amendments to make it easier to register new parties in Ontario would create new opportunities for Ontarians to participate in the electoral process and strengthen democracy in the province." Hmm. No reference whatsoever to a ruling pending, a case pending, in the Superior Court here in the province of Ontario, plaintiff White. No reference.

Look, I was here when the Tories had to respond to the M. and N. decision. They were very clear about it. They said, "Here's the court ruling. Here's our response to it." The debate wasn't about whether or not we had to do it; the debate, to the extent that there was debate, was

about whether or not the bill properly responded to the ruling. It was done. It was dealt with in a very non-partisan way. As a matter of fact, on every one of the few occasions that there have been court-ordered, for instance, where courts have ruled sections of an act unconstitutional or an act unconstitutional—but for the film review board, because there, the issue there was that the government didn't respond to the ruling, in our submission—that's what the debate was about.

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If there's a problem because of Figueroa, then let's sit down and be honest about that and deal with that. But then I say to you, because you've read the ruling—

Hon. Mrs. Bountrogianni: No, I haven't.

Mr. Kormos: Okay. Fair enough. The minister hasn't read the ruling.

I'm going to read just that final statement for you. Iacobucci speaking for the majority: "But suffice it to say, the objectives advanced do not justify a threshold requirement of any sort...."

Hon. Mrs. Bountrogianni: That was first reading. Oh, come on.

Mr. Kormos: Minister, please. You'll have two minutes to respond.

Hon. Mrs. Bountrogianni: That is so tricky.

Mr. Kormos: Minister, my goodness. Last time anybody did that, it was Margaret Marland. She'd had a long supper. It was late into the evening. Good grief. I offered her the dictionary. Lord. Usher, please. Would you please give that to the minister? If she wants the dictionary, she's more than welcome to it.

I read to you once again Justice Iacobucci: "But suffice it to say, the objectives advanced do not justify a threshold requirement of any sort, let alone a 50-candidate threshold."

So then the question is this, and I invite you to use the two-minute response time to tell us: Where did you get the two-candidate, 1,000-signature-on-a-petition threshold? I don't know. Was it a wheel, like those things at the carnival with the three of spades and two of diamonds on it? What do they call it?

Mrs. Mitchell: Crown and anchors.

Mr. Kormos: Was it a crown and anchor wheel? Was it a bet? Or I just read the other day about a judge ordering litigants in the United States to resolve a dispute with scissors, rock, paper. It's true story. It was a major bit of civil litigation. These litigants couldn't decide on anything, even the most mundane and minor interim issues, so the judge just said, "Get out of here." There was an issue around some interim order or something to that effect that had no impact on the outcome, and the judge told them to resolve it by paper, rock, scissors. So is that how we got to the threshold that you've created here?

Clearly, the government thinks there has to be some threshold, otherwise it would be that anybody who wants to call themselves a political party could call themselves a political party. So why did they choose two candidates, neither of which has to get any votes, and/or 1,000 signatures on a petition? Is that an unreasonable question?

Does that not interest other members of the government? Is there no concern on the part of any of the members of this government that the democratic renewal agenda appears to have not only stalled but been derailed?

Then we have a two-page bill introduced under the guise of democratic renewal and in the context of the White case, where one plaintiff White is seeking to have portions of the provincial election act ruled unconstitutional pursuant to section 3, and undoubtedly relying upon Figueroa.

You see, you should read these judgments, because while Justice LeBel found it impossible to come out and outright endorse proportional representation, he makes it clear—and this is what Justice LeBel wrote:

“Perhaps the most significant example is the structure of our system of voting. Canada is one of only a few major democracies to retain the Westminster first-past-the-post (‘FPTP’) system. Many other democratic states use proportional representation or some form of mixed system. In comparison with those systems, FPTP creates a bias in favour of mainstream parties that represent the aggregated views of a broad section of society, and against smaller parties which provide a vehicle for dissent, advocate particular issues, or may be the precursors of mainstream political movements of the future.... Of the electoral systems used in democratic countries, FPTP is the least ‘fair’ or proportional, in that it distorts the translation of votes into seats in favour of the largest parties.”

Mr. Tim Hudak (Erie–Lincoln): Who said that?

Mr. Kormos: Justice LeBel, in the Figueroa decision. The justice is very careful to not endorse FPTP, because as Mr. Sterling observed and recognized earlier, the courts were clear to say, “No, it’s not our job to design electoral structures.” The courts are very clear in that regard.

Mr. Hudak: Why did he get into it?

Mr. Kormos: Well, because the argument was about fairness, Mr. Hudak. And why I got into it, even more importantly, is because you can’t take the threshold issue alone without talking about the broad picture, of course. What the government has done here, I say to you, is somehow just piecemeal. This is patchwork. This is this much of electoral reform.

Mr. Hudak: An ulterior motive?

Mr. Kormos: Look, I have concerns. Were this part of a complete package of democratic reform proposals that were being put, for instance, to an all-party committee, I’d say, “Okay, I understand.” I say to you, Mr. Hudak, am I concerned? Yeah. Am I suspicious? As I indicated just a few minutes ago, somehow, over the last few months, I seem to have gotten oh so cynical. I don’t know what’s happened. Perhaps I’ve just seen too much over too long a period of time. And also, the lack of candour at the briefing by the ministry staff, the lack of forthrightness: Come clean. Just tell us. What’s the secret? What is it that the ministry can’t tell us about this bill? It would be the height of irresponsibility for us to simply acquiesce to the government’s will—because

that’s somehow the suggestion. There’s a suggestion here, Mr. Hudak, that, “Oh, what’s the matter with you people in the opposition? Why aren’t you just passing this? We could be home watching Cagney and Lacey tonight—”

Mr. Hudak: Or the hockey game.

Mr. Kormos: Or hockey.

Mr. Marchese: Soccer.

Mr. Kormos: Or soccer, or what have you. I don’t buy that.

I also am concerned about the fact that the bill was introduced February 16. Here we are but five days before the House rises, pursuant to the standing order calendar, Mr. Hudak, and we’ve got the government trying to ram this bill through in the dark of the night, when nobody is paying attention. We’ve got expertise out there. We’ve got academics, we’ve got authors, we’ve got historians, we’ve got people with expertise in electoral reform and electoral procedure who’d be more than pleased to talk to us about this. I’m sure of it. Aren’t you? Yet we’re being told that, “Oh, no, let’s not bother with that. Let’s just go ahead, pass the bill and then carry on.”

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The other concern I have is the failure of the government to recognize the potential for mischief. There are no safeguards here. Because this isn’t just about somebody’s right to be a candidate. As we know, anybody can be a candidate. Take a look at this Legislature. Not only can anybody be a candidate but anybody can get themselves elected. But can anybody support—because what the bill is about is accessing public funds, and it seems to me that there should be a pretty high standard, a rigorous standard, an exhaustive standard of examination and review before you start opening up the taxpayers’ bank book.

Let’s take a look at the history here. Let’s take a look at this. Shall we talk about regard for taxpayers’ money? This is the government whose Minister of Energy was wining and dining and chowing down on \$80, \$90 steaks in Brussels, France—taxpayers’ money. Now, I’ve eaten my fair share of steak in my lifetime as well—and I can demonstrate it—but I paid for it.

Mr. John Wilkinson (Perth–Middlesex): On a point of order, Mr. Speaker: We have to be accurate. Brussels is actually in Belgium, not in France.

The Deputy Speaker: Thank you. That is not a point of order. The member for Niagara Centre?

Mr. Kormos: What some people will do to get on the record; it just boggles the mind. Has this guy never heard of the European Union? There are no borders anymore. What’s the matter with these people?

Interjections.

The Deputy Speaker: Order. Let’s just sit back, settle down and listen to the member from Niagara Centre, please.

Mr. Kormos: I feel like calling for a nurse to administer some novocaine, because obviously we’re getting close to a nerve. But we have the self-indulgent largesse of the Minister of Energy at an ultra-high-priced five-star

Michelin, Waterford crystal, no, Baccarat crystal—Waterford? Heck, they use that for disposable in restaurants like that—in Brussels, Belgium, or wherever. Then we've got the Minister of Economic Development—

Interjection.

Mr. Kormos: Well, taxpayers' money, electoral reform. This bill is all about lowering the threshold for who can get taxpayer-subsidized money. Then you've got the minister of—is he still the Minister of Economic Development and Trade? He doesn't have much of a ministry. Joe Cordiano, in case you don't recognize him by the name of his ministry, is using taxpayer money to buy his suits.

Hon. Mrs. Bountrogianni: On a point of order, Mr. Speaker: I believe that we should be talking about this bill and not about other people's business.

Interjections.

The Deputy Speaker: Order, the member for Durham. I do have to remind members from time to time to speak to the bill, and I'm sure they will, when I remind them. Thank you. The member for Niagara Centre.

Mr. Kormos: Speaker, you know that I'm a fan of yours. You know that if you send me that way, I go that way; if you send me that way, I go that way. So I'm going that way.

So here we are, we're talking about abuse of taxpayer funds, because that's the sort of mischief that this bill can create but that the government doesn't contemplate. I say, as an illustration, that you've got a guy like Joe Cordiano, who uses taxpayer money to buy suits through the tax credit system of political donation. I acknowledge that he's a well-dressed guy. I would be too, if the taxpayer were paying for my suits. I wouldn't hesitate for a minute. The minister comes in here in expensive silk and linens. That's impressive stuff: the buttons made of natural horn, the silk linings in the jackets, the \$300 ties—the sort of stuff that Harry Rosen only carries in the back room.

Mr. Richard Patten (Ottawa Centre): On a point of order, Mr. Speaker: I can appreciate the sense of humour that the member from Welland-Thorold has. However, I think he is perpetuating disparaging remarks on a member who is not even in the House.

The Deputy Speaker: We're not supposed to note that members are not here. But please, member from Niagara Centre, speak to the bill.

Mr. Kormos: Speaker, I'm finished with Cordiano and his taxpayer-subsidized suits. I won't mention him again until he's in the House. But when I do, the guy blows up. All I have to do is heckle him: "Hey, Joe, nice suit," and he hits the ceiling. Midway through an answer to somebody's question in question period, Cordiano just—boom—goes ballistic.

Ms. Judy Marsales (Hamilton West): On a point of order, Mr. Speaker—

Mr. Kormos: Have you got a point of order, Ms. Marsales? Go ahead.

Ms. Marsales: With all due respect, Mr. Speaker, I think he is disparaging the good name of the Minister of

Economic Development, and I don't think that's appropriate to these proceedings.

The Deputy Speaker: I continue to remind members that the standing orders say that we should speak to the bill that's on the floor. I ask the member for Niagara Centre, and anyone else who does it in the future, speak to the bill, please.

Mr. Kormos: Thank you, Speaker. And you've asked very nicely. I think that's just a reflection of the type of character you have, in contrast to, let's say—what's Mr. Takhar's ministry?

Mr. Hudak: Small business.

Mr. Kormos: Small business? Entirely appropriate, in view of the fact that he appears to be running one.

So I take us back to Bill 62.

Interjections.

Mr. Kormos: See, it's hard, Speaker. I've got people distracting me left and right.

The Deputy Speaker: It is. It's very difficult for me to know whether the member is speaking to the bill or not when everybody else is talking at the same time. Let's all be reminded about the decorum and the necessity to speak to the issue that's before us.

Interjection.

Mr. Kormos: Mr. Leal, I own the Park Avenue; I own it. That was when I decided the Corvette no longer fit properly. I need something that's more comfort-oriented than speed-oriented.

Interjections.

The Deputy Speaker: The member for Peterborough.

Mr. Kormos: I'm feeling bad about the Corvette convertible; that's what I'm feeling bad about.

So I get distracted all the time. You have members here who have no regard for decorum. Lord knows what they've been into. It's a quarter to 9 and people are getting raucous.

Interjections.

Mr. Kormos: People are getting raucous. Mr. Sterling will tell you that it was the introduction of television to the chamber that, for at least a brief period, ended evening sittings. While the evening sittings have been restored, the dinner habits appear not to have changed substantially. That's why we have these outbursts. That's why we have these irrelevant points of order. That's why we have people rising on points of order: because they daren't speak to the bill, and they figure they're going to distribute a householder: "Local member raises point of order."

Mr. Marchese: "Interjection."

Mr. Kormos: Yes: "Local Member: Interjection."

"I just want my folks to know that I've been working on your behalf at Queen's Park. This is my Hansard record: 'Interjection.'" Or a frivolous point of order, a silly point of order, a point of order without substance.

The bill is only two pages long. Folks, take a couple of minutes and read the bill. If you don't want to read the whole bill, read the Coles Notes, the explanatory section, and then ask yourself, what is it designed to achieve and what is it in response to, and what is happening with

respect to this bill when the government can't even come clean about what has provoked or prompted the drafting and introduction of the bill, when it won't be straight with members at briefing sessions with ministry staff, when the bill doesn't appear to be responsive to the Supreme Court of Canada's direction, which says no threshold. It creates a threshold, but it's a threshold that is entirely arbitrary. It's a threshold that has the potential to create great mischief and to cost the taxpayer a great deal of money, and it's a threshold that you certainly weren't prepared to accept back in 2003 when there were only seven New Democrats.

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You weren't so magnanimous back then. You didn't believe in parties then. You didn't believe in democratic renewal then. My impression is that you believe in what you call democratic renewal when it is convenient for you and when it has the potential or capacity to enhance your electoral success at a point in time when you guys are dropping in the polls like a rock, when McGuinty's poll support is lower than even the party's. and when you've got to distract attention.

Yeah, you guys wanted out of here two weeks ago. I know you did. You wanted to wrap things up fast because you knew you were going to have to make the "Go big, go-nuke all the way" announcement and you would have far sooner done it when the House wasn't sitting. And you knew you were going to have to break your promise—after promise after promise—to shut down coal-generated electricity stations, but you were hoping you were going to be able to do it when the House wasn't sitting. That's why you're trying to force hearings on Bill 107, the Ontario Human Rights Commission gutting, in the dog days of summer, so that people won't be there, so that the press won't be there. And you've got the nerve to talk about democratic renewal.

Where's that briefing note from Elliott Anderson? You've got the outrageous audacity, after the Liberal promise, "We will bring a team approach to governing. We will respect and draw on the talents and expertise of every elected representative, including opposition members." That was the Liberal promise. How have you drawn on those? You've used time-allocation motions to shut down debate in the House, in the chamber and in committee. You use your majority on committee to have 20-minute slots for notable presentations and 10-minute slots for people you deem not even worthy of giving the time of day. Ha.

Liberal promise: "We will require all cabinet ministers to attend at least two thirds of question periods. Any cabinet minister who fails to meet that standard will be fined \$500 for each additional question period missed." But, oh, who is exempted? The most important cabinet minister of all, one would think, the Premier himself. He is exempt from the penalty clause.

Mr. Marchese: He keeps the records.

Mr. Kormos: Yeah, the records are being kept on the trust system, and that's with Liberals? Gomery was all about the Liberal trust system.

Liberal promise: "We will require public hearings for all major legislation." Bull feathers. Bullspit. Outrageous. You're the ones who have abbreviated public hearings. You're the ones who have shut the door on the Bill 14 public hearings so that people who want to make contributions to those hearings are being told, "No, there's no room for you in Liberal public hearings," notwithstanding they're not being held until September. And you're the ones who are trying to slide Bill 107 through, the demolition, the desecration, the complete gutting and dismantling of the Ontario Human Rights Commission. You're the ones who want to hide those public hearings and speed them up through the darkest days of summer.

The Deputy Speaker: I've heard the member refer to a number of bills, but I haven't recently heard him refer to Bill 62.

Mr. Kormos: Thank you kindly, Speaker.

And what are we going to get with respect to Bill 62? We're going to get more of the same. Bill 62 is purportedly about democratic reform, so let's talk about democratic reform in this government. Here's one. This one's a gem. This one's a keeper. Get your pens and pencils out and a pad of paper and write this one down. Liberal promise: "We will"—aw, this is—

Mr. Marchese: Well, say it anyway.

Mr. Kormos: Liberal promise: "We will give more independence and power to legislative committees, including the right to initiate legislation."

Do you remember Bill 138? Huh? The toying with Zimmer and Broten, "Go have Christmas dinner at the kids' table," "Go outside and play because the adults are busy talking about serious-stuff," "Go draft yourselves a bill, kiddies"—Bill 138 and Broten and Zimmer mud wrestling to try to get some press on it. It was a shameful sight—mud wrestling—and where's Bill 138? It's off in legislative orbit; it's in Mr. Hawking's black hole. It will never be seen again. It will never see the light of day.

"We will give more independence and power to legislative committees, including the right to initiate legislation." You don't even have the right to vote the way you want on legislative committees. You get whipped—you guys must have to buy new suit jackets once a week, the scourges you undergo. Well, it's incredible. The crack of the whip. "We will give more independence and power to legislative committees, including the right to initiate legislation." Once again, bullspit. Ha, Bill 138.

I say to you, Speaker, that folks should be concerned about Bill 62, that folks should be concerned about the inherent dishonesty of a proposal that operates under the guise of democratic renewal, yet appears to be, at the end of the day, nothing more than self-serving. This government, these Liberals, haven't the courage to take clear positions around electoral reform when it comes to, let's say, proportional representation. Oh, no, they pass that off to a committee, a citizens' jury, a citizens' committee. But now, all of a sudden, Bill 62 is going to be decided by the majority power here in the House, huh? Think about it. Why isn't Bill 62 and that proposition being put to the citizens' committee, the citizens' jury? You guys want it both ways.

But the nice thing about being a Liberal is you don't always have to be a Liberal. You can change your policies, you can change your principles, like most people change their socks and their underwear, on a daily basis, on an hourly basis. Citizens' jury: fine for issues like proportional representation, but not good enough to deal with what the standard ought to be for a recognized political party. There's something fishy about that, there's something rotten about that, there's something, quite frankly, that stinks about that. You want to do it piecemeal. I say do it one way or another. Go big or go home. If you're going to do democratic reform, then put the issues to your citizens' jury and let's hear what they have to say. Or ram the stuff through and break yet another election promise—then do it. Stop sucking and blowing, for Pete's sake. The public's tired of it, and, I tell you, opposition members revel in it, because we just love the opportunity to expose the broken promises, we just love the opportunities to watch you guys get hoisted on your own petards. We just love it, as you scramble to break broken promises.

This has nothing to do with democratic reform; it's got something very much to do with Liberal self-interest.

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The Deputy Speaker: Questions and comments?

Mr. Bill Mauro (Thunder Bay–Atikokan): It's my pleasure to rise and speak on this very significant issue. I remember a time not that long ago when the Premier referred to the member from Trinity–Spadina as perhaps the finest thespian in the place, but I think that perhaps this evening the member from Niagara Centre—

Mr. Wilkinson: Left of centre.

Mr. Mauro: —the member from Niagara left of centre has put forth a performance that rivals even those of the member from Trinity–Spadina. I think the jury is still out and the crown has yet to be officially delivered, but it was enjoyable—perhaps a bit prone to hyperbole, but nevertheless it was enjoyable and it helped to pass the time.

I'm a bit surprised this evening by how dismissive the members opposite have been about what is obviously a very significant issue to most Ontarians, I would expect, if you were to talk to them. Having had an opportunity to spend some time with the member from Lanark–Carleton on the public accounts committee and having had an opportunity to get to know him a little bit, I'm a bit surprised by his indignation, in terms of his remarks, with this legislation. As a member from northern Ontario who saw, under that representation during eight or nine years of that government, the northern riding contingent and complement go from 15 down to 11, this is a very significant issue for me as a northern MPP. The loss of four ridings in northern Ontario was very significant, and I'm very happy that our government has stepped up to the plate and, under the new legislation, enshrined in law that we are going to maintain the 11 and not go any lower than we already have. I'm sure that anybody who represents a large northern riding can understand the significance of it. If the NDP wanted to talk to their

member from Timmins–James Bay and if the Conservatives wanted to talk to their member from Parry Sound–Muskoka, I'm sure they would hear similar complaints.

They did, though, indirectly lead to some democratic renewal in this province; that is, during their watch I think that a lot of the 38 first-time MPPs in this province decided they were going to run for this Legislature, based on their previous experience as municipal councillors under eight or nine years of Tory Conservative government and—

The Deputy Speaker: Thank you. Questions and comments?

Mr. Sterling: I think we should draw ourselves back to Bill 62. What it's trying to do is meet the constitutional challenge, which first cropped up in June 2003 and was ignored by the government for some two to two-and-a-half years. Then along came Jen Elizabeth White, who brought this issue to the fore to the Superior Court of Justice, and she has put it right in their corner. They can no longer ignore the unconstitutionality of section 10(2) of our election act dealing with the registration of parties. That's why the government is acting on this particular issue.

Our principal objection to this is the potential, as the member from Welland put it, for mischief. My belief is that you don't reduce the requirements with regard to registration of a party, which allows people who are then controlling the party access to taxpayers' money—you don't do that without looking at those repercussions. Should we have new legislation around collecting money for political parties? How much should the taxpayer pay? More importantly, what should be the limitations on how that money is spent?

Up to now, because the requirements for registration of political parties has been very high, all the political parties have spent that money to get their members and their party elected. That's because that was their principal purpose. This legislation introduces the possibility of another motive by small special-interest people, who now can register as political parties and have access to taxpayers' money for a lot of perhaps mischievous purposes.

Mr. Marchese: I want to congratulate the member from Niagara Centre for a wonderful speech. Speeches he gives in this place, people want to listen to. He is one of the best, if not the best, speaker in this place, and that's why Liberals often want to engage him. I think some of them are just a bit envious about that ability he has to expose Liberal politics, which has so much fluff in it. On this side of the House, we enjoy exfoliating that Liberal onion as often as we can.

Why this bill, of all bills? I'm racking my head thinking, why is it before us? It appears like it is a throw-in; it's like a filler; it's like, "We've got nothing else to do, so we'll just throw it in and call it part of our democratic reform agenda." Of all the things to introduce as part of a democratic reform. The member from Niagara Centre said, "Why not keep the promise you made?" one of so many you have not kept and one that you could keep. The one that was articulated for you was

the Liberal promise that says, "We will give more independence and power to legislative committees, including the right to initiate legislation." That would be an important promise to keep, because we all know—those who have been in government and are now in opposition; those who are now in government and were in opposition—the limitations of opposition parties to influence opinion in those committees. We all know that government members are powerless to influence the opinions of that committee when the whip, if instructed, will not take no for an answer, will make sure that you are forced to comply with whatever you've been told to do. Why not keep the most important promise, and that is to reform those committees? That's what I would start with.

Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader): The score is 3-2, by the way, for Edmonton at the end of the first period.

I did, in fact, have two monitors going, and I was watching the member for Niagara Centre. I can't say that I agreed with everything he said. One thing he forgot to mention to members of the House—if only he had more time to do so, he would have—and that is that the rules we are working under now had an origin under his own NDP government. I know inside that government he fought against the imposition of rules which were called at that time very draconian. Those rules were actually made even more draconian, if there's such an English statement to be made, under the Conservatives. As a result, I think he would agree with me, particularly on the limitations on the time of speeches, that it has compelled those who disagree with the government to engage in activities they might not normally engage in and to spend time on bills they might not spend a lot of time on, because there is a way of delaying government.

Now, I heard him mention that perhaps this government had invoked time allocation. I must say, that has been used very sparingly. It's usually after some extensive consultation with the opposition to determine whether or not there is an opportunity for bills to pass in a timely fashion, and it's a last resort. With this government, I assure you, it's a last resort. We try to accommodate the opposition so very often as well in terms of committee time and committee work and committee travel. We've just tried to be so accommodating to the opposition, all members of the House, that I'm astounded that the member would have delivered such a speech condemning the government.

The Deputy Speaker: Member for Niagara Centre, you have two minutes to respond.

Mr. Kormos: I'm so pleased that the House leader found an opportunity to come back in here, because I want to tell him—and he knows this—time allocation is an addiction. You see, it's like crack cocaine: You think you can smoke it once and walk away from it. You think you can smoke it twice and walk away. But, you know, you smoke it twice, maybe three times, and before you know it, you're hooked. We watched it with the last government in the context of seeing the government's zeal for bills to get passed with the least possible amount

of public exposure. We see the government, like a crack junkie, sweating, thinking about nothing else but the spoon and—what is it?—the candle and the pipe, or whatever, just fantasizing, until inevitably, like all addictions, it gets the better of you.

We're ready to save you from that addiction. We're ready to take you into a 12-step program right here and now. But I have to tell you, yes, I've watched a succession of governments and I've cautioned, from time to time, my own colleagues about being careful what they wish for, because as was noted earlier I think by Mr. Marchese, people have a habit of rotating here in terms of where they sit. And what seems delightful when you're in government all of a sudden becomes a little less attractive when you're in opposition, doesn't it Mr. O'Toole?

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Mr. O'Toole: Ain't that a fact.

Mr. Kormos: It's like voting to create defined contribution pension plans, which seems like a wonderful idea when you're in government, to the point where all members enthusiastically and thoughtfully support defined contribution benefit programs, but then a few years later, all of a sudden they're not as attractive as they seemed to be.

The Deputy Speaker: Further debate?

Mr. Garfield Dunlop (Simcoe North): I am pleased to rise this evening and take part in Bill 62, An Act to amend the Election Finances Act and the Legislative Assembly Act. I would like to begin by first of all reading the explanatory note, because that's about all there is to the bill. You've read the whole bill if you've read the explanatory note.

"Currently, the Election Finances Act provides that a political party may apply to the Chief Election Officer to be registered if it has candidates in at least 50% of electoral districts in a general election or, alternatively, provides with its application the signatures of 10,000 voters. These requirements are modified so that a party may apply to be registered if it has candidates in at least two electoral districts in a general election (or in two or more concurrent by-elections) or provides the signatures of 1,000 voters. (Subsection 1(1) of bill; subsection 10(2) of Election Finances Act)

"The Act currently provides that one of the reasons for which the Chief Election Officer may deregister a party is its failure to have any candidates at a general election. This element is rewritten so that the Chief Election Officer is required to deregister the party if it does not have candidates in at least two electoral districts in a general election. (Subsection 1(4) of bill; subsection 12(2.1) of Election Finances Act)

"The list of matters to be included in a party's application for registration is expanded to include a statement, attested to by the leader of the party, that participating in public affairs by endorsing candidates and supporting their election is a fundamental purpose of the party. Each registered party is required to file a similar statement annually. The Chief Election Officer may deregister a party that fails, in his or her opinion, to participate in

public affairs in accordance with the statement. (Subsections 1(2), (3) and (4) of bill; clause 10(3)(k), subsection 10(6.1) and subsection 12(2.1) of Election Finances Act)

“The electoral district of Thunder Bay-Superior North is incorrectly referred to as ‘Thunder Bay-Nipigon’ in subsection 38(3.3) of the Election Finances Act and in subsection 67(6) of the Legislative Assembly Act. The bill corrects both references.”

Tonight we’re here talking about, I guess we would call it, the democratic reform agenda of the McGuinty government. There are a lot of things that occur in the day-to-day operation of this House that actually would discourage a lot of people from ever thinking that there was any kind of democratic reform or democratic renewal. I want to say to begin with that a lot of my colleagues in the House tonight are wondering just what the importance of this legislation is and why we even had to bring it forward at this point.

Speaking about democratic reform, it was interesting to note that the Minister of Natural Resources with responsibility for aboriginal affairs, at the very beginning of this evening, tried to pull off a unanimous consent motion calling for second and third reading approval. This happened right here in this House tonight. We are talking about a bill that’s under the minister responsible for democratic renewal, and here another minister tries to pull off unanimous consent on a bill like that. Is that very democratic? It doesn’t make a lot of sense to me that the minister would try to pull that off.

Then I got thinking after: Maybe he wanted to get over to Caledonia, because we’ve been after members of the Liberal government here to find out if anybody was actually going to visit the community of Caledonia. Maybe the member for Erie-Lincoln can tell me, but I think it’s 108 days now, since February 28—

Mr. Hudak: At midnight it will be 108 days.

Mr. Dunlop: Yes, 108 days at midnight that we’ve had blockades put up. We’ve had millions and millions of dollars spent on—well, I’m getting back to Bill 62, because it ties into what the minister is trying to pull off.

Mr. Hudak: Fifteen police officers injured.

Mr. Dunlop: Yes, and 15 police officers injured. We can go on and on and on about that. But I was wondering if that’s the reason the minister tried to pull off that unanimous consent motion on a night when we’re talking about democratic renewal in this House. It seems strange to me that someone would want to do that.

Going back to that, there are enough people in Caledonia that they could form a number of parties. If this bill got unanimous consent right away, we could probably go over there and start signing up all kinds of political parties right on the blockades, where members of the community are discouraged about what’s actually happening. As a result of that, this has become a high topic in the House.

I found what the member from Niagara Centre said very interesting, and that is that the government really wanted out of this House two weeks ago because they

knew a lot of issues were coming down. That isn’t very democratic either, to think that the government members would want to leave this House at a time when all this important debate was to take place. They’d certainly want to hear all the comments about how the government has really demolished their election promises on coal-fired generation, their promises on nuclear reactors.

Interjection.

Mr. Dunlop: I hear some heckling in the room here, and it’s about broken promises, isn’t it? It’s really about broken promises.

If I go back in time, what I’m trying to think of here tonight is, how important is the democratic renewal file in terms of all the other promises that have been broken in this House? I really think of the hydro file. If you go back and look at your election platform—I know the member from Peterborough is looking at me with a lot of interest because he’s really interested in what I’m going to say on this—I remember, “We will freeze hydro rates until 2006.”

Mr. Hudak: Did they keep that promise?

Mr. Dunlop: They broke that the first week. They broke that before Christmas 2003. And I remember “We will eliminate all coal-fired generation by 2007,” which is now only six months away.

Mr. Hudak: Did they keep that one?

Mr. Dunlop: Well, we know that’s gone. In fact, now we’re referring to the Liberals as the cavemen of this Legislature. But it’s about broken promises.

Where are we going with the democratic renewal file? What exactly is happening here? What is the government really trying to pull off? Are they trying to do democratic reform or not? I can tell you, when we have question period in this House, the chance of getting an answer to any of the opposition questions is so far removed and so far remote now that it has become just an embarrassment to be in this House and listen to some of the answers. At almost at any given time, we could call for a late show and be here every Tuesday and Thursday night with the ministers because of the non-answers. I have never seen it this pathetic, ever, in any Parliament, where the government just refuses to answer. They look right at you and give you a complete opposite answer. I wonder, why does the government do that? Why does the government not answer direct questions?

I asked the Premier the other day, “Why has the Premier of the province of Ontario not visited the people in the community of Caledonia? When are you going to visit?” He goes off with, “Well, you know, it’s sunny in Edmonton,” or something like that. That’s the answer he gives us.

Mr. Hudak: He’s afraid, because David Peterson’s disappeared.

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Mr. Dunlop: Well, yes. Everybody’s disappearing in Caledonia except our poor OPP officers, who are left on the line to defend our province. They’re the meat in the sandwich. The police have taken the brunt of all the pressure at Caledonia. I find it very disappointing that

none of the members here have visited that community and shown support for the people in that community.

Hon. Mr. Ramsay: Minister Cordiano has.

Mr. Dunlop: I heard someone say Mr. Cordiano. I don't think he visited Caledonia, though. He was over near Brant, I believe, but I don't think he was in the community of Caledonia.

Mr. Hudak: He was looking for Peterson.

Mr. Dunlop: I guess maybe he was looking for Mr. Peterson.

I guess I'm thinking of some of the small things that have happened. We think we're going to have a more democratic system in the province of Ontario. As far as I'm concerned, it's becoming further removed all the time when we don't get answers from the cabinet ministers in question period. Again, as a lot of people say now, they don't call it answer period for a reason: because you never get an answer.

I look for further debate. I know that a lot of people want to debate this very important bill. There are many people who would like to get up and speak to this bill—

Mr. Kormos: In due course.

Mr. Dunlop: —in due course. There are probably three or four people wanting to make comments. With that, I'm bringing my comments to an end, unless people would like to hear the remaining 10 minutes. Mr. Speaker, if we can get a few questions and comments, I think we can probably adjourn this House tonight. With that, I'll bring my comments to an end. I'm looking forward to a lot of interesting debate during the balance of time on this bill.

The Deputy Speaker: Thank you for your help, but that's something I'll determine. Questions and comments?

Mr. Kormos: I'm overwhelmed by the sacrifice of the member for Simcoe North, who made his comments 10 minutes shorter than they could have been. He sacrificed those 10 minutes so there could be a connection between the questions and comments and his commentary on the bill.

Mr. Hudak: Very selfless of him.

Mr. Kormos: It was indeed, as Mr. Hudak says, selfless of Mr. Dunlop. It's moving, because very rarely in this House do we see people engage in such a non-self-serving manner.

Look, here we are. This is the first day of second reading debate. The government still hasn't answered the most fundamental questions around the bill, even though they've had plenty of opportunity to do it. The questions have been asked by Mr. Sterling, by myself, by Mr. Dunlop, and other Conservative members are going to be eager to speak to this bill. My colleagues in the NDP certainly will be.

I encourage the government to consider sending this bill to committee, seeking unanimous consent to get this bill out of second reading and send it to committee, where it belongs, for more thorough consideration, and indeed reconsideration. This isn't about democratic reform. It could be about an attempt to respond to either

Figuroa or in fact the White case that Mr. Sterling referred to that the government sought an adjournment for. But if it is, then it's a botched effort in that regard, because the author of the bill doesn't seem to understand what the ruling was in Figuroa. It would be far more productive to do it right the first time than screw it up again and have to come back and do it Lord knows how many times. If you're going to do it, do it right.

Hon. Mrs. Bountrogianni: I thank all of the members for their comments. It was a very interesting debate. We will have, I believe, even another session of fascinating debate on this great bill, as well as committee debate and committee work. I'm really looking forward to that as well. The member opposite from Niagara is right: We need to get this right, and I look forward to more input to get this even better than it is now.

I do want to clarify one thing about the present system. Even now, there are parties that don't run candidates even though they're supposed to, that collect tax receipts year after year, that sort of use the system. But unless someone complains about it or brings it to the attention of the Chief Election Officer, they're still there, collecting tax receipts year after year, never running candidates.

With this bill, there is the accountability measure that unless the party is serious, unless the party runs at least two candidates in an election, unless the party files every year a statement of its goals and a background of what it's done in the year to fulfill its goals as a political party, then the CEO is instructed to deregister that party automatically. So that is an added measure of accountability.

Having said that, I look forward to more debate. I look forward to some constructive criticism on how this bill can be improved so that we can in fact enhance the democracy of the system.

Ontario is a diverse community. These are three wonderful political parties, and I mean that when I say that. They've got a great tradition in this great province of ours. But if there are other viewpoints out there that can be represented by a political party, that can be assisted through tax receipts etc., then we should at least look at that seriously, because that is truly transparent democracy.

With that, I again thank all of my colleagues across the floor for their input, and I really look forward to the next evening of debate on this bill.

Mr. O'Toole: It's a pleasure to see the minister here this late in the evening and after such informed debate. I think that's respectful of the process.

We did hear from the senior member tonight, the member from Lanark-Carleton, who I think gave us some very wise advice, but also, more importantly, just recently from the member from Niagara Centre, who also brings a certain amount of experience, as well as opinion, to the debate. They were basically talking about the trimming down and, in the case of the member from Niagara Centre, about some of the court decisions: Figuroa and Iacobucci. His main argument, as I listened to it, was about the prudence of taxpayers' dollars.

But the member who just spoke, whom I'm responding to, is the member from Simcoe North. I commend him, first, for being here tonight to listen and participate in this particular debate. I think he's right. When you look at having simply two candidates, it's a pretty low threshold, and 1,000 members is a pretty low threshold. This is where public hearings and debate should come in. Some would say that some interest group, some splinter group, could take over a process and utilize, as the member from Niagara Centre said, the taxpayer advantage in this bill. There were three eminent speeches given here tonight. The minister in charge of this didn't use all of her lead time. Norm Sterling, our member, did, and so did the member from the NDP.

There's a lot more to be said on this bill than has been said by the government. I think they're being forced into this under the guise of democratic renewal. From what I've seen recently, there's anything but democratic renewal taking place here. They're time-allocating bills. They're getting away with a lot of liberties, I would say, and the member from Simcoe North spoke to that in some of his remarks. I certainly hope that there will be public hearings on this small bill.

Mr. Dave Levac (Brant): I look forward to continuing the discussion on this bill.

Bill 62 tells us that we're heading in a direction of a new era. I don't think anyone in this room has denied that democracy is a fluid issue and that we're continuing to press the envelope to try to move us forward in how democracy is handled in this place, in the province. With our ability to work collectively together, the people of Ontario have an opportunity to hear how people are responding to these offers. If these offers are made in good faith to try to improve democracy, to change democracy, to have democracy be as fluid as it is, then I think the people of Ontario will be quite satisfied that the people of this House have done the right thing. If, on the other hand, the debate is about how bad another group is—one party, one organization, one citizen's assembly—because of cynicism, then they'll hear that message as well.

I'm going to suggest to you very respectfully that you listen very carefully to the people who are debating against the bill and for what reasons they're doing so. That's a fair appraisal. I would be more than willing to listen to those criticisms, but as you've heard in some of the debate that's been going on, it's rambling about all of the things that the Liberals have done wrong. They're picking on issues that are not talking about this bill in terms of the evolution of democracy. It's really

unfortunate that the members on the other side have spent all the time in their debate not talking about Bill 62, which is trying to continue the fluid growth of democracy.

Interjections.

The Deputy Speaker: Order.

Mr. Levac: I see I've struck a nerve here. They don't like the idea that the disguise is being taken off them as to, "It's the government, so it must be bad. Now that we've got their attention, I would challenge them to start talking about what Bill 62 is, and that is the improvement of democracy."

The Deputy Speaker: The member for Simcoe North, you have two minutes to respond.

Mr. Dunlop: I'd like to thank the members from Brant, Durham and Niagara Centre and the Minister of Intergovernmental Affairs and the minister responsible for democratic renewal for their comments.

One of the things that bothers me about the term "democratic renewal" is that, by making a lot of changes to the system, we may in fact ruin a system that has been one of the most stable systems in the free world. We in the province of Ontario and in our country have what I consider to be a great parliamentary system. As the member from Niagara Centre said, there's a way of moving people out of these chairs, and that's the elections. They've been very fair since 1867 in our country and of course in our province as well.

There are lots of problems with our parliamentary system. For example, I'm not that fond at times of how question period works. I sometimes think we spend too much time on debate. But I can tell you one thing: Overall, the system in our country has been stable and has served the people of Ontario extremely well. This is a place where people from throughout the world want to come. They want to live in our country. They want to live in the province of Ontario and in Canada. I think it's because we've had a good stable system. I don't want to tinker with it too much, I can tell you that right now. I say take very short steps when we're changing our democratic system, where we're making major changes. I would be happy with just a four-year term at this point, and then the next time around, in the next Parliament, maybe make some other changes. We do have a good stable system, and let's not tinker with it too much.

Anyhow, I look forward to further debate.

The Deputy Speaker: It being 9:30 of the clock, this House is adjourned until Thursday, June 15, at 10 of the clock in the morning.

The House adjourned at 2132.

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