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Tuesday 10 April 2007

Mardi 10 avril 2007

Speaker
Honourable Michael A. Brown

Président
L'honorable Michael A. Brown

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LEGISLATIVE ASSEMBLY
OF ONTARIO

Tuesday 10 April 2007

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Mardi 10 avril 2007

The House met at 1845.

ORDERS OF THE DAY

ELECTORAL SYSTEM
REFERENDUM ACT, 2007

LOI DE 2007 SUR LE RÉFÉRENDUM
RELATIF AU SYSTÈME ÉLECTORAL

Resuming the debate adjourned on March 21, 2007, on the motion for third reading of Bill 155, An Act to provide for a referendum on Ontario's electoral system / Projet de loi 155, Loi prévoyant un référendum sur le système électoral de l'Ontario.

The Acting Speaker (Mr. Ted Arnott): Further debate? I recognize the member for Ottawa Centre.

Mr. Richard Patten (Ottawa Centre): I'm pleased to participate in this debate because, as some of you know, I've had a long and deep abiding interest in the whole area of democratic reform going back to when I was in opposition. Now, when we are in government, I'm pleased to see our government begin not just one reform but a whole variety. There's a major one that has to be faced sooner or later, in my opinion, and hopefully that's in the next round. But on Bill 155 it's pretty straightforward. I was looking at Hansard and the discussions that we had on a variety of evenings and noticed that some of the same arguments kept recurring. This evening, who knows, depending upon some members who are here, whether we take additional time as well to repeat certain things or to shed some new light on this activity?

But this bill is really about the nature of the referendum, if this is going to pass, which may be recommended by the citizens' assembly, as to how that particular system would proceed, how people would participate in this and how the questions would be drafted etc. I think that has been fairly well outlined in the introduction of the bill. At first reading, the minister went on to describe this particular bill, which essentially is what I've just said: a system that would require Ontarians to have an opportunity to participate in a referendum vote.

I would point out, and a number of other members have pointed out, that it's a rare occurrence to have a referendum here. I think it was a member of the Progressive Conservative Party who talked about a referendum back in, I think, 1832 or thereabouts. That says this is not

taken lightly, it should not be taken lightly and this will be quite an experience for Ontarians.

I would like to introduce something here. I'd refer some members to a little publication that's been around for a while called the Beaver. It's "Canada's History Magazine." I don't know if many of you get it. I find it extremely helpful because it doesn't go on and on and you have to read 45 pages or 100 pages before you learn about a particular event. It gives you capsules of various events in our particular history. But I thought it would be interesting just to note that "Casting a ballot in 1832 differed dramatically from the polling stations of today. Voters publicly announced their choice, putting themselves at the mercy of angry mobs from the side they voted against. The polls would remain open until one full hour had passed without a vote. The system often led to long, chaotic, and violent campaigns as each side 'motivated' the public to vote through intimidation and brute force, all to prevent that silent hour and keep their candidates in the game."

1850

Well, you can imagine. Of course, the evolution of a secret ballot was not the first way in which governments came to pass as well. So it's important to be mindful of all the stages that have already occurred in terms of protecting the privacy and the right of people to vote. The voting system that is there cannot be tampered with. At least that's the design. Any system of course can always be tampered with in some fashion or another, but I think that's an absolute minimum in Ontario and in Canada.

I want to deal with one issue—and it's an issue that my good friend from Beaches—East York and I have some disagreements on—and that is the level at which something becomes valid. The only point I want to make on this one is that there are those who feel—and I feel in certain circumstances, of course—that a 51% vote is valid.

But—I had mentioned this—I sat on the select committee, and my good friend across will know that I personally was not happy with it. The committee out-voted me, so that stands as the recommendation of the committee. At the time, I felt that the level of consensus should be better than just one person over 50%. Times change, issues change, different people participate, the weather affects voting etc. My feeling at the time was that it should be more of a plurality than simply one additional voter. That made it more significant in terms of the position of the electorate, and the legislation reflects this. There has to be 60% of voters to support this

and better than 50%; in other words, 50% plus one and 60% of the ridings.

There are some other jurisdictions that have taken this particular model that we have taken, BC and Prince Edward Island, to name a few. Of course, when you look at our Constitution that was repatriated from England, it wasn't 50% plus one; it was a lot higher. I won't go into it because you will all know that it had to deal with a majority of provinces and a majority of the population.

I will stop there and allow some of my colleagues to add their voice to this bill. I think it's a fairly straightforward one. It outlines the procedures, the process and the system by which people, for the first time in over 100 years, will have a chance to express their views through a referendum. It's certainly the first time in Ontario that we have ever had the opportunity to vote through a referendum on the nature of our electoral process.

The Acting Speaker: Questions and comments?

Mr. Joseph N. Tascona (Barrie-Simcoe-Bradford): I'm pleased to respond to the comments from my colleague from Ottawa Centre. Certainly this is a work in progress in terms of this referendum and what's trying to be accomplished. I'm going to be speaking for the viewing public in about 10 minutes on this particular bill and I'll have more to say at that time.

There are some contentious issues with respect to some of the recommendations into this particular situation in terms of the threshold for there to be a change in the electoral system and the methodology to get there. We know that they had an election process in British Columbia in their last election and it didn't reach the threshold and there were a lot of comments about how that was done. Perhaps it could have been done in a different way.

I think that's obviously a good way to look at other jurisdictions in terms of what they're trying to accomplish in terms of looking at the existing system of first past the post—in other words, the voters vote for a particular candidate from a particular party or, if they're independent, the person who gets the most votes is the winner and that's who your elected representative is—versus proportional representation, where you have a system where there are elected members who are first past the post, but they are also based on the percentage of the vote; there's a more equal number of members from each of the parties, based on their percentage of the vote. That's the challenge that you have. You have other jurisdictions that have that approach. In such countries as Slovenia and Italy, that's the approach that they go with.

This is an area that is highly contentious. There are pros and cons on both sides, and critics on both sides too.

Mr. Gilles Bisson (Timmins-James Bay): I just have a couple of questions to the member from Ottawa Centre in regard to his deliberations tonight.

First of all is the whole issue of what it is going to take for a referendum to be able to pass, as far as percentages go. In the legislation, we're putting it at 60%. We're saying only if there's a 60% majority based on another formula of people from various regions etc. You set the

bar so high that it makes it fairly difficult to get any kind of buy-in in order to make this happen.

It seems to me that the basic tenet of democracy is that 50% plus one normally buys you anything. For example, Newfoundland joined the Confederation of Canada based on 50% plus one. If we had said 60%, Newfoundland would still be outside of Confederation and we'd still be trying to fight to get it in. Even in the federal law, we've basically said that if a province wants to secede and become its own independent country, such as was the case with Quebec, it's 50% plus one to get out. How can you have a threshold so great in order to change the electoral system, at 60%, when we accept 50% in most other things that we do when it comes to making decisions?

Referendums are not a new thing to Canada. Referendums have been used at the municipal level on a number of occasions for everything from fluoridation to deciding what kind of electoral system you want in your own municipality. In all those cases, it's been 50%. Municipalities have chosen, for example, to amalgamate. I come from the city of Timmins. It amalgamated Schumacher, South Porcupine, Porcupine, Whitney and Mountjoy into the city of Timmins. It was a 50%-plus-one vote that decided that outcome some 30-odd years ago. I fail to see why it is that we need to have 60% plus a whole bunch of other hoops that we have to jump through in order to decide if we're going to change electoral systems. It seems to me that if it worked for Confederation, it certainly can work to change our electoral system.

Mr. Dave Levac (Brant): I appreciate the opportunity to share with the member from Ottawa Centre my comments to him about what he has briefly given us as a snapshot of the process, and the information that he has offered us as well.

There's one piece that I think is important, and I know he'd like to make a comment on this, because he desperately likes the idea of student engagement. Just as a reminder for the people out there, we haven't talked an awful lot about this, but I will tell you how impressed I was with the student assembly and the fact that our students, as young as 14 years old, participated in the very same process—almost mirrored—which gave them an opportunity to give us their response.

I was very proud of the fact that one of my own constituents was chosen. I happen to know the family and I know the young girl, Ms. Poremba. She was the youngest. She was the 14-year-old I referenced earlier: a bright, bright young lady who actually engaged in a conversation with me before she accepted. She wanted to make sure that she wasn't wasting her time. Quite frankly, I assured her she wasn't. Her parents: the same thing. After the fact, they came and talked to me to give me an outline personally of what they did. She indeed said very clearly to me that it was one of the most engaging exercises she's been involved in in her whole life: at 14 years old to be asked to participate in such a heady topic as democratic renewal, and for her to be engaged the entire time and come back afterwards and say, "Do you know what, Mr. Levac? It was not a waste

of time.” She met great people, made great friendships in a very, very engaging conversation. She told me that she learned so much during that process that it has engaged her to participate in politics. For a 14-year-old, you might say that’s no big deal, but boy, I tell you, to be motivated to be a participant in the political process because of what’s happened is a milestone for us, so I congratulate everyone for bringing us through that exercise.

1900

Mr. Norm Miller (Parry Sound–Muskoka): I’m pleased to add some comments on Bill 155 and the speech from the member for Ottawa Centre. I’m just picking up on what the last speaker noted about the student assembly. I too had the privilege of going to the student assembly and being there for an evening, and a couple of students from Parry Sound–Muskoka participated. It was worthwhile, although I would question how much the whole exercise cost. This government often seems to forget about the dollars and cents, that part of the equation.

The member for Ottawa Centre was talking about the threshold in Bill 155, and the select committee on electoral reform of which I was a part. That select committee, of which a majority of the members were Liberal government members, recommended a 50%-plus-one threshold, so it’s interesting that the government didn’t follow the advice of the committee but instead has set a 60% threshold.

On the select committee on electoral reform, the member for Lanark–Carleton and myself produced a minority report and in it noted that public cynicism and distrust of the political system have more to do with what elected officials do once elected, and that relates very much to doing what you say you’re going to do when you’re running in the campaign—in other words, keeping your election promises. So it’s no surprise that there’s a little cynicism out there. We’ve looked at all of the broken process in recent years.

We need to improve the parliamentary system, keep our campaign promises, respect the role of individual MPPs, fix the lack of productivity here in the Legislature, improve decorum in the Legislature, those sorts of things, to improve the system that we have at this time.

The Acting Speaker: That concludes the time for questions and comments. I’ll return to the member for Ottawa Centre for his reply.

Mr. Patten: Let me thank the member for Barrie–Simcoe–Bradford for his comments, which I thought were fair in examining the nature of what the bill proposes to do.

The member for Timmins–James Bay repeats his concern about the threshold. I just want to point out one thing, and that is that the threshold is to try to provide some balance between the different regions of Ontario, as I think you know, and that is a 51% requirement; it’s not 60%.

To my friend from Brant, who I know as a former schoolteacher has an eminent love of education and a passion for teaching and seeing young people grow and

develop, I commend him and also the member for Parry Sound–Muskoka for identifying the student assembly which the government helped to set up. It is extremely important, because as you know we lack somewhat the strength of some of our brother and sister nations that have far stronger civic programs; in other words, a knowledge of how our particular governments at various levels work. I think the two members here demonstrated that, and I would certainly support that. I think that’s something we have to pay amends to.

By the way, I would just point out an additional one for my friend from Timmins, that the European Union used the Clarity Act, which requires a significant passage, and they interpret that to mean 55%. They used that as their particular basis for a referendum in Montenegro, in terms of them becoming independent. I found that to be of interest.

The Acting Speaker: Further debate?

Mr. Tascona: I’m pleased to join in the debate on Bill 155, the Electoral System Referendum Act, 2006. There’s been a lot of debate on this in terms of, like I said, the pros and cons. There are certainly some very fixed positions in terms of where we should be going with respect to our electoral system, not only in terms of how we elect members to this Legislature but also the number of members we have in this Legislature. I’m prepared to talk on the former.

It’s interesting that there was an article in the Toronto Star this weekend written by Robert Benzie. It has to do with this particular bill. The title of the article was, “On This Issue, McGuinty Takes a Pass; Opposition Leaders Angry that Premier Won’t Take a Position on Electoral Reform.” In the article it says:

“After opening the Pandora’s box of democratic reform during the last election campaign, Premier Dalton McGuinty now says the Liberals will remain neutral in the expected October 10 referendum on the issue.

“McGuinty—who created the Citizens’ Assembly on Electoral Reform, which is poised to recommend Ontarians adopt a form of proportional representation—says his party will sit out the controversial vote.

“I don’t think this is the kind of thing that should be led by the government,” the Premier says. “It should be the kind of thing that should be led by the people of Ontario.

“I’ll live with any arrangement chosen by the people I work for,” he says. “In the coolness and dryness of time, I think Ontarians will be able to properly consider any alternative that’s put forward and weigh that against the status quo.”

“But critics on both sides of the electoral reform debate accuse McGuinty of copping out because he got this ball rolling four years ago.

“On Sunday, the assembly of 103 randomly selected citizens said it thinks a German-style ‘mixed member proportional’ representation system is the best alternative to the current ‘first past the post’ way of electing MPPs.

“A week tomorrow, the panel is expected to officially recommend that the new system be put to a referendum

as part of the October 10 provincial election.” Now, a week tomorrow is going to be April 14, which will be this coming Saturday. “It would have to pass with a 60% ‘super majority’ to become law in time for the 2011 election. But in the event of a minority government this fall, it could even be adopted as early as next year.

“Under the new system, voters would cast two ballots, the first for one of 90 local representatives, the other for the party of their choice. That second ballot would be used to allocate an additional 39 seats in the Legislature from party lists based on the popular vote tally.” That would bring the Legislature up to 129 members from where it is right now, which is 103 members.

“Progressive Conservative Leader John Tory, who is leaning toward the status quo, or the No side of the referendum campaign, blasts McGuinty for trying to straddle the fence.

“While Tory is awaiting the assembly’s final report before announcing his party’s stance, he predicts there will be little public appetite to increase the size of the Legislature from 107 MPPs after the October 11 election to 129 members in the next one.

“Warning there could be other contentious consequences stemming from a shift to a mixed-member system, Tory is incredulous that McGuinty will remain on the sidelines.

“‘This is the man who felt it was such an important matter for Ontario that obviously he must have thought change was needed. Why else would he have convened this assembly?’ Tory asks.

“‘Why else would he have chosen to make this virtually his only election promise that he’s actually kept?

“‘For him now to say he’s the ... great Mr. Neutral is unreal. I can’t imagine, on something that’s going to be put to the people, we (in the PC Party) won’t have a position.’” End of quote from John Tory in this article by Robert Benzie of the Star.

“In 2003, the Liberals’ campaign literature quoted journalist Jeffrey Simpson’s book, *The Friendly Dictatorship*, which maintained the first past the post system increases ‘cynicism about government.’

1910

“‘The only way to reverse this trend is through engaging citizens in an open and honest debate about our democracy,’ the Liberal Party vowed, in one of its 150 election promises. ‘After consulting with the public, we will hold a referendum on whether we should keep our winner-take-all voting system or replace it with another.

“‘Alternatives to our voting system could include some form of proportional representation, preferential ballots or mixed systems.’

“NDP leader Howard Hampton, a long-time proportional representation backer, says the Liberals were being cynical.

“‘We’ve never felt that either the Premier or the members of the McGuinty government were really interested in electoral reform,’ Hampton says.

“‘They were interested in talking about it, but we’ve never felt they were really interested in doing anything about that.’

“Hampton emphasizes that his party will be campaigning actively for the Yes forces.

“‘We’re going to be quite front and centre in advocating. For us, this is not a frill issue,’ he says.

“Under a mixed member proportional representation system, the outcome of the 2003 provincial election would have been far different.

“In that election, the Liberals won 69.9% of the seats—or 72 of the 103 in the Legislature—with just 46.6% of the popular vote.

“But the Tories’ 34.6% of the vote translated into only 23.3%—or 24—of the seats. Similarly, the NDP won 14.7% of the vote, but took just seven, or 6.8%, of the seats.

“Although it is difficult to calculate the results of a similar vote tally in a mixed system, it’s likely the Liberals would have had about 64 seats in a 129-member House. The Tories would have had 46 seats, and the New Democrats 17.

“‘In a proportional representation system,’ Hampton says, ‘the electoral results tend to more closely align with what voters vote for.’”

That was an article about this particular system, because we’re very close to the decision and recommendation of the citizens’ assembly, which could occur and should occur this Saturday, which is April 14.

It’s certainly interesting to look at the vote results. If you were a political scientist looking at the Liberal vote, obviously you could say that based on the vote they had in the last election, which was 46.6% of the popular vote—and they ended up with 72 of 103 seats in the Legislature, which is 69.9% of the seats—one could say that their vote was very productive in terms of their being very good at getting the vote that would translate into seats for them.

Conversely, the same could not be said for the Tories and the NDP in terms of what they came up with, which was 31 seats, and they had close to 49.3% of the vote. So they had 49.3% of the vote, and that translated into 31 seats. You can see why you have people saying there’s something wrong with this system when almost 50% of the vote, which went to two parties, only resulted in 31% of the seats. And that’s where the argument comes out in terms of why we should have a change.

Now, there are some interesting comments with respect to the referendum. If the recommendation as put forward is what we think it’s going to be, the German model of mixed member representation, you’ll have 90 members elected first past the post and the remaining 39 distributed based on the percentages of the vote. The easiest way of looking at it would be to say, if each party got 33% of the vote, then the remaining 39 seats would be distributed equally among them in that regard. You would have 13 seats going to each of the parties based on the proportional representation model, which some people

would say is fair, because if they got 33% of the vote, they should get 33% of the seats.

The process, when they have the vote, is going to be run this way. There's going to be a ballot question, which is going to be prepared by the Lieutenant Governor's office, in terms of what the voting question will be. Whether that referendum is going to be binding or not will depend on whether the threshold is met in the exercise, and the threshold is 60%. There are some comments with respect to how that's been viewed by a number of individuals. I'm looking for the quote here by David Docherty, who is a political science professor at Wilfrid Laurier University, on October 25, 2006, in the St. Catharines Standard on the 60% threshold. The argument there is that if 60% or more of the population vote for a change in the system—in other words, they say, "Are you in favour of the mixed representation model as opposed to the first past the post?" and 60% of the population that votes says they're in favour—then the government is obligated to implement that particular system. We'll deal with that later, but here's what he says: "Those bloody idiots. For the life of me, I don't understand why a government sets a higher bar for electoral reform than they do to have themselves elected to office. Why is it that you could get elected to office with a majority government with 38%, but to change the electoral system you need two thirds? It doesn't make sense."

What he's referring to when he talks about 38% is the Bob Rae government of 1990 to 1995, the NDP. They had 38% of the vote and a comfortable majority in the Legislature at that time.

There's another quote here by Fair Vote Canada executive director, Larry Gordon, October 24, 2006: "Fair Vote Ontario called today's Ontario government announcement of a 60% electoral reform referendum threshold an 'undemocratic roadblock to democratic reform.' ... Fair Vote Ontario is calling on the McGuinty government to follow the example of former New Brunswick Premier Bernard Lord who had pledged to hold an electoral reform referendum and accept a 50%-plus-one majority decision because, as he put it, that is 'the traditional number for democratic decisions.'"

That is the major point with respect to whether there is going to be electoral reform. So in the referendum, you're going to have a ballot question, which I would expect to be fairly understandable and something that the public can deal with in terms of casting their ballot in a knowledgeable way.

There are some comments with respect to the way the bill works:

"The result of the referendum is binding if the recommended electoral system is selected in,

"(a) at least 60% of all the valid referendum ballots cast; and

"(b) more than 50% of the valid referendum ballots cast in each of at least 64 electoral districts."

The legislation states that the government in place after the 2007 election shall introduce legislation to adopt

the recommended system on or before December 31, 2008. So that's a mandatory requirement on the government that's elected in the fall of 2007, which is October 10, 2007, the election date for this year.

The new act provides that, "The Election Act applies to the referendum with necessary modifications...as if the referendum were a general election." It also sets out detailed special rules for the application of the Election Act to the referendum. "There will be a separate referendum ballot, and referendum ballots will be counted separately, after the election ballots have been counted. Registered referendum campaign organizers will be entitled to appoint scrutineers whose functions are limited to the referendum. Persons who act as referendum scrutineers may not also act as election scrutineers." Provision is made for regulations governing the referendum.

One would expect that when we're dealing with this—and maybe I'm a little off topic, but I don't think it really is—the ballots that are being filled out are of a different colour so that people would know exactly—you know, you can get into these elections and the ballots could be crossing all over the place. You would hope that an election ballot would not end up in the referendum ballots, as the number of ballots becomes determinative of that election. I think they're going to have to be very careful in terms of what they do when they're dealing with the scrutineers and the ballots that are going to be cast, because I think it's going to be challenging enough to conduct yourself with respect to the election as opposed to dealing with a referendum in terms of the workload you're going to have to deal with, and any question of what has been filled out and whether the people know what the real issue is or whether they even care in terms of that particular process.

1920

If we're going into a general election, it's going to be interesting how this is going to be promoted and communicated to the public. You can say, "Okay, you're going to be electing your new government, but you're also going to be voting in a referendum to determine how the electoral process works in the future." It's going to be an interesting time. It's going to be a challenge for this to work, not only from a communications standpoint but also from a practical standpoint in terms of how those ballots are going to be produced, how those ballots are going to be counted and how this result will be interpreted by the government of the day.

It's going to be an interesting time in terms of this next election. Today is April 10, which would mean that today we're six months away from the next provincial election. That's not a very long time. I know my good friend Mario Sergio from York West is contemplating that right now—or maybe he's doing something else; I don't know. I thought he was contemplating that. Maybe he's thinking about Italian day.

We're going to be having an Italian day here at the Legislature on June 2. I know he's working hard on the preparations for that, and I'm looking forward to coming to that. It's going to be on a Saturday here at the

Legislature. It would be nice if you got a big tent on the legislative grounds, if you could do that, but we'll leave that in your capable hands, under Minister Colle.

Mr. Michael Prue (Beaches–East York): You can't sleep in it, though.

Mr. Tascona: No. The tent is to eat in; it's not to sleep in. I'm talking about a canopy tent. That's an event that's forthcoming.

This particular bill is something that academics love. I imagine that a lot of books are going to be written on this particular election, in terms of what the results were. I think it's probably going to be the subject of a lot of political science classes—I'm a graduate of politics at McMaster University. It's going to be a huge challenge.

Interjection.

Mr. Tascona: What was that, member from Essex?

Mr. Bruce Crozier (Essex): Is that what's wrong with you?

Mr. Tascona: Well, the Premier went to McMaster. It can't be that bad a school. I think Bob Nixon went to McMaster too—some of your colleagues.

Mr. Crozier: No, it's political science—

Mr. Tascona: Oh yeah, political science; okay.

I think this is going to be a great issue in terms of analyzing, but if it's lost—I'm not really clear on the legislation; maybe the member from Ottawa Centre, who is going to respond to this, is. If it is lost, will it come up again in the next election? In terms of this particular issue, is there going to be one shot at it? And if it doesn't happen, what happens? If it is successful, what happens in terms of a review of the process to see whether it actually works? If it's not working, how do you change it and bring it back to the first past the post system or to some other system? I think it's important that we deal with those particular issues as we go through this exercise.

I've been very pleased to speak on this. This is certainly historic legislation. I guess time will tell whether it's meaningful or not, in terms of how we change the approach to the electoral system in Ontario.

The Acting Speaker: Questions and comments?

Mr. Bisson: I enjoyed the presentation given. I think he tried to lay out exactly what the issue is. Simply put, I think there's an argument to be made, and I think the member made the argument fairly well: We've seen over the years that election night has not necessarily given the result that voters have asked for. We've had very few times in the history of Ontario—I think it's maybe only twice, and maybe my good friend and colleague Mr. Prue, the member for Beaches–East York, might want to comment on this—where the percentage of the vote represented what the party actually got in the Legislature. In fact, very few times have clear majority governments been voted in. I think it has only happened a couple of times where a political party got more than 50% of the vote in a general election.

I guess the thing we have to ask ourselves is, is the current system working as well as it needs to? Probably not, I would argue. I think we only to have take a look at this Legislature and watch some of the debates to find out

to what degree it could sometimes be made a heck of a lot better as far as having true participation in the Legislature and being able to amend what is before the House or before a committee. It seems to me that the test of any legislation should be, is the legislation supported by a majority of members freely elected in a PR system? I think that would be a much better test.

For example, when Mr. Harris tried to do the amalgamation of the city of Toronto and others, if you had a PR system, the government of the day, in that case Mr. Harris, would not have had a clear majority and he would have had to get the support of some members of the opposition in order to pass that particular initiative. If the legislation couldn't stand the test of this Legislature by way of a vote by each member based on the composition of the House under PR, my guess is that that legislation would have never gone through, and that would probably have more closely reflected what the will of the people was.

Mrs. Linda Jeffrey (Brampton Centre): I'm pleased to join in the debate on Bill 155, on democratic renewal. I would like to focus on something the member for Barrie–Simcoe–Bradford didn't focus on, which is that the glass is half full. I was reminded of that when I received a letter from Mr. Peter MacLeod, of the students' assembly secretariat—I just received the letter quite recently. He spoke about the enthusiasm and interest that our Ontario Students' Assembly on Electoral Reform demonstrated, in their ability to evaluate the six different voting systems they were asked to learn about, and their participation. I know that a lot of members in this House were able to meet their student assembly member. I think that we in this House forget—sometimes we think this is the centre of the universe, and it isn't. There are a lot young people out there who are engaged and enthusiastic. They want to participate, and this was an opportunity for them to participate.

Not only was the students' assembly secretariat involved, but we also had about 2,500 students in classrooms across Ontario participating. They came back with a number of different models. From an accuracy point of view, I would just like to—when the member for Barrie–Simcoe–Bradford talked about the decision that the citizens' assembly is going to make, they actually vote on Sunday, April 15, so we'll know what their decision is on that day, but the official report isn't until May 15, so we're going to be waiting until the 15th to know what the citizens' assembly recommendation is.

The students' assembly actually recommended a mixed member proportional system, and I think they struggled with that—it's clear from the information they sent us. But more importantly, they thanked us for the opportunity to be engaged, to participate. This is a system they're going to inherit. There's nothing more important than having it be a democratic system.

1930

Mr. Miller: I'm pleased to respond to the speech on Bill 155 by the member from Barrie–Simcoe–Bradford. Bill 155 is the bill that will determine the threshold for

the referendum that will occur next October 10 on the work of the citizens' assembly, which has been meeting for many months, looking at how MPPs are elected to this place. I would ask the government members, how serious is the government taking this whole process when they've set the threshold at 60% when their own select committee on electoral reform recommended a 50%-plus-one threshold?

Responding to the member from Brampton Centre about the students' assembly and the need to get students involved, I completely agree with that. That's part of the reason I always take the opportunity to get out to high schools or public schools and talk about what it's like around this place. In fact, last week I was at Bracebridge and Muskoka Lakes Secondary School to meet with the students of the civics class there.

In terms of the choice people will be voting on on October 10, it's looking very much, according to the news articles, like it will be a mixed member proportional system. I guess, from the early reports, that the number of geographic representatives would go from the current 103 down to 90. That's one of the aspects of the recommendation that I certainly have a big problem with, as I represent the area of Parry Sound–Muskoka, which is a huge geographic area to begin with. To give you an example, for me to go from my home to Dokis First Nation is three and a half hours one way. By reducing the number of geographic MPPs, you'll make the northern ridings and other ridings even bigger. That is problematic based on the huge geography our province.

Mr. Prue: It was a pleasure to listen to the member from Barrie–Simcoe–Bradford, my seatmate, the man who sits beside me here.

Mr. Levac: A different party.

Mr. Prue: A different party. Absolutely.

He did make two comments, though, that I think he should clear up. First, he said that the referendum question itself would be from the Lieutenant Governor's office. I think he meant to say the Lieutenant Governor in Council, i.e., the cabinet, because it is not, after all, the Lieutenant Governor who is going to make the decision on what the referendum question is; it will be done in private by the cabinet without any say by this Legislature—and I will be dealing with that in my own opportunity in a few minutes.

Secondly, he had a question: What will happen in terms of this referendum? Will it be a one-shot deal, or can we expect it to go on and on and possibly rear its head in future Parliaments? I think that's very instructive. One need only look at what has happened in British Columbia, where the threshold was set too high. In British Columbia, where it was set at 60%—the first place to do so; Prince Edward Island followed suit soon thereafter and now Ontario—they were surprised on election night to see that 58% of the citizens of that province wanted to see electoral change as the citizen members had decided; it was an STV system. But the instructive thing there was that because it was only 58%, it did not pass. What the province of British Columbia

has been forced to do is hold another referendum because they were in limbo. They had a clear majority of the citizens—58% to 42%—wanting electoral change, and yet they had adopted a system that did not allow for it.

So in the next election—a municipal election this time—there is going to be another ballot and another referendum, and the cycle goes on. For my friend, that's exactly what's going to happen as a result of this.

The Acting Speaker: The member for Barrie–Simcoe–Bradford has two minutes to respond.

Mr. Tascona: I'm very pleased to respond to the comments of my colleagues from Timmins–James Bay, Brampton Centre, Parry Sound–Muskoka and Beaches–East York. As usual, my friend from Beaches–East York is correct: It's the Lieutenant Governor in Council, in that regard, and we'll correct the Hansard and make sure that's in there.

He raises the issue of where we go if it's not accepted. Certainly if there's a clear question and everybody understands what it is—you know, it's difficult, because the bottom line is that we do have a system, first past the post; especially if it becomes ideological, it can be very problematic for the member who is here, the MPP, and what they're trying to do to become not only relevant here but also responsive to their constituents' needs. I think that's the biggest challenge in terms what the public wants from their members. They want their members to represent them and their interests. It's far more important to them than how the parties carve up the pie in terms of the number of seats they have in the House.

Getting back to what the real point is, speaking to the member from Brampton Centre in terms of the students' involvement—and I think that's important and obviously they're the key and they're the future of where we're going—I think their enthusiasm certainly is needed in the process and has been there, but at the end of the day we have to make the role of the MPP meaningful and relevant, and it has to be something that we're proud of in terms of the electoral system we have.

The Acting Speaker: Further debate?

Mr. Prue: It is a pleasure to stand and have my one-hour leadoff, thanks to the House the other night. Thank you for the unanimous consent to put it off, because it is very difficult to be in the chair and to give a speech on this topic at all.

But here I am tonight and I plan to use most of the time, so those of you who want to go out and take a little walk, I guess you can do so, but I hope to raise what I think are the faults of this bill, not necessarily the benefits of other electoral systems, as other speakers have talked about, but the faults with this particular bill. I find that there's three. There are only three in this entire bill that are, I think, wrongly put.

The first one is the question. The question that is going to form the ballot is not decided by the people who are discussing electoral change. In the province of British Columbia they left the decision of the question to the citizen framers, who came up with it, and then that question which was proposed by them was taken to the

cabinet. The cabinet, in turn, vetted it in the Legislature. There was all-party agreement in the Legislature and the question appeared on the ballot. That is very different from what is being done here, and I'm going to deal with that later.

The second problem I see is the decision on the threshold. As has already been discussed by other speakers, this government has determined that the threshold will be set higher than any other threshold in the history of this country and any other threshold in the history of this province. In the country it is equivalent to the thresholds recently established in British Columbia and latterly in Prince Edward Island, but these are the first two that ever set thresholds above 50%. These are the first two jurisdictions to toy with this idea, and in the case of British Columbia at least, it came with what can only be construed as disastrous consequences when the threshold was not met but a clear majority obviously opted for change. I'm going to discuss that as well.

The third problem with this bill is that the regulations that are going to be made in terms of the referendum are going to be made by the Lieutenant Governor in Council. That's a fancy way of saying the cabinet. None of those regulations are going to be debated in this Legislature, none of them are going to be open to public scrutiny and many of them are absolutely important to the smooth running of any referendum. Just a short list of the things that are going to be decided inside a cabinet room without any kind of vetting of this Legislature, of the backbench Liberal members, of the opposition members, includes such important things as that the Lieutenant Governor in Council may make regulations dealing with the campaign, the campaign time, the campaign finances, the registration of the pro and con people who are lining up on both sides of the issue, the contributions that may or may not be made, who may make them, the limits to the contributions, how much money can be spent by each side, the spending limits and, last but not least, the entire governance of advertising: who may advertise, who may not and what in fact they may say within the body of the advertising on their perspective of the legislation.

All of these three factors—these are sections 3, 4 and 19—cause me some considerable difficulty and, I would suggest, cause the majority of people who are seized with this issue a great deal of difficulty.

Now, we get to this position because the Liberals promised in the last election to do something about our electoral system. They promised that if elected they would convene a citizens' assembly, that they would look at our first past the post process and that they would empower ordinary citizens to look to see whether or not we could do it in a better way. I am thankful that this is one of the promises that the Liberals actually kept. They went ahead and appointed 103 citizens—one from each riding across this province—to make recommendations.

1940

There was a caveat. You could not have been a past member of this Legislature and you could not have been running. You had to be over the age of 18. You had to be

a citizen and an elector. You had to be on the electoral list. A majority of the citizens who were chosen, 51%, had to be women and 49% had to be men. They found a gentleman, a judge, to be the chair.

I think it wasn't a bad process. Up until that point, I thought it was a good process because actual citizens who were not beholden to any of the political parties, who may belong to any of the three in this House or a party that isn't in the House, or a voter who was not terribly concerned or who had potentially never even cast a ballot—all had an equal opportunity to be chosen.

But what has happened since then is that this government has encumbered those who have given of their time and their expertise over these last six months—who have met every second weekend to learn about the process—with three really bad things, which I've mentioned here: the 60% threshold, the fact the Lieutenant Governor in Council is making all the regulations and the fact that the question that they want to put before the citizens of Ontario as to whether or not their recommendation or recommendations be carried out will not be made by them but will be made by the cabinet in secret session and imposed upon them.

This weekend they're going to make that momentous decision. These 103 rational, intelligent, dedicated Ontarians are going to come out with their conclusion. A great deal has been speculated on what they may or may not be recommending. I think, if the press reports are at all true, that it will be some form of proportional representation that is recommended. They are, though, going to send that recommendation to the Legislature and the Legislature has set up roadblocks which may be impossible for those citizen recommendations to ever become law.

Sitting in the chair and again here tonight, I've listened to what the members of the Legislature have had to say on this issue. I've also seen the newspaper columns on a Premier who does not want to be involved in the issue and of a Leader of the Opposition who has clearly indicated that he is going to oppose what they come up with, in all likelihood, although he did at least say he'd wait until this weekend before he opposes them, as opposed to opposing them right now.

What were these citizens asked to do? These citizens were asked to do something which I think is absolutely vital and fundamental, and something that the select committee had been asked to do earlier by the Ontario Legislature. They were asked to recognize the impacts on the party system of any changes that they might make; the impacts on the functioning of our Parliament of any changes they might make; the impacts on the nature of government as it exists in Ontario of changes they may propose; the impacts on the representation of Ontario society—whether or not people have an opportunity to come here to voice their concerns in the Legislature on behalf of their fellow citizens, whether or not all aspects of our society are properly represented in this Legislature.

I would think it's quite clear to any citizens that we are probably overrepresented by lawyers and under-

represented by farmers and factory workers, because that's the way it is. But they were asked to look at that. They were asked to look at why there are so few women legislators in our province. They were asked to look at ways to have more women and aboriginal people in our Parliament. They were asked to look at ways to increase voter awareness and voter participation and what kind of change of system would accomplish that. They were asked to look at the whole bugaboo of stable government and they were asked to look at the identification of geographic constituencies and the role that those play in voter identification.

It's a very difficult thing to do all of those things and come up with a recommendation. But I have very great confidence that those 103 people, properly instructed, will come up with a plan that works as well as or better than the one we have today.

A great many people and members of this Legislature have talked about the system that has served us so well, and indeed it has. The system has worked but is starting to fray around the edges. One has to remember that the first past the post system that we employ here in Ontario is becoming a rarity in the world. It is used in very, very few places left. The only ones are the national elections of England and Canada. That's it. That's the only two first past the post.

Mr. Bisson: What about India?

Mr. Prue: Not even India.

Mr. Bisson: When did they change?

Mr. Prue: They've changed, too. These are the only two places left in the democratic world that still use this system. Even when the Americans go out to vote for a President, they don't vote for the President. They vote for the electoral college. The electoral college, in turn, votes for the President. That's where you can see what happened in the George Bush election, where he was elected by the hanging chads in Florida. It was because he won the state of Florida; therefore, he won the electoral college votes. Even though his opponent got more votes across the country than he did, George Bush became President of the United States by a rather arcane system, worked out by them some 200 years ago for multi-party democracy, which quite frankly doesn't work so well in a modern society. They are loath to change that system. And I think in this country and in this province many people are loath to change a system that works for them but doesn't necessarily work for the public at large.

The whole issue of 60% is the big one, and that's the one that needs to be addressed and discussed. The Canadian experience has been 50% plus one. My colleague from Timmins—James Bay mentioned the two best examples. The first one was 1949, when Newfoundland decided on its second or third ballot—not its first time but its second or third ballot—to join Confederation. They joined Confederation with but 51% of the vote. Forty-nine per cent said no, but 51% said yes, and I am thankful as a Canadian every day that the province of Newfoundland and the good people of that colony determined that their best interests were in Canada as

opposed to going it alone or remaining as a colony of Great Britain. There was a third option, another option, to join the United States of America, which was fervently debated at that time, but they chose by 51% to join Canada. If we had thrown up the roadblock in Canada in 1949 and said, "You need 60%," I think the Newfoundlanders today would be Americans. That's exactly what would have happened. If they had thrown up a roadblock, and there was no necessity—the people of Newfoundland accepted 51% because they knew a majority of them had decided that way.

The other experience we all know is the Quebec experience. In Quebec, 50% plus one is considered to be a majority in any referendum. I held my breath along with every single Canadian, every single person who wants to hold this country together—

M. Bisson: Je me souviens.

Mr. Prue: Yes, we remember that night. I remember that night darkly, watching the "yes" votes go and go and go and then pile up until we got into Montreal and saw that decline until the "no" forces actually won by a very small percentage.

But the democratic principle was a good one—the question wasn't, and I'm going to deal with that in a minute—that the majority must decide. The problem with the Quebec referendum, of course, was that the question was immensely fuzzy. It looked to me, reading it from Ontario in both English and French, that they were just seeking authority to have a better negotiation with Canada. I think that's really what caused that.

So I welcomed the Clarity Act in terms of setting a clear question, but the principle of 50% plus one is alive and well in Quebec, and it should be alive and well everywhere. Where the majority decides, the majority should carry.

In Ontario we have never put great questions like this, except in the Charlottetown accord. The Charlottetown accord had very strange and arcane rules too, but it did require that all of the provinces come on board. There had to be a 50% rule. There were just so many rules that it was quite literally impossible for it to pass.

1950

But in Ontario, where we have had referenda, we have had precisely five of them, and all of them involved liquor. That was the big thing in Ontario. The first referendum whether or not to allow liquor to be sold was in 1894. The decision of Ontarians was to ban liquor, except that Ontario could not determine whether it was international trade or whether it could cross borders, either from one province to another or from the United States, and the courts threw it down. In 1902, Ontario tried again, with a very small change to it, saying "within the borders of Ontario," and that never became law, although a majority voted for that—slightly over 50%. They did it again in 1919, they did it again in 1921, and in 1924, they did it again, and every single plebiscite, every single one, involved liquor. And that's the entire history of referenda in this province.

Municipalities, though, have conducted a great many referendums about everything from the fluoride in our water to amalgamations, as my friend from Timmins—James Bay talked about. But quite sadly, this Parliament and this government have not seen fit to honour a democratic referendum conducted in this province during the mandate of this government.

You will remember, going back a couple of years ago, there was a ballot question in the city of Kawartha Lakes. You will remember that it was a sanctioned ballot that had the agreement of the Minister of Municipal Affairs, who was a Conservative when it was sanctioned. It had all-party approval in the Legislature. It had the agreement of all three parties that if the people of the new city of Kawartha Lakes voted to deamalgamate, it would be honoured.

That did not happen. A majority—more than 50% plus one; I believe it was up around 51% or 52%—voted to deamalgamate, and this government, in its wisdom, said, “We don’t care what you did. We don’t care how you voted. There are new rules, because we don’t like the results of this referendum.” To this day, the people of that city are forced into an amalgamation that many of them do not want. They feel quite betrayed that the democratic principles of this province were let down by the Minister of Municipal Affairs and by the government led by Dalton McGuinty, because the people had spoken and the rules were clearly understood.

This is what causes me a great problem with the 60% rule, because the attempt is made to do the same thing. It’s to make sure that the threshold is not met, so that the government quite literally can walk away. It portends an action today with such a high ceiling that it is really quite impossible.

I have already alluded to, in my two-minute discussion—as has the member for Barrie—Simcoe—Bradford—what has happened in British Columbia. They have been forced back into a referendum situation with an identical question held at the next municipal election in order to try to get around the stalemate. They cannot and will not leave 58% hanging out there, and I think they probably rue the day that they came up with the 60%.

But why did they come up with that? The all-party select committee went to British Columbia and met with the Premier, with some of the citizen representatives and with the Premier-appointed chair and asked, “How did the 60% come into being? What made you choose this high threshold?” The answers we got, not from the Premier but from everyone else, were quite telling. They were that the 60% threshold was chosen to ensure that it would fail. It would fail because quite literally it is impossible to get that kind of consensus on a Yes or No question in this country. It has proven to be quite difficult in terms of Meech Lake, in terms of Charlottetown. It is literally impossible in the party systems that we have in this province. Nobody has got 60% in any province or in the federal government in any election, I don’t believe, since the time of Confederation. In fact, 1937—mark that on your calendar—was the last election in Ontario where

the majority government actually got a majority of the votes; 1937 was the last time somebody got 50% or more than 50% of the votes and formed a majority government. Every majority government in the province for the last 70 years has been elected with a minority of the votes.

I asked the question—because we had committee hearings on this—of a BC expert: what effect the government’s setting the 60% would have upon our good citizens, the 103 of them who are deliberating right up until this weekend, and secondly, what effect it would have upon the citizens who are going to have to go out and vote. He was quite chilling in what he had to say. Bear with me, Mr. Speaker. It’s about a quarter of a page long, what he said on these two issues. But really what he said in a nutshell was that the setting of the 60% is going to destroy the credibility of the process for those who are involved in it and laterally for those who will vote in it. The name of the expert is Dr. Dennis Pilon, political science department, University of Victoria, British Columbia. I have the actual transcript that he sent. He was on television and got cut off. He sent in this transcript for the last part of the question, and I quote it in its entirety:

“Of course, I don’t know if they are cynical or not”—this is about the 103 people who we have chosen—“though I have heard as they were surprised and displeased with the supermajority rule. More generally, the reports I’ve had from Ontario and in my discussion with BC members of their assembly, members are just the opposite of cynical. A key part of their commitment is their sense that what they are doing is not a waste of time. Obviously, rules that mar the process, like the supermajority rule, detract from that sense that they have been given a real rather than a phony mandate. Given that the government has yet to produce a compelling argument for their decision, I can’t help but think that this will affect morale, particularly if we end up with a BC situation where more than a majority but less than 60% have endorsed change.

“Extending this question to the public at large, I think they too are not cynical about their democracy and its potential, though they are somewhat cynical about politicians and parties. And that is another reason why this supermajority rule is so damaging. It takes what could be a confidence builder in our system, an opportunity to rebuild public trust in our institutions, as well as politicians and parties, and instead raises doubts about why certain rules are being used and to what end. The committee should understand that there is room to build public trust in our institutions and parties. Recent work by the IRPP suggests that while the public are critical of parties, an overwhelming majority are prepared to affirm that they believe parties are essential to a functioning democracy. Thus what the committee recommends and the government does on this supermajority rule could have real effects.” That was the expert from British Columbia, Dr. Dennis Pilon.

The committee heard from a great many people during the deliberations on these recommendations on the

Electoral System Reform Act. I'll just give a synopsis—and I thank the staff for preparing this synopsis; they prepare one for everybody who comes forward—of what they had to say.

Fair Vote Ontario, as you can imagine, did not like that the 50% plus one—they said, “The will of the people in the referendum should be measured with a 50%-plus-one threshold. Consequently, there should be no provisions or extra conditions that allow a minority to veto electoral reform,” and they go on.

A second group was Equal Voice, trying desperately to get more women involved in politics. They had this to say: “The threshold in section 4 is a stumbling block to electoral reform in Ontario. It is foreign to normal democratic standards, and raises the fear that the opportunity for fairer representation of women and minorities will be lost. The section should be amended to require a simple majority vote for approval of whatever new voting model the Ontario citizens' assembly recommends.”

We go on. Dr. Pilon—I have already quoted him, but here is what he had to say on this: “Historically and comparatively, other than the recent BC and PEI referendums, there are no precedents for supermajority rules as applied to voting systems, except where the voting system is entrenched in the Constitution. The threshold in section 4 should be replaced with 50% plus one, period. It is normatively indefensible to privilege one side, as section 4 presently does.”

2000

We have Mr. Smith: “The threshold should not refer to ridings. Rather, there should be one calculation only of the total number of eligible votes, with a threshold of a simple majority.”

We have—let me see; there are just so many of them. Literally, almost every single person who came forward had this to say about the threshold. We had Messrs. Shaul, Deverell, Rosenthal, and we had the Ontario Public Service Employees Union, who advocate for 50% plus one.

But I'd also like to read what the Students' Assembly on Electoral Reform had to say because this has been the topic of so many people here, what a good job the students do. This is what the students had to say about your 60% rule: “The Legislature should conduct a review with the objective of arriving at a just and democratic value for an appropriate threshold. As part of this review, it should examine the viability of a threshold of 50% plus one, with support in at least 54 ridings—that is, a democratic majority standard which would accurately reflect the opinions of the province. The Legislature should further consider not only the implications of requiring a ‘supermajority,’ but also the outcome if a change were to be rejected despite having received support from more than 50% of the province.”

People went on to talk about how it will require three votes in favour for every two votes opposed in order for the system to be changed. There's nowhere else I'm aware of that a majority requires three votes to undo two votes. I don't know where this came from, but this is the

system you've come up with: If there are five people in a room, three of them have to be on one side; if there are 10 people in the room, you have to have six, not five and five. You do the math. It just doesn't work. That's what they had to say.

Quite frankly, I think what the government has done here is scuttle any chance of democratic reform in this province. I will be very surprised on election night, October 10, to see that 60% of the population is united behind whatever the citizens are going to recommend. It is too high a threshold. Having lived through Meech Lake, having lived through the Charlottetown accord—and I was one of the people organizing in my riding for the Yes side; I thought Charlottetown was a good thing that would help to keep the country united. And although we won in my riding and although we won in Ontario, we lost most of the provinces and did not ever see it come to bear. To remember, to put it into historical perspective, it was after Charlottetown was lost that the referendum in Quebec came dangerously close to breaking up our country. So I will be surprised.

I think I've spoken enough about the 60%. I know the government won't reconsider it, because the question of the referendum was first of all put to the select committee. You will remember the select committee. Not only did they travel around the province and go to British Columbia, they also went to look at systems in other parts of the world, including Germany, Scotland and Ireland, to see how their systems worked and what the good things were and what the pitfalls were.

The select committee, which recommended 50% plus one—I want to underline this. The select committee of all parties, who recommended 50% plus one, included the following members: its chair, now a cabinet minister, was Caroline Di Cocco. You'll have to pardon me, Mr. Speaker; I have to read the names rather than the ridings, because they were on the select committee. The vice-chair was Norm Miller, from Parry Sound–Muskoka. Also on the committee were Wayne Arthurs, my good colleague, who's here tonight; Richard Patten, who spoke here tonight; Monique Smith; Kathleen Wynne, who is now a cabinet minister; Kuldip Kular; myself and Norm Sterling. These members from all parties recommended that 60% plus one not—we didn't even consider that. We voted for 50% plus one, plus a majority in a majority of the ridings to make sure that one section of the province wasn't imposing on another. But the important and fundamental rule there was 50% plus one.

The motion which I made during the committee at the behest of Fair Vote Canada, Equal Voice and others was to reduce it to 50% plus one. The motion itself read that the Lieutenant Governor in Council make the decision on the address of the assembly; that is, that the cabinet report to the assembly on what they were doing and that the assembly concur. That was lost, of course, because the Liberals voted it down.

How BC did it, if it's instructive at all, is that British Columbia allowed the referendum question to be determined by the citizens and approved by the Legislature.

Again, the people who came before us and made deputations on the question itself—not the 60% but how the question was asked—had a great deal to say about this and they were not listened to.

We had only four deputations on this second point, four deputations on the referendum question, section 3, that in order not to jeopardize the credibility and integrity of the reform process, the citizens' assembly should draft the referendum question. That was by Fair Vote Ontario and Mr. Smith, a second deputation. The second one was that the recommendations of the citizens' assembly should serve as the basis for the referendum question. This was by Citizen Rapaport. The third one, by OPSEU and a citizen by the name of Gregory, was that the actual wording of the referendum question should be determined by the Legislature and not left to an order of the Lieutenant Governor in Council. Last but not least, from a citizen by the name of Lewis: The wording of the referendum question should require the approval of the Legislature, with defined time constraints placed on the debate.

Not one soul who came before the committee thought the Lieutenant Governor in Council—cabinet—should make this decision and set the question themselves.

The questions of referendum are absolutely essential to the outcome of the referendum. One need only look at what happened in Quebec, which became dangerously close to secession from Canada. It was because of the weakness of the question. It was because the question was fuzzy. It's because they had a particular model that they wanted to follow. It's because they wanted to advocate the separation that they made that question so incredibly weak that it could mean many things and confuse the voters. It is what the Parliament of Canada dealt with later on in the Clarity Act: that it had to be a very clear, unambiguous question.

We will have no say in what that question is going to be. The first time we are going to see that question is when it's already decided. It will be decided by a group of some 20 people, without consultation to the elected representatives. That was not done in British Columbia and it was not done in Prince Edward Island, but it is being done in Ontario. I, for the life of me, cannot imagine why you want this in the bill and why you all are supporting it. Do you not have a role? Do the back-benchers in the Liberal Party not have a role, or do you leave everything to cabinet? Do you think that your constituents should not be consulted on the question and that you do not have the wherewithal to make this decision? You presume, by support of this bill, to leave it all to cabinet.

I find this to be rather troubling because most of the members in this House I consider as my colleagues, I consider to be learned and to have things to say that need to be heard. But in passing this legislation, if the majority does so at the end of this debate, that is precisely what is going to happen. The Lieutenant Governor in Council will make it without due regard to the citizens' assembly, the electoral officer, this House or anyone else. The

question may be a good question, but it may not. In the end, it is the question upon which the decision will be made.

The next thing is the binding ballot. This government has said it will be bound by the citizens should there be a 60% vote.

I don't know how this could possibly happen, and no one in the government has yet told me how it is going to happen that this Legislature can bind the next one. It is contrary to all parliamentary principles, because every Parliament is unique in and of itself and every Parliament can make its own rules and its own laws.

2010

One need only look at what happened in 1995. There was a whole set of NDP laws that I think members of the Conservative Party did not like. One after another, the old laws were struck down and new laws were instituted in their place, and it was the right of that Parliament to do so. The people had voted for a new party, and the new party had a new platform and wanted to institute laws that they felt were part of the mandate that had been given to them. This Legislature cannot bind the next one, although this law purports to do so.

We had two people—one was Mr. Babineau and the other was a Mr. Gregory—who came out to talk about the illegality of it all and how it could not be done. I think it's very clear what the government, in its manoeuvring, is attempting to do here. All the bill says—I invite any of you to read it. It doesn't say that the next Parliament will pass the law; it only encumbers the next Parliament and says "shall introduce legislation."

Anyone who has been around this place very long will know what that involves. That involves someone standing up in the House and introducing a bill. The bill receives first reading and a short explanation is given, and then nothing happens until the government of the day determines that they're going to debate the bill: introduce it for second reading, have a debate and potentially send it off to committee or whatever. All that happens under this bill is that all the next government of Ontario, be it Liberal, Conservative or New Democrat, has to do—the mandate of this Legislature—is introduce the legislation. That's it. Nothing more need be done. Those 103 citizens and those 12 million or 13 million Ontarians who are expecting something of this legislation and a potential change may be in for a very rude surprise, because the legislation does not empower this to happen. Indeed, I would suggest that there is no will for it to happen if you listen to the Premier and to the leader of the official opposition in their mutterings about their support, or lack thereof, for the endeavours of our citizens.

There are more problems with this bill.

Interjection.

Mr. Prue: No. This is a really bad bill; it is. Have you never read these provisions? I'm asking my good friend from Brampton Centre if she has ever read this, because this is what it says.

The whole issue of public education: In British Columbia, when we met with the people in Victoria and

Vancouver and asked about what was happening in the run-up to their referendum, to a person, the Premier, the chair, the citizen members, ordinary citizens, newspaper people—everyone we met—said the same thing: The reason the referendum failed was not only the 60% threshold; it was because people did not understand it. The government spent almost no money on public education, either for the Yes side or for the No side, leading up to the referendum. So little money was spent that citizens who went out to vote and who should have known were scratching their heads and wondering, in effect, what the bill was all about.

The question was fairly simple. All the question said was, “Do you support the recommendations made by the citizens’ assembly?” In a nutshell, that’s what it said. People would either say, “Yes, I support the citizens’ assembly,” or, “No, I do not.” But when people were asked, “What does this mean? What do the recommendations mean?” they were perplexed and hard pressed to explain the STV system that the citizens had come up with. I am hard pressed to understand it too. I have referred to it variously as an arcane system, a system no one can understand, a system that works at best in Ireland and Malta, the only two places on earth that use it, in which it is a long and elaborate process of trying to determine a winner.

The public education in BC was virtually non-existent, and people there told us, “If you are going to establish a citizens’ assembly, if you are going to empower them and come out with a referendum question, then it behooves the government to put adequate resources toward it.” That has not been done. There is nothing in the body of the bill that allows for the expenditure of money. There is nothing in the body of the bill that allows the minister of democratic renewal to do anything leading up to October 10. There is nothing here for the amount of money that can be spent. There is a prescription and there is a way in law to limit how much money can be raised and how much can be spent, but certainly there is nothing here for public education.

Fair Vote Ontario, among other groups, requested that some money put aside for this. It need not be put in the bill, but I was hoping that it could at least have been put in the budget we voted on today. But there was no money in the budget for this. I don’t know whether there is going to be any, but there is no money in the budget for the referendum. Look through it as long and as hard as you want; there is nothing there.

It has been estimated that in order to do the job, you would need about \$1 per person to be spent on education. It can be a whole bunch of things: TV advertisements, radio spots or shows, print media, multi-language media, household flyers that are put out when the citizens’ assembly comes to their decision and again closer to the election to inform people what the vote is all about. It is estimated that about \$1 per person in Ontario will need to be spent to inform the public about what the referendum contains. But there is nothing in the bill; there’s nothing in the budget. There’s no government funding for it. I

don’t know how people are going to find out about the system.

I am thankful that the 103 citizens, in their wisdom, a week or a week and a half ago, made the decision, in looking at STV versus MMP, to disregard the STV model, because I don’t know how you would explain that for \$5 per elector. I don’t know how you would explain that system for \$10 per elector. In any event, here we have no money at all.

We in committee suggested, and I put forward a motion, that we should allot a budget for the Yes and No sides or for the education sides or for a motion to the Chief Election Officer to conduct a public awareness campaign, and every single Liberal on the committee voted that down. I don’t know where the money is coming from. I don’t know what you intend to do. I don’t know how the public will ever be educated.

Add these up—the 60% rule making it impossible, the question being decided by the Lieutenant Governor in Council and the fact that under the regulations no money at all is being spent for public education on a system that people do not fully understand—and it is tantamount to saying this is not going to happen. I believe that’s what the government intends and intended all along.

The 103 people will make a recommendation this weekend. Their recommendation will come down to a couple of things. They made a recommendation last weekend on whether it was mixed member proportional or single transferable vote. As I’ve already said, the single transferable vote is arcane, it is difficult and it is used in only two places on earth: on the island of Malta and in Ireland, and in those places it is used to dramatic effect.

If one goes there—I’ve been to Malta, a long time ago. I didn’t discuss electoral stuff; I was there as a tourist. But in Ireland, if you discuss what happens as a result of their voting procedures, you will discover several things. Number one is that part of the mandate of this committee is to try to find a way of involving women and minorities. You would be surprised to learn that the STV system does neither. The STV system allows for families and extended families to hold on to seats, sometimes indefinitely, for years. The only women in the Irish Parliament are there by virtue of either being the widow or the daughter of a deceased member who takes over the seat upon the death of the male member. Those are the women who are in the Legislature in Ireland. The STV system is even more brutal in Malta, where virtually no women are elected to their Parliament.

2020

So I am glad that the citizens came to the conclusion last week that this is not a system that has much future in Ontario. If there was to be any bellyaching by people about how many members of the Legislature there are, when we questioned the Irish authorities on how to make the STV system work in Ontario, they were very blunt. In Ireland the STV system works because there is approximately one member elected to the Irish Parliament, the Dáil, for every 15,000 people. There are four- and five-

member constituencies, and so you either have 60,000 or 75,000 electors in your constituency and you elect four or five people, not the top four or five but in a complicated set of votes to get you there. In order for this system to work in Ontario, the people told us we would have to have 600 members of the Legislature. Let me underline that for anybody who wants the STV system: In order for the STV system to work as well as it works in Ireland with all of the pitfalls, we would have to have 600 members of this Legislature; that is, every seat in all the public galleries would be full of screaming politicians trying to get their voices heard. I want to say that I thank the citizens' assembly for coming to the conclusion that the STV system is not one that the majority of Ontarians would support in a democratic ballot.

I also read the newspapers, the same article that was quoted in its entirety by my friend from Barrie–Simcoe–Bradford, talking about the mixed member proportional system. Let the members of the assembly know that this is not just a German model. It is, in fact, the model that is used in almost every democratic institution in every country in the world other than our own. It is used in Great Britain, save and except for the Mother of Parliaments at Westminster, which continues to use the system we use here in Ontario, called first past the post. In all the regional assemblies of Great Britain, particularly in Scotland and Ireland, they use the mixed member proportional system. They use it in Germany, they use it in the Scandinavian countries—they use it literally all over Europe. They use it in New Zealand, the most recent convert to that system of governance. The system has its detractors. One of them, and I heard my good friend from Parry Sound–Muskoka allude to this again, is that we would increase enormously the size of this Legislature up to 129 members.

Mr. Miller: No, I said the geographic area.

Mr. Prue: Okay. I'm going to get to that too. I don't want to presuppose what the good citizens are going to be thinking or debating or doing this weekend, but I want to allay the fears of those who think that this is some kind of system that is going to so radically change this Legislature that it would be unworkable. In fact, all that would happen is that people would have two ballots. All that would happen is that a proportion—and I've read the number 90—would be elected exactly as we elect them now and the second ballot would be for party preference. After the 90 were elected and there were another 39 people to be put into the House, they would come there by way of the proportional ballot. So if a party got 20% of the vote, that party would get 20% of the seats. What a radical idea. And if a party did extremely well, as the Liberals did in the last election with 46% of the vote, they would still end up with a majority government, because there are only 39 seats available and the portions would go primarily to the opposition. As the Benzie article quite clearly pointed out, it would still result in a majority, although not in as large a majority government as was produced in 2003.

But the good thing about the system—which I hope the citizens' assembly is coming forward with, and which the select committee was mandated to look at—was, how do you do three things?

How do you increase the number of women in this House? One need only look at one election after the mixed member proportional system in Scotland and Wales. It took exactly one election for them to go from the same as us—15%, 20%, 25% women—to, in the case of Scotland, 48% women elected in the first MMP Parliament, and in the case of Wales, 52% in the first MMP Parliament. The transformation that took place was to allow the party, through list systems and other minor parties, to put forward equal numbers of women candidates, both in the constituency and on the list, to ensure that when the final results were made known that there were women in the House proportionate to their numbers in the country as a whole. It also allowed for people who had never heretofore been represented in the Legislature to find an equal voice. It allowed people who were recent immigrants although citizens to have an opportunity to participate and to have their names added.

In a country like Canada and in a province like Ontario, do you know we could actually have a First Nations member here? Do you know we could have one? We've never had one. Do you know that in a province like Ontario, if you have an MMP system—I'm thinking about the leaders of the parties; the leaders of the parties have constituencies to look after, because they're members just like all of us—that might unencumber them in order to do the job they need to do without looking after constituency work. It's an idea that really needs to be looked at.

I am not fearful of what the citizens are going to recommend. I don't know. I got two phone calls today asking me did I like it if the citizens went in this direction or that direction on regional lists versus province-wide lists. That is of no never-mind to me. I believe that the citizens will make the best decision and that it behooves all of us who have allowed this process to go on for six months to hear them out, to not be fearful of an idea they might have and to listen to what they have to say.

We have rules in all of the provinces and they all vary. Ontario does not have a rule in this, although we've now developed one for this election. I look to what Quebec has done, and they probably have set the standard. They fund their people. They fund the Yes and the No sides. They have clear, unambiguous questions now, although they didn't in the last referendum. They allow the majority to prevail.

I looked at New Brunswick, what was happening under the previous government of Mr. Lord, and they were going in the same election: 50% plus one; clear, unambiguous questions set by the Legislature; adequate funding.

I look at British Columbia, which has learned by their own mistake of 60% and having to do it again: clear, unambiguous questions; funding for both sides. The next referendum, they promise, will be very different from the

last one in terms of money, in terms of expertise and, they hope, in terms of the general outcome.

And then I look at us. We have a province here and an opportunity. We have an opportunity to make a real difference if we listen to what the citizens have to say—if we give it a chance, if we don't run off and say the constituencies are going to be larger, as my friend from Parry Sound–Muskoka had to say. Some of them may, in fact, be larger.

Mr. Bisson: They're worried about large constituencies? They should visit mine.

Mr. Prue: Yes, exactly. You have a large one. I mean, I have a larger one—

Interjection.

Mr. Prue: —in terms of population, although not in terms of area.

I can't repeat it, but it was quite funny, my colleague from Nepean–Carleton. But I don't think that one should be over the public airway.

2030

We need to look at that. We need to look at not only the size of the constituencies and how many people we represent, but the geographical size. It was one of the mandates that was given to the all-party select committee; but they had other mandates, and I've gone through some of those: to increase the percentage of women; to increase the percentage of people of our First Nations; to try to get people plugged back into the process, which many feel has failed them.

Mr. Speaker, you know that over the last number of Parliaments, from the time when I was a young man, when there was an 80% turnout in provincial elections, to today, when the percentage turnout barely makes 50%—something needs to be done to reinvigorate the process. I don't know whether it is a change in the procedure in here where you don't have people yelling back and forth at you during question period, I don't know whether it's a change to the electoral system, I don't know whether it's getting better candidates or allowing more women into the process, but I think all of the above is probably a good start. We need to be open, and to that point we need to change a system which has not worked in this province since 1937. As I said before, that was the last Parliament elected in Ontario that actually had a majority vote—more than 50% voted for the winning party. Since then, no party has ever got 50% again. The closest we've come in a long time was the last election, 2003, at 46.6%. But we have to understand that the likelihood of gaining that 50% is remote. If the citizens so choose, if they advocate change and if the citizens of Ontario in the plebiscite on October 10 agree, who knows? The face of this Parliament could change. We could have members of the Green Party. I think they should be heard. We may have more women and others.

I take heart from the words of our students. I got here the other day the Students' Assembly on Electoral Reform draft report. It is in such huge print on the front they must have known it was for me because I can read it without my glasses. But on page 21 it's in much smaller

print. I quote just what students, young people, have to say, because this is the future. We need to listen to the young people. They have gone out for weeks and weeks and months and discussed this in their classrooms and come and made decisions. What they have to say is instructive to me, because we do it for them in the end. And they say, "Together, the results of the students' assembly program send a message that might sound familiar: Let's consider change. Let's listen carefully to people who say that some things are not working as well as they should and that there is a better way. But let's be cautious. Let's give some credit to the system we have now for getting us this far, and pay close attention to the concerns of citizens, young and old, who see a great deal of value in it." That, out of the mouth of babes, says it all.

We in this Legislature need to listen to them. We need to consider the change that we have been mandated to do and the mandate that we have given to our citizens' assembly. We ought not to prejudge them. We should embrace the change if and when it comes for what it will do and not be fearful that because we have done this this way for more than a hundred years, it is the best way. Everywhere else in the world that has studied what we do has rejected the way we do it. Every new democracy, in setting itself up, has looked at the first past the post system and has rejected that system. And they do so for good reason. They do it because it often does not reflect the will of the people. If the people vote a certain way, they expect a certain result. I can think of no better example than what happened to the poor Progressive Conservative Party under Kim Campbell as leader—25% of the vote in Canada, two seats out of 300.

Ms. Lisa MacLeod (Nepean–Carleton): Don't cry for us.

Mr. Prue: No, I'm not going to cry, but I am going to cry for the fact that 25% of the people of Canada chose Kim Campbell and her team to represent them and they only got two seats, or about less than 1%—

Ms. MacLeod: One was Elsie Wayne.

Mr. Prue: One was Elsie Wayne and the other was Jean Charest, who's now a Liberal. But in any event, that is the most telling example of what this kind of system disproportionately does. If we can change that, if we can look at a way that that does not happen again, then I think the country will be better off for it.

I look forward to a time and an opportunity to debate this further, but I leave the rest of the debate to the good citizens this coming weekend, and I wish them Godspeed.

The Acting Speaker: Questions and comments?

Hon. Leona Dombrowsky (Minister of Agriculture, Food and Rural Affairs): I do think it's appropriate that we are debating this bill a day after our nation recognized the sacrifices that were made by Canadians at Vimy. Those sacrifices were made by Canadian soldiers so that we can enjoy the freedom and the democracy that we have, and we have the freedom to consider how our democracy operates and if there are better ways for the people in our country to be represented. So I think it is really quite appropriate that we are talking about this bill

this evening, given the great sacrifice that those soldiers made so that we would have the right to do it tonight.

I do want to perhaps address three points that were made by the member from Beaches–East York, who I think did a very good job over the last hour presenting his position on this bill. He did raise the point around public education and the importance of ensuring that the people of Ontario have an opportunity to be very clear on what the question is going to be, if it is in fact the recommendation of the assembly that there would be a referendum, and that there needs to be a lot of education for the people of Ontario so that they are clear on what they would be voting on. I agree with him on that point.

I also, though, want to address his point about the threshold. I think it's important that I offer another perspective. I respect the one he's provided, but John Ibbitson has indicated that "50% plus one just isn't enough. Referendums are important instruments. Not everyone shows up to vote, and not everyone who votes casts that vote knowledgeably.... For a referendum to validate a major change, the result must indicate a consensus, both within the overall population and among its regions."

Ms. MacLeod: I'm pleased to add my voice to the debate tonight and I appreciate the work of my colleague from Beaches–East York and the comments, obviously, from the Minister of Agriculture. He discussed something, which was increasing the women in this House. Obviously, tonight we're a healthy number here. As one of the five youngest women ever to be elected to this Legislature and the youngest ever of our party, the Progressive Conservative Party, in either level of government, I can just say that getting me here wasn't as tough as it is keeping me here. And I don't mean that electorally, I don't mean that in a campaign perspective. But let's talk about this institution as a whole, which is something that this bill doesn't do. And it's something, the Speaker will note, that I've had many discussions with him on. But let's talk about fixing the lack of productivity in this Legislature and what it means to actually be reflective of the people we represent.

As a young mom, and I know I'm not the only one here—we could do a lot to modify this institution very easily together. Things come to mind: tightening the standing orders to make this place flow a little bit quicker and modifying the sitting hours so we're not here at 8:45 at night and maybe we could be with our children. That would be more appealing to women my age who would like to run for this Legislature. In addition is the fact that we don't have a daycare facility on the premises here that actually would work for someone like me and the member from Stoney Creek, so that if we did have to sit in the evenings there would be care for our children very close to us, or during the day, so we could be near our families, especially when we live so far away, like my friends from Nickel Belt and Kenora. I think we have to start looking. As legislators here, just recently we were able to break for the first time in Ontario's history the glass ceiling: Women now occupy 25% of the seats in

this Legislature and we should all be very proud of that, and we're from all three political parties. But what we've got to do together is work to modify this Legislature as a whole.

2040

Mr. Bisson: I just want to say that I'll wholeheartedly support most of what was said by my colleague just now in regard to her response. The one I have a bit of problem with is the rule changes, because any time I've seen rule changes around this place, they've been on how to stifle members from being able to participate. I certainly don't want to invite that kind of discussion.

I want to just say for the record that I thought the member from Beaches–East York, my colleague and friend, put out the technical arguments about what this is all about and what some of the difficulties are with the bill. We in the New Democratic Party support the idea of changing the electoral system. We believe it makes a lot more sense. Why shouldn't this Legislature reflect the true results of provincial elections every four years? Why should we have a situation where a majority of members could be in a government caucus who haven't got 50% of the vote? I, for one, have always supported the idea of changing the electoral system.

The problem, however, is that the government, in drafting this bill, has done a number of things that quite frankly are going to make it fairly difficult, if not impossible, to achieve. You're going to have to get 64 ridings to say yes at 50%, but 60% of the population in total is going to have to vote in favour.

I just say that Canada has had all kinds of experiences with referendums and we've done everything else by 50%. Newfoundland joined Canada at 50%; Quebec tried to separate from Canada at 50%. God, we got flouridization in Toronto at 50%, but we can't fix an electoral system? We've got to put it at 60%? I say to the members across the way who support this that this is truly not democracy. Democracy is a principle of 50%. If we're afraid to go to the people of Ontario and trust in their wisdom at 50%, then maybe this government should basically step aside and decide not to run, because certainly this doesn't reflect democracy in my view.

Mrs. Jeffrey: I'm glad to join this debate, and I wanted to compliment the member from Beaches East–York. He's clearly been very thoughtful in his discussion of this issue tonight. He's brought a lot of technical issues to the fore.

To anybody who was able to listen to him this evening, he spoke about the merits of various systems. He tries to honestly provide us with some depth on this issue, because it's very easy to look at the surface of what we're discussing. But clearly we all struggle with how to provide the best democratic representation in this House on a regular basis, based on the kinds of legislation that come before us and the kinds of issues our constituents bring us.

We heard from the last member that, ultimately, the NDP supports electoral change, as do we. We just disagree about how we will do it. I appreciate the debate

we've heard tonight. We've heard it from student representatives; we've heard it from high school students. We've all been very impressed by the depth and the thoughtfulness of the responses we've had. I remember, when we were doing the hearings, we had some really effective presenters who were passionate, who came through snowstorms to speak to us. We waited to hear from them because they were worth waiting for. They had clearly done their homework, they had thought about this issue, and they gave us some very meaningful dialogue on what we should be considering when we finally get the report from the citizens' assembly. I look forward to it in May.

I think we have always been wondering whether or not that assembly will in fact recommend a change. We've heard tonight that most people expect that change to occur. Certainly this citizens' assembly should be commended for the amount of hours, thought and diligence they brought to the task of looking at electoral reform.

The Acting Speaker: I'll return to the member for Beaches–East York for his reply.

Mr. Prue: I'd like to thank the Minister of Agriculture and Food, the members from Nepean–Carleton, Timmins–James Bay and Brampton Centre for their very thoughtful comments.

In the two minutes I have, I'd like to deal with two of the questions and comments, the first from the Minister of Agriculture. She quotes John Ibbitson. I would be persuaded by John Ibbitson except that he is a columnist, he's not a political scientist, although I do agree he knows a great deal about politics. But in any event, if you read his earlier two columns on this subject, you will see he is diametrically opposed to any change in our system. Of course, when you are diametrically opposed to any change in the system, taking the position that he does, that it requires more than 50%, is a natural flow. I can see that in some of the government members who are a little antsy about changing the system and have seized upon the same conclusion as Mr. Ibbitson. I take that for what it's worth; a man who opposes any change finds a venue and a model for it not to happen.

In terms of my colleague from Nepean–Carleton, she is absolutely right, but I want to give her great tidings from Scotland. Scotland, after they instituted and got 48% women, the first action they took was to build a daycare centre. The second action was that they stopped all meetings at 5 o'clock at night in order to allow parents to go home to be with their children. They made it into a woman-friendly place, as is Wales. And it is not just unique to that country. Also in the Legislature of Nunavut, which does not use the first past the post system but is collegial, the first action was that the women there, who had not quite a majority, had a women's caucus that came up with the same conclusion, and in fact they have daycare services and no meetings after 5 o'clock. Would that there were more women in this House.

The Speaker: Further debate?

Mr. Shafiq Qadri (Etobicoke North): It's a privilege to speak on Bill 155, the Electoral System

Referendum Act, 2006. I think there are a number of general principles that this particular bill is attempting to hopefully enshrine and really diffuse: democracy, inclusivity, a representative voice of Ontarians and citizen engagement.

As we're talking about democratic renewal, I thought I might, Speaker, with your permission, quote one of the great democrats of the century, that is, John F. Kennedy who wrote, "The efforts of the government alone will never be enough. In the end, the people must choose and the people must help themselves." "Democracy is the most demanding of all forms of government in terms of the energy, imagination, and public spirit required of the individual."

I think that part of what I can determine exists in Bill 155, and yes, going forward, subject to the recommendations of the citizens' assembly, and yes, going forward, subject to the outcome of the referendum, which will be part and parcel of the October 2007 election, embodies some of the essence and the best spirit of that particular citation from President Kennedy.

I would also like to acknowledge some of the remarks that were made earlier with reference to this particular bill, for example, from the Minister of Agriculture and Food. I think her remark citing the fact that we are really the inheritors of a deep struggle for democracy and we have this privilege, this opportunity to reframe, to reconstruct, to reconstitute what we consider to be our democracy, is certainly one of the great testaments to our form of government. I would also like to commend our honourable colleague from the opposite side the member from Nepean–Carleton, that yes indeed, we need to have all voices heard, whether it's based on gender or ethnocultural diversity and so on. And that is hopefully part and parcel of the recommendations that should come forward.

Mention has been made, for example, of student assemblies. I had an opportunity just recently to speak at the Ontario model parliament. It was held at Upper Canada College, and I was pleased to be joined by my colleague from the third party the MPP from Parkdale–High Park. One of the things that we were struck by was the energy and enthusiasm and really the engagement of the students. Hopefully, that bodes very well for this entire enterprise of democratic renewal.

With due respect to the thoughtful and considered remarks from his former worship the mayor of East York, the member for Beaches–East York, I thought it was somewhat confusing in the sense that his citation of the experience from other jurisdictions—whether it's, for example, Scotland or Wales where they have endless numbers of parties represented, and perhaps even most particularly with the almost imminent or impending loss or fracture, separation of our Dominion, the country of Canada based on that, I would say, absolutely literal-minded definition of a majority—I think his citation of those experiences actually supports our legislation here that there should be more vigorous, numerically higher support for a change that is going to be so fundamental

for democracy. As some of our colleagues mentioned earlier, we are not creating this particular system overnight from scratch, *de novo*, clean slate. It's a system that has been inherited, it's a system that has been tweaked over the years, but it's a system that is always a work in progress, like perhaps all the various files of a modern government.

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Parts of the aspects are particularly worthy of support, and a number of individuals have dealt with these issues: for example, the extra support, which is perhaps our answer to clarity, that if there is a fundamental 60% double supermajority support for these types of fundamental reforms, then they will be enacted.

Now, there have been a number of different aspects. I'm not entirely sure why the MPP for Beaches–East York sort of discredited the *Globe and Mail* as well as columnist John Ibbitson, perhaps for lack of professor designation, but I think his quotation about “50% plus one just isn't enough. Referendums are imperfect instruments” really speaks to the heart that if we are going to make these very strong changes, really reorganizing the representation in Parliament, what voices will be heard, it does demand more than that kind of, I guess you could say, numerical coincidence of 50% plus one being, yes, an official majority. That's what we mean when we're talking about foundational change requiring a solid majority.

There are a number of other aspects, but ultimately, in terms of trying to increase the voices, the inclusivity, the representation, in a word and a package deal, the flow of democracy is what I think Bill 155 is all about and why it is worthy of our support.

The Acting Speaker: Questions and comments?

Mr. Bisson: Again, I just want to get back to the issue in regard to one of the central parts of this particular debate and what's in this legislation. I again want to say I support the concept of moving towards proportional representation. I believe that the province would be well served in the end if the Legislature was made up of the composition of whatever the percentage of the vote was in a general election by party. That way, clearly the will of the people would be followed in the Legislature. As an example, if a party such as the Liberal Party in the previous election, who got 48% of the vote, got 48% of the seats, it would definitely mean to say that they'd have to work with the opposition in order to pass contentious legislation.

For example, we have a budget bill that's coming before us now where the government has decided to tax the De Beers mining project, the Victor mining project up in Attawapiskat, from 5% to 13% on royalty. The government goes, “Oh, what does that mean?” It means to say that basically we're taking the tax jurisdiction in mining in Ontario from being one of the best in the country to, quite frankly, the worst. What that means for explorationists and what that means for the development of new mines in northern Ontario, quite frankly, is disastrous.

I attended last week, along with other members here in the Legislature, Meet the Miners, where the mining community stood before us, specifically De Beers, and pointed to the presentation in the back of the room and said, “See that? That's the first diamond mine ever to exist in the province of Ontario and probably will be the last because of this government's budget, having to do with moving the royalty from 5% to 13%.” My point in this debate is the government would have to go and get somebody on the other side of the aisle to support such a concept. And you know what? If the opposition on the other side decided not to support it, not a bad thing. It means to say that the government would, for once, have to listen to the stakeholders or the people of the province of Ontario, in this case the people who live in north-eastern Ontario, when it comes to mining. So I say, bring on proportional representation, because at the end of the day maybe we're going to get some true representative views by way of legislation in this House.

Mr. Levac: The member for Etobicoke North spent some time explaining the process and what are the outcomes. I want to re-reference John Ibbitson's comments for two reasons. One is that there's an interesting reflection when referenda take place during an election. I've heard this myself, and I remember that my friend from Beaches–East York was referencing his participation on the Yes side. One of the things that came true during an election—not during that particular referendum; it was independent, as he would acknowledge. I think what Ibbitson is trying to say is that when you start attaching an election to a referendum at the same time on a ballot, where you make references to a government, there may be cause for concern that the people are referencing it as a report card on the performance of the government. That's not what this is about. To separate the two, we have to make sure that people are clear on this. He's saying and advising that 60% would eliminate some of the potential of somebody misusing the referendum, not to speak about democratic reform but maybe to speak to their discontent with the government. That's a concern I would have.

The second portion of that would be to make sure the opposition wouldn't be using that as a tool to say, “Let's go after the government by voting no,” or “Let's vote in this way because it might mark up the government a little bit.” I honestly think we're above that, but I think there are concerns that the electorate may see it as that, and would there be someone taking advantage of that? I think that to say Ibbitson is wrong in assessing that 60% is too high is unfair as to his capacity to see what goes on during elections.

Mr. Miller: I'm pleased to add some comments on the speech by the member from Etobicoke North. I just came in as the member from Timmins–James Bay was talking about mining, and I'm not quite sure how he worked that into Bill 155, which is about referenda. But I think it's probably something like the fact that if this government had kept its promise in the last election, when it said it wasn't going to increase taxes and then got elected and

had a huge tax increase in the form of the health tax, and then he bridged to this new mining tax that was just brought in.

I was at the same Meet the Miners reception that the member from Timmins–James Bay attended, and I agree with him: De Beers was there and they were not happy with the way they're being treated by this government and the way they were surprised. It's never good to be surprised when you're in business and investing \$1 billion in the economy of Ontario and creating jobs in the far north, in the Attawapiskat area, where jobs, employment and opportunity are so needed. The representative from De Beers characterized the way they've been treated by this government with the surprise increase in the new diamond tax, which applies only to them because they are the only diamond mine in Ontario, just about to open, and they get a surprise tax. The representative said he had 20 or 30 e-mails from his company headquarters that he was delaying responding to because he had sold them on the idea of investing in Ontario, based on stable government, and now he had to answer where this tax came from—"This Third World tax" was the way he characterized it—and was going to have to explain that. He pointed out that this may be the only diamond mine that ever opens in Ontario if these are the sorts of policies this government is going to bring forward. That, of course, relates back to the broken promise by the McGuinty government in the last election, when it said it wasn't going to increase taxes.

Mr. Prue: I listened intently to the member from Etobicoke North, trying to understand his reference to me as the former mayor, which of course was true, and that my argument actually gives credence to his own. I have struggled and tried to determine how what I had to say, quoting all the authorities, from Dr. Dennis Pilon to all the people who came before the committee, opposed to the government's proposal to have a 60% threshold, would give any credibility to his own. I struggle with that, and I'm still trying to figure out what he was trying to reference. Perhaps, in his two-minute rebuttal at the end, he can explain how quoting all those learned people from Ontario and British Columbia and the arguments of past referenda in this province, in Quebec and in Newfoundland somehow play into an argument for 60%, because I don't understand it. Perhaps it's just me and the lateness of the evening.

2100

As well, to buttress that argument, the member from Brant went on to talk about Ibbitson. I don't want to get too far away from what that learned writer may have had to say. In fact, in some of his earlier writings he may have talked about the confusion that takes place at the time of referenda and a general election being held together. But in the opinion of the government—his own government—and the select committee as well, it was the best opportunity to ensure a high enough turnout to warrant the actual holding of the referendum. Even in a place like Prince Edward Island, where they had a 65% turnout for the new link—the bridge—they only had a

30% turnout on a stand-alone referendum. This way, we would ensure at least a 50% or 60% turnout, exactly as the election.

The Acting Speaker: The member for Etobicoke North has two minutes to respond.

Mr. Qaadri: I'd like to recognize the participation of my colleagues in this chamber: the MPPs for Timmins–James Bay, Brant, Parry Sound–Muskoka and Beaches–East York.

With your permission, Speaker, should these individuals, particularly the MPP for Timmins–James Bay and the MPP for Parry Sound–Muskoka, have more opportunity to speak on Bill 155, I'd encourage them to address more of their remarks to the substance of the bill than to other pieces of legislation or controversies that are flowing through this place.

The MPP for Beaches–East York poses a direct question. I was struck particularly with his almost lament that we almost lost the province of Quebec to the Dominion of Canada with this numerically coincident idea of 50% plus one being a majority. You seem to require, from your remarks or from the tone of them, that such a fundamental change to the structure of Canada, our Constitution and our framework of democracy would require more than just that absolute numeric majority. I thought that was part of what Bill 155 is trying to establish: If you are going to make such foundational change so that you may hopefully remedy some of the lack of representation and, I guess you could say, the proportional disconnect between the number of seats, the number of votes cast, the popular vote and all that, you'd want to make sure that the individuals who were casting ballots were fully aware, fully apprised of what they were voting on. I thought that was partly why Bill 155 was worthy of support.

In any case, accountability, transparency and citizen engagement, that's what Bill 155 is all about and that's why it deserves our support.

The Acting Speaker: Further debate?

Mr. Toby Barrett (Haldimand–Norfolk–Brant): I appreciate the opportunity to weigh in on Bill 155 and present some of my views on democratic reform. I should qualify that: I'm presenting some of the views or analysis of one of my staffers, Josh Deming, and also some of the views of my daughter, Brittany Barrett. She just submitted an essay, in her second year at Brock, titled Electoral Systems: A Comparison of Non-Proportional and Proportional Systems. Much of the discussion that's been going on since the last election has probably generated a few essays across our university system, and that's a good thing.

In reviewing my daughter's essay, she points out that no electoral system can create true proportional representation. Each system has its own distortions in the vote-to-seat ratio. I'll try to expand on that a little bit, but at the outset, it is important to distinguish between electoral reform and democratic reform.

One definition that electoral reform encompasses is: any measure that will serve to change the mechanical

process by which we elect our representatives. That is the focus of this particular piece of legislation brought forward by the Dalton McGuinty government.

Secondly, democratic reform, on the other hand, encompasses any measure that will serve to improve democratic governance, and it's important because electoral reform in a sense is a subset of the broader democratic reform. Electoral reform is one way, one of many possible tools that can be used for the broader goal of improving democratic governance within the province.

Before we begin searching for any solutions to some of our democratic woes in this province, we have to ask ourselves the following question: What's wrong with the system? I'm not convinced that this bill, Bill 155, titled Electoral System Referendum Act, is really the answer to what is wrong. The question remains. Things are wrong, and I think it's safe to say there are a number of criticisms that we hear. I'm a door knocker; I hear this and I see this constantly as I go door to door. Public cynicism right now is very, very high. The government that people are getting is not necessarily the government they voted for. The Ontario Legislature is not necessarily proportionate to society at large. As we heard this evening, there's a gender imbalance. There are other imbalances with respect to demographics. In many ways, the Ontario Legislature is not functioning as well as it could be as a forum for democratic debate.

That's not an exhaustive list, but there are some criticisms and a list that I feel provides a bit of a foundation for the debate this evening.

So, for example, how do we alleviate public cynicism? How do we ensure that the government we get is the government we voted for? How do we encourage the formation of a Legislature that reflects society, and how do we improve the ability of this House to act as a forum for democratic debate? More importantly, will changing the way we elect MPPs—in other words, changing the electoral system—answer these criticisms? Clearly, it won't. It would obviously deflect or suppress some of the criticisms, but ultimately electoral reform is not the be-all and end-all for democratic reform.

I feel this particular bill, Bill 155, does miss the point somewhat. By way of analogy, we could look at our democracy in the province of Ontario and some of its problems compared to a common cold: the itchy eyes, the sneezing, the runny nose, the cough. Bill 155, in a sense, would offer some cough syrup perhaps, but it doesn't really focus on the root problem, the cold itself. The syrup would obviously suppress the cough, as it is intended to do, but really not get to the root cause. Another analogy: the age-old analogy of the deck chairs on the Titanic. I see a bill here that's essentially an effort to reupholster the deck chairs on the Titanic. It might make it look a little better, but it's not going to deal with the underlying problem.

I mentioned public cynicism as a symptom of a problem in our democracy. This coming October, I suspect, many MPPs will be running door to door, and they're going to run into people who are going to indicate

to them, "Well, you're all liars. All politicians are liars." This is what often happens when you have a government that is led by an individual who doesn't tell the truth. That being said, I tend to believe that public cynicism is caused more by the way politicians act once they're elected rather than by the process of how they are elected. So what would happen if, instead of changing the electoral system, we pursued some other basic reforms: keeping campaign promises, for example? Promises will be rolling out within a matter of months.

2110

Respecting the role of MPPs, taking a look at essentially a lack of productivity in this particular Legislature; improving decorum in the House—we've seen significant progress on that front; improving the flow of information to all media across the province; and improving the flow of information to the general public. If we move forward with some of these basic democratic reforms, in a sense there would be less need for any kind of window dressing or electoral reform, and it would go a long way to improve our form of democratic governance.

I can say with certainty, for example, that people in Ontario did not vote for the health tax. They did not vote for the delisting of health services. They did not expect the lottery scandal and the cover-up that went with that. They did not vote for broken promises, an inflated public debt, cuts to agriculture. The list could go on and on. If this government was truly interested in democratic reform, let alone electoral reform, it would take a look at itself and reconsider saying anything or paying anything or doing anything to get elected. That would be a good start.

In 2003, we were told about the fact that there would not be a tax increase. We could have been told the truth. We could have been told the truth about the purposely broken promise to families of autistic children. Farmers could have been told the truth—

The Acting Speaker: I have to caution the member for Haldimand–Norfolk–Brant to ensure that his comments fall within what is parliamentarily acceptable.

Mr. Barrett: Thank you, Speaker.

The government could admit that nothing has been done to protect people in Ontario from this lottery scandal and the cover-up—

Interjections.

Hon. David Caplan (Minister of Public Infrastructure Renewal, Deputy Government House Leader): Goofball.

Mr. John Yakabuski (Renfrew–Nipissing–Pembroke): What did you call me?

Hon. Mr. Caplan: Goofball.

Mr. Barrett: I think we all agree in this House that promises have been broken. There are something like 50 entries—

Mr. Prue: On a point of order, Mr. Speaker: I just heard a minister call a member on this side of the House a "goofball," and I think he should apologize. As a matter of fact, I think he should be removed.

Mr. Yakabuski: I'm the one he directed it to, and all I did was ask him—

Interjections.

The Acting Speaker: Would the Minister of Public Infrastructure like to say anything?

Hon. Mr. Caplan: I'll withdraw.

The Acting Speaker: I'll return to the member for Haldimand–Norfolk–Brant.

Mr. Barrett: Thank you, Speaker. I guess I'm not—

Interjection.

Mr. Yakabuski: You're an idiot.

The Acting Speaker: We have 15 minutes to go. I ask the House to come to order and I'd ask all members to demonstrate respect for each other and the fact that each of us is elected to this place to represent our constituents.

The member for Haldimand–Norfolk–Brant.

Hon. Steve Peters (Minister of Labour): On a point of order, Mr. Speaker: We're talking about the use of proper parliamentary language this evening, and I believe I heard a comment from the member for Renfrew–Nipissing–Pembroke calling the minister an idiot, and he's not in his seat. I don't think that's very appropriate either. We should have apologies all around.

Interjection.

The Acting Speaker: I would ask the Minister for Public Infrastructure Renewal to stand in his place and withdraw his unparliamentary comment.

Hon. Mr. Caplan: I withdraw.

The Acting Speaker: I would ask the member for Renfrew–Nipissing–Pembroke to return to his seat and withdraw his unparliamentary comment.

Mr. Yakabuski: I withdraw, Speaker.

The Acting Speaker: I'll return to the member for Haldimand–Norfolk–Brant.

Mr. Barrett: As I indicated earlier, there have been significant improvements in decorum in this House. I think this evening is an example.

I'm not convinced that compelling a Premier to keep his promise would be essentially considered a contribution to electoral reform, but it would certainly go a long way. It would go a long way with respect to improving democratic governance, it would go a long way to enhancing democratic reform and it would go a long way to alleviating the public cynicism that we now see across this province. Compulsory honesty standards, for example, would ensure that people don't end up voting for a government to hold the line on taxes and then find out something different: to find out, actually, they were the brunt of the largest tax increase in the province of Ontario, something that we will reverse.

If the Premier would somehow reverse this course of breaking promises, this Legislature could become a true conduit of factual information about the actions of the executive branch. It's a simple tool, telling the truth. Somehow I feel it has been overlooked, and trying to reverse that is a possible tool we could employ to improve democratic governance and enhance democratic reform.

But we have to ask ourselves, how can we best achieve an Ontario Legislature that roughly mirrors the demographics of the society that we all attempt to represent? Some people believe that proportional representation systems are best equipped to create legislative assemblies that are microcosms of society. This government pushed PR, proportional representation, in the last election. I know it was certainly the issue at every all-candidates night that I was part of. Under a pure proportional representation system, each party draws up a list of possible MPPs. If there are, say, 107 seats in the Legislature, 107 names come forward. Rather than voting for individuals, in the pure system—this is what I favour, actually voting for individuals; it's a fairly simple concept—people vote for parties. In the simplest terms, if a party gets 40% of the vote, it would get 40% of the seats. In the very clear vote-to-seat ratio in an 107-seat Legislature, you would end up with 43 seats. In this scenario, the top 43 names out of 107 would then be in the Legislature.

Proponents of this approach to the electoral system argue that it's a type of system that would result in a Legislature that better reflects society, as parties would choose to draw up lists that mirror the demographics at large. I feel there are some flaws in that line of thinking. I'm skeptical of any system that gives political parties the power to choose their representatives. There's nothing to compel those parties to draw up representative lists, and it's very possible that party loyalists could well be rewarded with a spot in this House. Would they be constituency people? Would they attend functions every night and every weekend through their term, or would they be missing in action?

In so many things, I always favour using incentives rather than giveaways. Certainly, that's my approach to economics and job creation or trying to make changes in the way our environment is treated. For example, I prefer to give people tax breaks to encourage specific behaviour, like creating jobs, rather than forcing people to change their habits. The same is true politically. Rather than giving away positions in the Ontario Legislature, I prefer to remove some of the obstacles to participation.

Look at some of the possible reasons for alleged imbalance in this Legislature. I remain unconvinced that a new electoral system is the answer. It would do nothing to alleviate issues we heard this evening about balancing family with elected representation; for example, child care. That issue would remain, regardless of the result of a referendum this fall. As has been suggested tonight, why not explore the possibility of child care on the premises, which has the potential to remove barriers to participation or to remove barriers for members here to consider running again?

There are other reasons why there are imbalances in this Legislature. With this particular piece of legislation, we may well be barking up the wrong tree. In order to improve democratic governance, we need democratic reform, not just electoral reform. We shouldn't limit ourselves to just one facet of democratic reform, which in this case, as I define it, is very simply and nearly elec-

toral reform. So it's somewhat half-hearted. It would help, it would provide some improvements, but there are some flaws.

This coming October, people will be asked whether they wish to adopt a new electoral system. That's fine, but what if we move forward with a new system only to discover that the previous system actually worked better? In Bill 155, I see no evidence of a cooling-off period, a time for sober second thought. For example, in this province, if residents decide to change their gas supplier or their supplier of electricity, there's a period of time where they're able to change their mind, where they've got a bit of leeway. It may be an idea to amend this particular piece of legislation to ensure that people in Ontario would have an opportunity to give this idea a trial run, if you will, and if necessary, people would have the opportunity to revert back to the existing system, or perhaps to another approach.

I don't know whether this government is serious about moving forward with a referendum. We saw the Premier

ignore referendum legislation, for example, when the illegal health tax came in. It was not put forward to a province-wide vote; it was not put forward to a referendum, as required under the Taxpayer Protection Act.

Another question: Should people trust this government to craft the question? What is the question going to look like? Will it be a leading question? Will it be a double-barrelled question? Will it be a question that contains, perhaps, two or three questions within it? I'd certainly like to hear from survey researchers on that one because the wording, the crafting of the question, is so important and can have tremendous influence on the kind of answer you are going to get from people who walk into that voting booth with the opportunity to vote twice: once for a representative and once for a referendum.

The Acting Speaker: Thank you. It being close to 9:30, this House stands adjourned until tomorrow at 1:30 p.m.

The House adjourned at 2123.

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Scarborough–Rouge River	Balkissoon, Bas (L)		
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St. Paul's	Bryant, Hon. / L'hon. Michael (L) Attorney General / procureur général		

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Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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CONTENTS

Tuesday 10 April 2007

THIRD READINGS

Electoral System Referendum Act,

2007, Bill 155, Mrs. Bountrogianni

Mr. Patten.....7859, 7861

Mr. Tascona.....7860, 7861, 7865

Mr. Bisson.....7860, 7864, 7874,
7876

Mr. Levac7860, 7876

Mr. Miller7861, 7865, 7877

Mrs. Jeffrey7864, 7874

Mr. Prue7865, 7875, 7877

Mrs. Dombrowsky..... 7873

Ms. MacLeod 7874

Mr. Qaadri7875, 7877

Mr. Barrett..... 7877

Debate deemed adjourned 7880

TABLE DES MATIÈRES

Mardi 10 avril 2007

TROISIÈME LECTURE

Loi de 2007 sur le référendum

relatif au système électoral,

projet de loi 155, *M^{me} Bountrogianni*

Débat présumé ajourné..... 7880