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of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Monday 30 May 2011

Lundi 30 mai 2011

Speaker
Honourable Steve Peters

Président
L'honorable Steve Peters

Clerk
Deborah Deller

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LEGISLATIVE ASSEMBLY
OF ONTARIO

Monday 30 May 2011

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Lundi 30 mai 2011

The House recessed from 1803 to 1845.

ORDERS OF THE DAY

ENSURING INTEGRITY IN ONTARIO
ELECTIONS ACT, 2011

LOI DE 2011 ASSURANT L'INTÉGRITÉ
DES ÉLECTIONS EN ONTARIO

Resuming the debate adjourned on May 30, 2011, on the motion for second reading of Bill 196, An Act to amend the Election Act with respect to certain electoral practices / Projet de loi 196, Loi modifiant la Loi électorale en ce qui concerne certaines manœuvres électorales.

The Acting Speaker (Mrs. Julia Munro): Further debate?

Mr. Rosario Marchese: Thanks, Madam Speaker, That's why I came. I came just to debate this bill. It's an important bill, I'm told. It's a bill that came to our laps at the last moment. I've got to tell you that my friend from Welland made a couple of good points that I think are interesting, including some graphic stuff that I'd rather not repeat. Just untouchable. You were in the chair. I saw you.

Mr. Wayne Arthurs: The third party has arrived. Keep going. Don't stop.

Mr. Rosario Marchese: The third party is here. But I'm speaking; they can speak after.

He made a couple of useful comments that I think need to be repeated. This issue came at the last moment. But anything can come at the last moment. It's not a big deal, one might say. And the suspicion is that it came before us because the government had nothing else.

Mr. Pat Hoy: We've got a lot.

Mr. Rosario Marchese: You have a lot? I could see how much you have.

He was saying that the poor House leader was not informed about it because as far as she knew, there was nothing on the table. The member from Welland was not critical at all of the House leader. That's not what it was about. It was a question of the government, at the last moment, putting a bill on the table—and I suspect this is how it went: "We don't have anything. We need a filler. Does somebody have a bill?" And the Attorney General probably said, "I'll volunteer. I've got one." Something

like what students would do in high school. "I've got one." You must have been a teacher a long time ago.

Mr. Wayne Arthurs: I was, in my first life.

Mr. Rosario Marchese: You can tell who the teachers are sometimes.

This is how I think it went: The Attorney General said, "I'm volunteering. I've got a little bill to fill in," and here we are.

Again, the member from Welland said—and he didn't say, as I might say, that it's irrelevant. We have a bill before us, and it's irrelevant how it came about. The point is, we're debating it and we have a few remarks.

The member from Welland said that, normally, these kinds of bills usually have three parties working at it together. And he pointed out to the Attorney General—good to see you, parliamentary assistant, as well—"If this is so important, why wouldn't you get the three political parties seated together in committee, working this out, making sure that we do this in a non-partisan way and have all three political parties comment on what abuses might have happened at the provincial level, at the federal level?"

Interjection.

Mr. Rosario Marchese: Except, you see, member from Brant, if it's a question of time, then you bring the bill earlier, much earlier. You don't bring it at the last moment. It's not the way it's done.

Mr. Dave Levac: But we didn't know these bad things were happening.

Mr. Rosario Marchese: No, you knew that. Come on. Please. We have known this stuff for quite a long time.

Mr. Dave Levac: Really?

Mr. Rosario Marchese: Please. Member from Brant, you're joking with me, correct?

Mr. Dave Levac: Yes.

Mr. Rosario Marchese: The Attorney General would know—that's the language that lawyers use—that at the federal level, there have been hundreds of complaints, and they say that this time around there may be even more complaints registered with the government than before. But it's not unusual. It happens on a regular basis.

1850

Here we have an instance where the Liberals get whacked badly and the Liberals got concerned, because they have to make it appear as if these abuses were so bad that a number of Liberals would have been elected had we had a policy in place or a law in place—but you're right; it wouldn't have mattered at all. But it makes it appear that had these abuses occurred, and this

law were to have been in place, three, four, five, 10, 15, 20 Liberals MPs might have been saved. It's possible. I don't know.

Mr. Jeff Leal: And one NDPer.

Mr. Rosario Marchese: And one NDPer. In Manitoba—in Saskatchewan.

Mr. Jeff Leal: Yes, yes.

Mr. Rosario Marchese: Ms. Blaikie, who lost by 26 or 40—

Mr. Jeff Leal: Saskatoon East.

Mr. Rosario Marchese: Saskatoon East.

Interjection.

Mr. Rosario Marchese: Please join me. The parliamentary assistant knew that I would be wearing this suit today, and that's why he decided he would wear the same suit. It's very becoming, isn't it? Please, please, have a seat.

Mr. David Zimmer: Oh, thank you.

Mr. Rosario Marchese: Because you can't have two people standing at the same time, as far as I know.

So we know there have abuses in the past. This is not unusual. There have been a couple of instances this time around that have shaken the Liberal sensitivities. I understand that. So we have a bill.

Duff Conacher, coordinator of Democracy Watch, made a number of—

Interjection.

Mr. Rosario Marchese: Duff Conacher, the coordinator of Democracy Watch, said that these abuses have happened in the past. He wonders why it is that charges have not been laid in the past—

Mr. Bob Delaney: Am I close enough?

Mr. Rosario Marchese: Please, please.

Mr. Bob Delaney: Am I close enough?

Mr. Rosario Marchese: No. Please, have a seat.

Interjections.

The Acting Speaker (Mrs. Julia Munro): I ask the members to come to order.

Mr. Rosario Marchese: If I were you, Madam Speaker, I would throw these two people out. When I become Speaker, this will become unacceptable—because I'm planning to run for Speaker in the next election, assuming the electorate re-elects me on October 6.

You can go now. Thanks very much.

Mr. Bob Delaney: But you see, you can't throw us out. We can sit here. You're stuck here.

Mr. Rosario Marchese: I still have 13 minutes.

Madam Speaker, as I was saying, through you, of course, a number of these things might be prevented by this bill—I'm not quite sure. Unless the Criminal Code is changed, I am not certain that this bill will have the effect that is desired by the Attorney General. But who am I? He's a lawyer; I'm not. But some have said that unless you change the Criminal Code at the federal level to permit some of these abuses to be prosecuted, it may be difficult to get at this problem. But as I say, who knows? But these are questions, mere questions.

Another question that the member from Welland raised is that the bill would make it illegal, with a fine of

up to \$25,000 and up to two years less a day in prison per offence, to impede or attempt to stop a citizen from voting by providing false information directly or indirectly, such as providing them with the incorrect polling station where they should be voting in a provincial election.

I was impressed with the argument that the member from Welland made, because he said that by directing them to another poll, does that impede them from voting? I thought it was a very sound argument. It makes it difficult, he argued. And, indeed, I would add, in your defence, as Liberals, that if this comes on a very late hour and they were, let us say, to be directed at 8:30 to somewhere where it might take half an hour to get to, they might not be able to get back in time. In such an instance, they would be impeded, I suppose one could argue, from voting. That could happen. But to simply misdirect them at 3 o'clock, 2 o'clock or 10 o'clock wouldn't prevent them from voting, would it? It wouldn't impede them from voting, would it?

Mr. Dave Levac: You're being too kind to the criminal activity.

Mr. Rosario Marchese: No, no, no—

Mr. Dave Levac: It's the intent.

Mr. Rosario Marchese: The question the member from Welland raised is that—I'm not sure that, legally, the word "impede" is correctly applied in an instance where people are directed to go elsewhere. But again, these are arguments, and these are arguments that would be made in a court of law—imagine, at some point—should this ever get to a court of law. Who knows? But I thought they were very interesting arguments.

The member from Welland also raised another interesting issue. He said, "Don't you, Attorney General, want to invite Mr. Essensa, the Chief Electoral Officer, to come and comment on this bill?" This would be his due, and you would think, as Liberal MPPs, you would find it part of due process to invite him and get his feedback—unless, of course, the Attorney General has already done that, has already called him up, they've had a discussion on the matter, the two agreed that this bill more than satisfies his concerns and everything is done. But I'm not quite sure the Attorney General would have done that, or anybody else in his staff, or anybody else who may have drafted this bill.

It seems to me, and correctly, that you would want to be able to have a hearing, as the member from Welland argued, for an hour, possibly two, in the morning or afternoon, and invite a couple of people, but particularly Mr. Essensa, to get his opinion on the matter just so that it can satisfy, if not our need for his input, then your desire to make sure that you consulted the right people on this particular bill. I thought it was a fair comment to make. You would want to make sure that you invite a couple of people who take an interest in these things, by way of input and feedback, making sure that it satisfies the concerns of Liberal parliamentarians, if not one else.

But whether or not this bill will do what it purports to do remains to be seen. Whether or not a fine in and of

itself, whether it's \$5,000 one day and \$25,000 another day—whether the amount is sufficient as a deterrent, I don't know. You would want to make sure that people actually feel that they're going to get caught. Does the fine of \$25,000 frighten them enough to feel that they will be caught? Are there enough processes in place to make sure that they will be prosecuted, and that in every polling station they will be reminded of the fact that should somebody be doing something illegal, not only will you have a \$25,000 fine, but you will be prosecuted and put into jail—

Mr. Jeff Leal: Part of a chain gang.

Mr. David Zimmer: Chain gang.

Mr. Rosario Marchese: —and be told that you will be working really hard to earn your keep for having caused a fraudulent act on the electorate.

I love the whole idea of a chain gang. It's just a funny little political thing that the Conservatives are doing. But it's a great political stunt, I've got to tell you. The whole idea of saying to the public, "You work hard. Criminals don't work hard; you know that. They're simply watching hockey or soccer on these big screens, guzzling beer, at your expense. No way, José. We Tories are going to get them out of there. We're going to make sure they work hard for a living, for the harm they have caused individuals and families and society. We're going to make sure they are out there, working hard." I love it, I love it. It's just beautiful politics, because there's a whole lot of people who just like that kind of politics.

It reminds me of the days when Mike Harris went after welfare recipients and said to the taxpayers—not to the citizens, but to the taxpayers—"You work hard for your living."

Mr. Jeff Leal: Those bums.

1900

Mr. Rosario Marchese: Yes. They said, "Those welfare bums, they don't work; they're just taking your hard-earned money, drinking it away, guzzling it away, spending it on expensive cabs to go here and thither," and so on and so forth. It worked—a beautiful campaign. You guys are good. You guys are really good. I've got to give it to you. I wish we could do that kind of politics and get away with it. Unfortunately, we can't.

The point is, if you really want to prevent abuses, you've really got to make it a big campaign, I suspect. You've got to make sure that whenever there is a provincial election or a federal election, you announce over the radio, in the newspapers, on television that there are going to be these \$25,000 fines, that there are people watching you in every corner, in every polling station, that there are people who are snooping in on your emails, who know that you are about to commit fraud, and, "We're going to put you away."

Mr. Jeff Leal: Chain gang.

Mr. Rosario Marchese: On the chain gang, yes. But if you're not doing that kind of stuff, okay, you could make it 100,000 bucks. Why not just say, "We're going to fine you with a \$100,000 penalty"? Why don't you just

say that? Make it big. Don't give it such a small little sum for a fraudulent act or an illegal act. Make it big.

Mrs. Liz Sandals: But \$25,000 is large.

Mr. Rosario Marchese: Is it \$100,000?

Mrs. Liz Sandals: It's going up to \$25,000.

Mr. Rosario Marchese: How much? From \$5,000 to \$25,000. I already said that.

That's a good thing: Whenever you want to make it appear like you're really tough on crime, you just increase the amount and you've done it: "We've done the job." You increase the amount and that's it. Now everybody can go home, no more fraud and everybody will be honest, good citizens. I don't know.

One of the other points that was raised is, if a crime happens outside of the country in terms of the illegal activity, can you actually prosecute them provincially?

Mr. Phil McNeely: Get the planes for that.

Mr. Rosario Marchese: Planes?

Mr. Phil McNeely: The jets.

Mr. Rosario Marchese: Jets. Maybe.

But my point is, if someone outside of the country is committing a fraudulent act, a crime of sorts, can you get after them legally, provincially? Do we have the jurisdiction? I'm not sure whether the Attorney General spoke to that. Have you? Did you? You can? Is that what you're saying with your thumb up?

You see, Madam Speaker, he wasn't even listening. Do you see how disrespectful that was? How he treats us with contempt and arrogance, as if we don't matter? Come on, Chris. How could you do that? You should be listening to me. I'm offended. We're buddies. I'm always thinking you're listening to what I have to say. He wasn't listening. I'm sad.

Anyway, to repeat the question, Attorney General, if somebody commits a crime, and they are, let's say, in the States or in India, wherever it might be, connected to election fraud, do you have the jurisdiction to go after them?

Hon. Christopher Bentley: Absolutely.

Mr. Rosario Marchese: Did you say yes?

Interjection: Put them in jail.

Mr. Rosario Marchese: I know the idea is to put them in jail, I understand that. But do you have the jurisdiction to go after them?

Mr. John Yakabuski: Rosie, stop asking them questions. If you want answers, talk to me.

Mr. Rosario Marchese: That would be the better thing to do. Instead of—

The Acting Speaker (Mrs. Julia Munro): I would just remind the member to speak through the Chair.

Mr. Rosario Marchese: Do you see what I mean? You should be talking to the Chair if you want to address me. You've got to speak to the Chair and say you want to address me.

But there are no hearings, and in my mind that's shameful. This came at the last moment, and it's shameful. Rarely have we seen a case where a bill gets presented and you don't open it up for debate, you don't invite people to come and speak to it—rarely. So that's

shameful. We haven't invited Mr. Essensa, the Chief Electoral Officer, to come and give input, and that is shameful.

But in the end, what am I going to say, that I'm opposed to this little bill? No.

Hon. Bob Chiarelli: The right to votes is little?

Mr. Rosario Marchese: Oh, this is big. You're right. This is really big. You're absolutely right. This is big stuff. You're absolutely right. Sorry; I underrated the extent of the importance of this bill.

So the idea is to make it illegal, with a fine up to \$25,000, up to two years, to impede or attempt to stop a citizen from voting, impersonate or ask someone to impersonate an election official—okay. Direct or hire someone or a company to commit—okay. Penalties for existing offences—okay.

So there, we've done it. I'll be supporting the bill in spite of some of the concerns that we have raised.

The Acting Speaker (Mrs. Julia Munro): Comments and questions?

Mr. David Zimmer: I've been debating this now for a couple of days, a couple of hours, and I have to pick up on the member opposite's last comment, that he will be supporting this bill, because in my various comments I have issued the challenge. I have said, how can anyone in this chamber, be they Liberal, Conservative or NDP, object to this piece of legislation which enhances, strengthens and places on a more solid foundation voting rights and ensures that voting practices are unimpeded? That's good for the voters of Ontario; that's good for the reputation of democracy in Ontario.

I would not have expected less of the member opposite. He is a thoughtful person. He's got an earned Ph.D., not an honorary Ph.D. He has studied rigorously. I've seen some of his academic work. He doesn't know that I've seen it, but I dug up his thesis a number of years ago. He is very capable of a sustained and deep intellectual analysis and so I'm not at all surprised that, notwithstanding his suggestions about the bill, how he would like to tweak it, in the last analysis he knows it's a good thing. He knows it's going to build on Ontario's continuing reputation for democracy.

I know he has a lot of new Canadians in his riding and I dare say a number of them—I'm speculating now—have spoken to him, saying, "We want to ensure that we have unimpeded democratic rights in Ontario. That's not something that we have experienced in the jurisdictions from whence we have come." I rather expect that the member has picked up on that. So thank you, member opposite.

The Acting Speaker (Mrs. Julia Munro): Further comments?

Mr. John Yakabuski: It's interesting that at the last moment the Liberal government brings forth this bill and they somehow feel that democracy has been short-changed up until this time. Of course, they brought this out and then accused the federal Conservatives of voting irregularities in the last federal election. Unbelievable.

The only thing I saw that we know was wrong in the federal election—these are just supposed, possible,

maybe, we're-not-sure incidents, but we saw Joe Volpe. I don't know. Did Joe Volpe get re-elected? No, I think the people gave him his penalty. He should have got a \$25,000 fine, maybe on top of that, when he was reaching into the mailboxes and stealing the literature of other candidates.

Mr. Rosario Marchese: He's got a good pension now.

Mr. John Yakabuski: Yes, Joe's got a good pension. Maybe he can read some of those election flyers now and realize what he did wrong.

But the other thing is that the government here had the opportunity to do something that was really vital for democracy, and that is to prevent collusion between themselves and a third party called Working Families Coalition. They had a chance to do that. If they wanted to do something that really, actually makes democracy work and makes elections true and honest, and then makes the financing of elections real, so that if money is being spent to promote a particular party or to try to knock down another, that goes against the financing expenditures of that party that they are colluding with, they could have done that. But no, this is what they bring up, which is, if you prevent somebody from getting to the polls to vote—you know what that's called? It's called kidnapping. It's called unlawful detention. We already have laws on the books to prevent that.

This is a joke that we are wasting our time on when we could have been bringing forth the Hawkins Gignac Act, Bill 69. And you want no committee on this? Disgraceful.

1910

The Acting Speaker (Mrs. Julia Munro): Further comments?

Mrs. Liz Sandals: I'm pleased to comment on the speech by the member from Trinity-Spadina.

We got off on to a little bit of a tangent there with the proposals from the official opposition to have convicted criminals working in the community and neighbourhood parks and things. But what did actually come out of that is that the member from Trinity-Spadina is quite accurate in saying, yes, that would be a possible penalty for violating this particular bill. The penalty for committing election fraud, for committing corrupt practices, as it's called in the bill, has actually been increased to two years less a day, which would land you in a provincial jail. And I suppose if the Conservatives were to get their way, that would land you on a Tim gang.

The other thing that's maybe useful to comment on is the question around what happens in other jurisdictions. In fact, when the Ministry of the Attorney General looked at other jurisdictions, under the Elections Canada act, under the acts in other provinces, impersonating the Chief Electoral Officer for whatever jurisdiction or Elections Canada equivalents in other provinces is already illegal. Ontario is actually the only province where the sort of fraud that we saw on federal election day is not illegal. We are actually filling a gap—which exists in every other provincial election law.

The Acting Speaker (Mrs. Julia Munro): Further comments?

Mr. Norm Miller: We're certainly not opposed to Bill 196, but it's a last-moment bill, as the member from Trinity–Spadina pointed out, that came out mysteriously the day after the member from Wellington–Halton Hills brought out his Bill 195, which really was addressing a serious problem. It was addressing the problem of third party advertising. In the case of Ontario, we are different with third party advertising than the other provinces. Other provinces have rules about how much groups like the Working Families Coalition can spend on advertising but outside of the election rules. Ontario does not. So if they really wanted to do something, they could amend this bill. Of course, now they've time-allocated it, so they won't be able to amend it because it's not going to committee.

It's more a PR stunt than anything else, when you read this wire thing the Liberals sent out when they announced this bill. This is the release they did: "We saw American-style dirty tricks in the federal election by the federal Conservatives. Today we're introducing tough new legislation that will mean stiff fines and jail time if anyone breaks the rules during Ontario's election. Here's what you need to know"—and they go on and on. There are going to be \$25,000 fines—I wouldn't quantify it as a nasty email they sent out. I certainly question how true it is.

The only thing that was true in the federal election was Joe Volpe's campaigning on the street and stealing Green Party campaign folders and leaving Liberal Party folders. That's what was reported in the *Globe and Mail*:

"A Liberal Party volunteer has been dismissed after removing Green Party campaign flyers from mailboxes and replacing them with Liberal materials while door-knocking with Toronto incumbent Joe Volpe....

"What I guess disappoints us is that Joe was there.... He may not have been robbing the bank, but it seems he was driving the getaway car."

The Acting Speaker (Mrs. Julia Munro): The member for Trinity–Spadina has two minutes to respond.

Mr. Rosario Marchese: I'd like to thank all my friends for their comments.

I just want to repeat a couple of things that I already said. I think it's unfortunate that bills of this nature—even if they're not as complex as we would think they are, they ought to be brought to this Legislature in a timely way. They should. These kinds of bills deserve the feedback of all three political parties, again in a timely way, so that we all feel good about how we're dealing with potential abuses, election fraud and corrupt practices during an election. I think everybody can point to an abuse done by some worker in every political party, and that is why you want to make sure that you involve all three political parties in finding the solutions that we can all agree on.

So for this party to bring this bill at the last moment—it just doesn't look good on you, that's all. The fact that we don't have any hearings does not look good on you.

The fact that you bring time allocation because you don't want anybody commenting on the bill does not look good on you at all. The fact that you don't bring the Chief Electoral Officer to comment, or anybody else who feels they have a stake in this, including such people as Duff Conacher, the coordinator of Democracy Watch, who I know has commented on election fraud at the federal level—I am convinced he has ideas, commentary, criticisms about what is happening provincially and how we could fix that. There are a number of people who would want to come and speak to this bill. By not inviting the Chief Electoral Officer, it looks bad on you as well. Is the bill bad in what it says? No. But, please, the process was really bad.

The Acting Speaker (Mrs. Julia Munro): Further debate?

Mrs. Liz Sandals: I'm very pleased to rise and join the debate on Bill 196, Ensuring Integrity in Ontario Elections Act. I'm obviously very pleased to support it, because the right to vote is a fundamental human right, it's a constitutional right and it's the foundation of a true democracy. Without the right to vote, there is no democracy.

During the recent federal election, Elections Canada received numerous reports from voters in Ontario and other provinces about phone calls from persons falsely claiming to be from Elections Canada, directing them to vote at incorrect polling stations or presumed polling stations. What we've heard from the opposition here earlier this afternoon is, "Ah, just standard dirty tricks. Everybody has dirty tricks. No big deal. Why are you making a fuss? Why are you changing the law?"

I want to tell you what it was like in Guelph. If I can put things in perspective, Guelph is not a place in which dirty tricks are unknown. If you go back to the federal election, the last one, which we were trying to date—I think it was fall 2008—there were Liberal supporters who had their brake lines cut. There were people with lawn signs who had anti-Liberal graffiti spray-painted on their house. So Guelph is not a jurisdiction in which dirty tricks—

Interjection.

Mrs. Liz Sandals: It was reported to the police, and the police investigated, thank you very much. So Guelph is not a place in which dirty tricks are unknown.

Roll forward to the week before this spring's federal election campaign. My seatmate, Frank Valeriote, did win so this is not about sour grapes. The Liberal candidate did ultimately win. But the week before the election, his campaign office started to get reports from people who were calling in and saying, "Look, I support Frank, I want to vote for Frank, but will you please stop with the calls?" It turned out that somebody purporting to represent Frank was calling known supporters' houses very frequently late at night and disturbing the people and keeping them awake. Now, maybe you think that's funny on the other side, but the people who live in Guelph don't really think that if you say, "Gee, I support somebody," you should have people calling in the middle of the night and waking you up. That seems unreasonable.

We also had people impersonating known Liberals. For example, you would pick up your phone and somebody would say, “Hi, I’m so-and-so,” a known Liberal, “and I’m supporting Marty Burke. I hope you will too.” Marty Burke was the Conservative candidate. And before you tell me that was hearsay, I was in the kitchen when my husband got just such a call. So don’t tell me I’m making it up; I’m not. That’s what it was like the week before. I did check with the known Liberal after she came back from being a Liberal scrutineer, and no, she didn’t place the call. I checked it out.

1920

Go forward to election day: About an hour after the polls opened, Frank’s campaign office started to get calls from people who couldn’t figure out where they were supposed to vote. The reason they couldn’t figure out where they were supposed to vote was, they had gotten what people call a robocall, one of these things that places automatic calls. The automatic call said, “I’m from Elections Canada. There’s been a really high voter turnout, so your poll has been moved and you’re to go to Old Quebec Street.” That may not be totally verbatim, but if you’d like to hear the verbatim call, you can check out CBC Radio, because lots of people in Guelph got this on an answering machine, and in fact, the calls that were on the answering machine have been turned over to Elections Canada and the police.

Where they were being directed was to some place called Old Quebec Street. Old Quebec Street is the downtown mall in Guelph. There were no polls at the downtown mall in Guelph, which meant that people would go to the mall and wander around the mall in vain trying to find a poll. There was no poll, which is why they started calling the candidate’s campaign office, saying, “Where’s the poll?” Then they started calling the local Guelph returning office, saying, “Where’s the poll?” At which point the Guelph returning office of Elections Canada found out that there was a problem.

The Liberal candidate ended up at Old Quebec Street, and Elections Canada ended up at Old Quebec Street at the mall. Both Elections Canada and the Liberal candidate were wandering up and down the mall, trying to find people who were lost and explaining to them what was going on, that in fact they should be back at their original polling station.

There were enough calls that Elections Canada actually put notices on the local radio station to try and get the word out to people that Elections Canada was not placing any calls, and in fact, by noon it was on national CBC Radio telling people, because it turned out that Guelph was not the only riding in Canada in which this happened.

This was very definitely a concerted effort. By whom? You’re absolutely right; we don’t know. There have been official complaints lodged by the Liberal Party in Guelph and the Green Party in Guelph to Elections Canada, and presumably Elections Canada is investigating.

Of course I was working on the campaign that day, so I would start talking to people about who was getting the

call and who wasn’t, because clearly, not all voters were getting the call. There was one situation where I was driving somebody to the poll and the people I was driving to the poll said, “Gee, Liz, we got this call, but now we’ve heard on the radio that we should ignore the call,” and I said, “Yes, that’s fine. I’m taking you to the original poll. No problem.” I said, “Did you talk to any pollsters and tell them you were a Liberal?” “Oh yes, and I got a sign on the lawn that says I’m a Liberal.” Then we started to check out the people calling in to Frank’s office. Yes, everybody I talked to who had gotten a call had in some way identified themselves as a Liberal. Presumably some had also identified themselves as Green, because Green Party supporters had the same problem. But anybody I talked to who had gotten a call had in some way identified themselves, either by a lawn sign or to a pollster, as a Liberal. I actually at one point during the day took a jacket in to the cleaners to get cleaned. The young man who was in the cleaners said, “Oh, hi, I’m going to vote later.” He was all excited. I think this might have been the first time he’d actually gotten to vote, and he was really thrilled. He wanted to take my picture. So we did the BlackBerry thing and got—

Mr. Jeff Leal: Oh, you got lots of BlackBerry pictures.

Mrs. Liz Sandals: Yes. This one was of two faces. We got a BlackBerry picture. I thought, “Well, this is really interesting that he recognized me. I wonder if he’s a Liberal.” But he had also gotten a fake call, his family. So I asked, “Did you ever talk to a pollster?” Even this young man at the dry cleaners who had gotten a call had talked to a pollster and identified himself as a Liberal.

The members opposite may think that this is all a figment of our imagination, but I want to assure them that it is not a figment of our imagination. Liberals were being targeted. Green voters were being targeted. Do I know who was doing the targeting? No. I just know who was being targeted.

The reaction in Guelph has been extraordinarily negative in terms of people being very upset that they were being misdirected as to where it was that they should go to vote. They were extraordinarily offended that somebody, albeit unknown, was trying to get them to a place where they wouldn’t know where to vote and they might miss their opportunity to vote.

Now, the NDP, the third party, have raised the issue of, okay, this wasn’t a good thing to do, but was their vote actually impeded? Well, I would suggest to you that, yes, it was. It was impeded in different circumstances in two different ways. There were the people who went to the mall, who wandered around the mall, couldn’t find a poll, didn’t happen to run into a worker from Elections Canada to get redirected back to the poll they belonged at and in fact did lose their opportunity to vote because they were in a place where there was no poll. There was nobody to say, “Go back there,” unless they happened to stumble on the Elections Canada worker, and I don’t know how long the Elections Canada worker stayed at the mall. But there were clearly people who went to the

wrong place, didn't realize what was going on, didn't realize they were a victim of fraud and who really never got to vote.

There was a second category of people—and my own campaign manager, who was working as a scrutineer at one of the polls, said that just as the poll was closing, somebody came running into the poll, out of breath and very upset because they had gotten home from work, had missed all the flap on the radio, picked up their answering machine and got this message that said to go to the mall. They had been wandering around an empty mall and finally somebody had said to them, “Oh, you need to go back to the regular poll.” This was at the other end of town, so they just made it back. What we don't know is how many people never made it back to where they belonged.

So in answer to the opposition asking, “Was anybody really stopped from voting? Did this really do any harm?” the answer is clearly yes. Number one, the intent was to prevent people from voting, and the outcome was that people were prevented from voting. So in response to people, yes, this was a problem.

So what the act does: If passed, the proposed changes would add two new offences to the corrupt practices section of the Election Act and raise the penalties for the existing corrupt practices.

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The first new provision would create an offence for a person inside or outside of Ontario to attempt to impede or interfere with another person's exercise of the vote or prevent that person from voting in an Ontario provincial election, which is this robo-message that said to go to the wrong place. The second new provision would make it an offence to impersonate an election official, an employee or agent of Elections Ontario, a candidate or a representative of a candidate, constituency association or political party—which was my other example of somebody who was known to be associated, in this case with the Guelph Liberals, and somebody who was impersonating that person and trying to change voter intent.

The penalties for all corrupt practices—there are other existing corrupt practices in the act—are being changed from \$5,000 to a maximum of \$25,000, and from a maximum jail term of six months to a maximum of two years less a day, which we've discussed earlier, those penalties.

So I would just like to thank the Attorney General for responding very quickly to an issue that was obviously not an issue before May 2, because I am not aware ever in Guelph or anywhere else in Ontario of where this deliberate impersonation of Elections Canada or Elections Ontario, as the case may be, and the deliberate large-scale diversion of voters or attempt to divert voters to a non-existent poll has ever taken place. Yes, this legislation has come in late in the session, but it's quite frankly because we didn't know that there was a problem or a gap until late in the session.

I'd like to close by reflecting on what the Guelph Mercury said on May 20 in a column by Scott Tracey, and I really do believe that this reflects opinion in

Guelph. The item is called “Jury of One: Election Bill Not Perfect, But Still Worthy of All Parties' Support.”

“The provincial government's latest initiative makes me kind of embarrassed for society as a whole.

“Have we really got to the point that we need legislation to ensure people don't screw around with elections”—that's what it says here: Don't screw around with elections—“and with each other's ability to participate in them?”

“Apparently so.” Then he goes on to describe the legislation.

“We heard loud and clear about the allegations during the recent federal election and thought our law should contain the appropriate protections,” Bentley said in defending the act.

“These allegations included automated telephone calls to voters in select centres, including Guelph, wrongly informing voters their polling station had been changed to one across town, apparently aimed at frustrating voters and preventing them from casting their ballots.”

He then goes on to note that “Elections Canada is still investigating these calls, which landed Guelph on the national stage after CBC Radio focused its story on the issue here.”

Then it notes that “Bentley wants the new law in place before the next provincial election, set for October 6.”

Scott Tracey goes on to say, “At first blush it seems a no-brainer that all parties would want to support—or at least be seen to be supporting—such an initiative.

“But they're not.

“Ted Chudleigh, a Tory MPP”—and his riding is relatively close to Guelph—“and justice critic”—

The Speaker (Hon. Steve Peters): Remember to use the riding names.

Mrs. Liz Sandals: Halton? Just plain Halton?

“Ted Chudleigh”—sorry, the Halton MPP, a Tory. Is that okay?

Interjection: Is that Ted Chudleigh?

Mrs. Liz Sandals: Yes—“and justice critic, complained the bill appears ‘quickly slapped together’ and suggested it is odd the Liberals would craft a law based on ‘unproven allegations.’”

The member from Welland—that one I changed for you—“said the proposed law ‘came right out of the blue’ and added introducing new legislation so close to the end of the current parliamentary session is ‘not the smoothest move in the world.’

“But,” the article goes on to say, “if we accept the impetus for the legislation that was the federal election shenanigans of less than three weeks ago, then obviously the proposal would be ‘quickly slapped together’ and ‘right out of the blue.’

“Neither of those things makes the Ensuring Integrity in Ontario Elections Act a bad idea.

“And if” the member whom I can't name “continues to believe the allegations of vote tampering are ‘unproven’ I'm sure we can arrange for him to hear the recording of the robocall from the bogus Elections Canada official.

“Bentley’s bill is not a panacea for shady campaigning, and those engaged in the business of winning elections will continue to find a way to give themselves and their chosen candidates an edge....

But “the only people opposed to an effort to crack down on such underhanded tactics should be those”—

The Speaker (Hon. Steve Peters): Thank you. Questions and comments?

Mr. John Yakabuski: I listened intently to the address from the member from Guelph. I remember riding names. Look: She is quoting from the Mercury. It didn’t say that either of those members quoted, either the member from Halton or the member from Welland, was opposing the bill. They were somewhat flummoxed as to why this government would be wasting this legislature’s time when they could have been doing some other pieces of legislation; for example, the Hawkins Gignac Act, Bill 69, that would put carbon monoxide detectors in all homes, which our member from Oxford has brought forward. The government House leader keeps going on about this song and dance, saying that she is prepared to move it forward, but every time we raise the issue—

Hon. Monique M. Smith: If the Conservative House leader brought it forward.

Mr. John Yakabuski: Hey, the House leader’s right here. Can we have unanimous consent to move that third reading without debate? I’ll ask for that right now if she will do it, but she won’t. Yet we’ve got a bill here that—and you know what she said to me? She said, “It has to go to committee.” Yet, Mr. Speaker, here is a bill on which they have just tabled time allocation to move this ahead without committee. As my friend from Trinity–Spadina said, you would think you would want the electoral officer, Elections Ontario, to at least have a chance to comment on the bill. No. The man from Trinity–Spadina is right, but no, let’s have no committee, third reading. I say the same thing for Bill 69. Let’s move it, third reading, no debate. Let’s protect people in their homes in this province instead of—

The Speaker (Hon. Steve Peters): Thank you. The member from Trinity–Spadina.

Mr. Rosario Marchese: The member from Guelph made a number of good arguments in defence of her bill, the Attorney General’s bill, and she makes reference to how some presenter talked about, “Imagine that even in this country you’ve got to have laws to deal with election irregularities.” Of course you’ve got to have laws, because it doesn’t matter where you are, whatever country you’re in, there’s going to be fraud. There are going to be election irregularities. There are going to be corrupt practices all over the world. You’ve got to introduce laws that attempt to deal with them. Whether they are dealt with is another matter, but you need strong laws.

We know that in 2008, federally, there were 500 complaints that were lodged. What we don’t know is whether any of those 500 complaints were actually resolved—or dealt with, for that matter. But irrespective, you still need strong laws to deal with or attempt to deal with election irregularities.

But what I want the member from Guelph to comment on is, does she believe that it would have been helpful to have had three parties work on this particular bill? Does she believe that it would have been helpful to have had some hearings? I’m not saying weeks, as New Democrats used to do in 1990, or months, as we used to do in 1990, but a mere hour, possibly, maybe even an afternoon. Does she think it would have been helpful at all? Does she believe it would have been helpful to have invited the Chief Electoral Officer, Mr. Essensa, to come and give an opinion? These things she doesn’t comment on at all. She makes a defence of the bill in terms of irregularities and the fact that we’ve got to do it, but no—

The Speaker (Hon. Steve Peters): Thank you. Questions and comments?

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Hon. Monique M. Smith: It’s my privilege to stand and discuss Bill 196 today, but also to just have a little moment to rebut a bit of what my friend from Renfrew–Nipissing–Pembroke had to say.

This bill is moving forward at quite a clip, and is the result of things that happened in the federal campaign which simply concluded on May 2, and therefore we had to move forward quickly in order to ensure that we don’t have similar situations happening in the provincial election in October.

Mr. Rosario Marchese: I would have let the minister speak.

The Speaker (Hon. Steve Peters): Order.

Hon. Monique M. Smith: Rosie, I listened to you.

The Speaker (Hon. Steve Peters): Riding names, please.

Hon. Monique M. Smith: Member for Trinity–Spadina.

But I did want to speak for a moment to the comments from the member for Renfrew–Nipissing–Pembroke and the bill which he referred to as the Hawkins Gignac Act. As I have clearly stated on a number of occasions in this House and out of this House, I am very supportive of Mr. Hardeman’s bill with respect to carbon monoxide detectors in homes. I asked that the House leader for the Conservative Party bring it forward to the House leaders’ meetings on a number of occasions. He failed to do so. As everyone in this House knows, there is a process with respect to—

Mr. John Yakabuski: On a point of order, Mr. Speaker: I can produce a letter to the government House leader specifically asking to move that bill forward. What’s she’s saying is absolutely false.

The Speaker (Hon. Steve Peters): Thank you. I would just ask the honourable member to withdraw that comment, the accusation levelled against another member.

Mr. John Yakabuski: Withdrawn.

The Speaker (Hon. Steve Peters): Thank you.

Interjection.

The Speaker (Hon. Steve Peters): No.

Hon. Monique M. Smith: It wasn’t my point of order; I get my time back?

Interjection.

Hon. Monique M. Smith: Mr. Speaker, I'll take another two minutes at another time then, but I would like to say with respect to Bill 69 that the House leader for the Conservative Party was very clear on what the process was with respect to private members' bills. The families in North Bay know that I firmly support this bill. They also know that I feel it needs to go to committee, and therefore—

The Speaker (Hon. Steve Peters): Thank you. The member for Parry Sound–Muskoka.

Mr. Norm Miller: Well, Mr. Speaker, I say to the House leader that this bill, Bill 196, the one we're debating, should be going to committee, but they just brought in a time allocation motion, which I assume they are going to be calling in probably the next day, and there's no committee for it.

On Bill 69, as our House leader has pointed out, we have a letter that he's willing to provide that states that he has brought it forward to get it to third reading. We'd like to see this Hawkins Gignac bill, which would require carbon monoxide detectors in all homes, passed. The government has been making it look like the opposition is stalling. It was an opposition member who introduced it. I know I have the Gignac family in Parry Sound that would very much like to see this bill become law, and it would of course save lives across the province.

Hon. Glen R. Murray: On a point of order, Mr. Speaker: I thought we were supposed to be speaking to the topic at hand. I'm not sure how a piece of legislation that's not before the House, not relevant to the discussion, somehow deserves a two-minuter on this particular topic, Mr. Speaker.

The Speaker (Hon. Steve Peters): I thank the honourable member for his comments. I would prefer this discussion to take place at a House leaders' level and not take place during the course of debate, but it was raised by the member from Renfrew–Nipissing–Pembroke. The government House leader chose to interject on it. The member from Parry Sound–Muskoka has made comment on it. As I say, these are issues that I don't think should be debated in this chamber. They should be debated at a House leaders' meeting.

Member for Parry Sound–Muskoka.

Mr. Norm Miller: Thank you very much, Mr. Speaker.

It is relevant to this bill because, as has been pointed out, they are giving as justification for not calling this Bill 69 that it needs to go to committee, and yet the bill before us they are time-allocating and it won't be going to committee. So it is very relevant to the discussion this evening.

The Speaker (Hon. Steve Peters): Thank you. The member from Guelph has two minutes to respond.

Mrs. Liz Sandals: I'm a little distressed that the member from Renfrew–Nipissing–Pembroke apparently isn't concerned about election fraud and got us off on that tangent that has absolutely nothing to do with election fraud. So I'm going to address the comments from

the member for Trinity–Spadina, because the member from Trinity–Spadina actually did—

Interjections.

Mrs. Liz Sandals: The member from Trinity–Spadina—

Interjections.

Mrs. Liz Sandals: Speaker.

The Speaker (Hon. Steve Peters): I can help to facilitate an early exit for any member who maybe desires to go home this evening.

Member from Guelph.

Mrs. Liz Sandals: Thank you.

I totally agree with the member from Trinity–Spadina that we do need to have strong electoral laws and that time will prove how effective they are. But when there is a clear case of an attempted election fraud, we need to have laws to handle that. In an ideal world, I also agree with the member from Trinity–Spadina that it would be much more preferable to have this go to public hearings and to have it go to clause-by-clause and take a little bit more careful look at the proposed legislation, but we couldn't control the timing of the federal election. The problem did not arise until the federal election in the first week of May. We have responded as quickly as was possible to protect Ontario voters' right to vote, and that is what we want to do.

The Speaker (Hon. Steve Peters): Further debate?

Mr. Jerry J. Ouellette: I don't know if I have a privilege to speak about the bill or not. I mean, here we are debating about a number of issues that, quite frankly, in the weeks leading up to the end of the House—we're talking about issues where those individuals who are watching the debate would be questioning what we're actually talking about here and the real reason that we're in here discussing this.

I brought a colleague out from Oshawa, and he said, "What are you guys debating that for? What is the big importance of those issues?" I just got off the phone with Bonnie Annis, and her large concern is midwifery. There are a lot of greater things to do, and here we stand and debate issues such as this. Constituents wonder why we are debating this, and yet the Attorney General says we're doing these things to bring more people to get out and vote. Well, it's when we do things like this and we talk about these issues and diverge away from the actual issue that we're debating that people go, "What do I want to get out there and vote for this for?"

We need to stand up and be respectful in everything that we're talking about.

Mrs. Liz Sandals: The issue is—

Mr. Jerry J. Ouellette: The issue is—the member is talking about this and wants to interrupt me, and that's just fine. But I'll tell you something: This has gone on with elections year after year after year. It's something that's not going to change. So we bring forward this bill here now, and it's going to resolve the issue? No, quite frankly. You want to know what's going to happen? The individuals who are going to do this will continue to do this, in the first place, and not only that, what they'll do is

they'll go outside the guidelines of the bill and do it before the election starts, which isn't taken into consideration here in any way, shape or form. So now you're going to have these individuals—and we experienced it in the federal election in our riding in Oshawa, whereby the individuals were called up and asked if they'd like to buy an election sign or vote online. Those are the sorts of things that are happening and going on on a regular basis. And I have some concerns with those, yes. But we need to focus on this issue and talk about those things.

I'd be happy to stand up here and talk about the fact that I've got a bill out there that I've tried to introduce three times now over a number of Parliaments, trying to help protect kids in sport. Do you think I can get the support to move it through? No.

The thing I'm trying to focus on is that we need to bring this to a level. If we want people to get out there and vote for us and stand up for what we believe in, we have to let people know where we stand on issues. I don't see any opposition to this bill. If there's no opposition to the bill, why are we debating it? Why don't we move forward, vote on it and move to the next issue where we can get to the issues people are concerned with? Our chief government whip has made it very clear that he was supporting it. So did the third party, at that particular time. If that's the case, what do we need to go on for? What do we need to bring in motions for adjournment for? There are a lot of other things that we can change, and if we want to talk about these things, we can talk about them in a fashion that will quite possibly address them a little bit better.

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The Attorney General mentioned a number of things, and a concern was about what happens when they go outside the province of Ontario. He mentioned the fact that we have the authority—I don't necessarily personally believe that we have the authority—to approach those individuals outside the jurisdiction of the province of Ontario to ensure it doesn't happen. I sit back and wonder why we're debating these things at the time we are, at the level that we are, to try and find out the intention. Quite possibly, "There are other issues that we'd rather not be talking about. We'd rather not be talking about a number of issues which come up in question period on a regular basis, so we have to find a cause to come forward. Let's get them focused on something else." If it is the case that there are rampant actions happening in elections that are causing individuals disruption, let's work on it. Let's get it resolved and let's move it forward.

I can't see that a lot of this debate on what's happening here is advantageous or inspiring individuals to participate in political actions and activities. Quite frankly, I think it may work the opposite and may deter individuals into wondering why they're getting involved in the first place.

I think there are a lot of things going on in the province of Ontario. We brought forward a bill that could effectively bring forward committee work to work on

health care and education. I established a bill that would bring a public accounts that would target two specific ministries where in excess of 62.8% of the provincial budget is occupied. And the Auditor General doesn't have the time to focus on the areas of largest concern. Quite frankly, I think we should move forward on that. There are a great number of things that we can move forward on as individuals and as people.

But I'm not so certain that this is an area that a lot of the public are concerned with. If you look at section 2 of the bill, section 92 of the specific act, it says, "Every deputy returning officer or poll clerk who wilfully miscounts the ballots or otherwise wilfully makes up a false statement of the poll is guilty of a corrupt practice and is liable to a fine of not more than \$25,000...." Quite frankly, if that's not in there now, I'm amazed that somebody working in a polling station would have that ability to mislead individuals or purposely miscount what has taken place.

Some of the other things, as the people who are watching would know, is that there are some concerns as to what you mean by "miscount." If it's that the check mark or the X is outside the box, is it a clear intent? I think that's what's looked at: Is there a clear intent to vote for or support one particular individual? You have to define some of those things, and then maybe come down to the courts, which takes, as the Attorney General knows, an extended period of time in order to ensure that the intention comes out. Because when the laws are brought forward and are acted upon through the courts to make sure that they're just, we try to find out what is the intent.

Some of the things that I brought forward are of concern—there were a number of issues brought forward. I know the member from the third party was talking about welfare rolls. What do welfare rolls have to do with this particular bill? When he spoke about some of the other policy issues that came up—people are campaigning already. Let's focus on what we're designed to do, and that is to make sure that we're best representing the constituents in each of our ridings. We need to focus on that which they're concerned with. Bonnie Annis is concerned about midwifery. There are a lot of other individuals who have specific concerns. The individuals I was with yesterday are concerned about cancer.

I know my colleague the House leader would like to share some time with me, and at this time I believe I'll share some time with my colleague.

The Speaker (Hon. Steve Peters): The member for Renfrew–Nipissing–Pembroke.

Mr. John Yakubuski: I appreciate the member for Oshawa—not only his very correct and reasoned comments, but also his sharing his time with me at this time.

I just wanted to touch a little bit on some of the things that the member for Guelph was talking about: the destruction of signs and the defacing of signs. That's against the law now. There's not an issue there; it's against the law. If you remove somebody's election signs or you deface them, it's against the law now. We didn't need this new law for this. This is all politicking here.

You know, as long as there has been voting—politics and shenanigans and dirty tricks have been intrinsically linked since we've had voting.

I'll tell you how we became Conservatives in my family. Polish Catholics, which is my background on my father's side—obviously not my mother; she was of Irish descent—were traditionally Liberal voters. Maybe the stereotyping doesn't apply anymore, or the traditional patterns don't apply anymore, but my grandfather was working as a ranger in Algonquin park back in the early 1900s, and up until that time he was a Liberal voter too. But when he was asked by a Liberal organizer and offered money for his vote, that was when my grandfather vowed—vowed—that he would never again vote Liberal. So my father grew up in a Conservative home, even though many of his cousins were Liberals, because they were still voting by the traditional patterns. But that's what my grandfather believed: that if you couldn't do it honestly, then you didn't deserve his vote. And from that time on, that section of the Yakabuski family voted Conservative.

The reason I talk about that—and I hope I can finish my time, because I am losing my voice for some reason, so I'm going to try to remain calm. So—where was I, Speaker? Yes, losing my voice. I'm losing my train of thought.

Let's get back to the bill. The point I'm making is that we've had problems associated with elections and voting and irregularities and dirty tricks, or shenanigans or whatever you want to call them.

I've been, that I can recall, involved in elections since 1967. That was my father's second election. I was 10 years old, and I remember the day: an October election in 1967. It poured rain all day long. It was just unbelievable how ugly it was. But in good old Renfrew county, we still got well over 66% or 67% of the people out voting, unlike what you get in some of these elections here today.

Mr. Rosario Marchese: Did Sean Conway help you out? Your cousin?

Mr. John Yakabuski: No, Sean wasn't helping. Sean wasn't helping, I've got to tell you that. He was maybe working for the other side, but he wasn't helping.

Mr. Jeff Leal: He tried.

Mr. John Yakabuski: Yeah, he tried. We were successful anyhow.

Mr. Rosario Marchese: Thank God we didn't need him.

Mr. John Yakabuski: Well, he wasn't running against us.

But in all of those elections—and I've got to tell you, I can't say I witnessed it because I wasn't involved in the election. But in the 1962 election, the federal election—and you've got to listen to this, Mr. Speaker—in the townships of Sherwood, Jones and Burns that encompassed Barry's Bay, Murray Daly was the mayor, or the reeve, and was also warden of the county. He was running against Jim Baskin, who was the sitting Conservative member elected in 1958 in the Diefenbaker sweep.

My twin brother was named after Jim Baskin—pardon, he was elected in 1957. So the front of our store, the hardware store, during that election was the recipient of a gunshot, and the bullet, until the time that we sold the business in 2001, was lodged in the back wall. Mark Zurakowski, when he did some renovations after he bought the store, found that bullet. It was still in the back wall.

So they talk about stuff going on in elections? They don't know anything. They have no idea what went on in elections: the egging of cars and homes and houses and the ridiculous stuff that went on.

But let me get back to the point, because I'm good friends with the Dalys as well. You have to ask yourself why it was necessary, because in that election—you want to talk about numbers that blow you away? In that election, Murray Daly—because Barry's Bay and the area around it was traditionally Liberal—received 93% of the vote in Sherwood, Jones and Burns. He didn't get a bare majority; he didn't get 75%; he got 93% of the vote in Sherwood, Jones and Burns. So you'd have to ask yourself why someone was worried enough that they felt they had to fire a shot through the store at Yakabuski's. Anyway, people took their politics very seriously in those days.

We take the right to vote very seriously, but what this government has done here, bringing in this bill when there are so many significant priorities—and I share the concerns of my friend from Trinity–Spadina. Also, I see my friend from Welland, who has always got a very, very deep approach to the matters of this House. He raised an issue this afternoon which is so relevant and pertinent, because we're living in an environment today where I might call about a problem with my ExpressVu TV and the person I'm talking to might actually be in India.

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Mr. Rosario Marchese: He probably is.

Mr. John Yakabuski: Yes, he probably is.

I'm just wondering what the Attorney General, who is sitting there—he's probably studying revisions to the bill already. He's got his paperwork out. Maybe he's already thinking how he can make the bill better at committee. My goodness; I'm sorry. The bill is not going to committee.

You know the process we have in this House? It's a good process. I say that, my friend from Trinity–Spadina: It's a good process. What you do is, you have a second reading debate and you deal with all of the issues, and then parties decide whether they can support the bill at that point or not. You know what you do then? You know, Speaker. I'm not telling you anything you don't know. You take the bill to committee, and that's where those stakeholders and those third parties and those experts, maybe the Chief Electoral Officer—do you think maybe the Chief Electoral Officer, the person we entrust to run the electoral process in this province, might be able to make some good input into this bill? Where would be the best place for him to do that? I darn well believe a visit to the committee would be really helpful.

But you know what? He's not going to get to do that, no, not in Dalton—oh, my goodness gracious, it almost slipped out. Not in McGuinty's Ontario. It's not going to happen. Do you know why? You may not know this, Speaker, because they slip this stuff in and out under doors and behind the curtains and everything. The table knows: time allocation motion. The bill will now proceed through this House without the benefit of committee. So the government must believe it's a really good bill.

Now, I want to talk about that process, and I know you'll give me some latitude here, Mr. Speaker, because you're always good that way. Let's talk about another situation. We've talked about the process now. They think it's such a good bill that they don't need to go to committee.

Bill 69: That's another bill before this government. The government House leader was up earlier. She says, "I'm very supportive of the bill. I want it to move ahead." I want this on the record: This party has not done anything to slow the process of that. In fact, I've written the government House leader and I've said, "I'm asking you to bring this"—and a letter constitutes enough, I say to the government House leader. We've asked her to move it ahead. Do you know what? She came back to us and offered a deal. I'll call it the Bob Runciman deal. You see, back when Bob Runciman was here, they offered them a deal where, "We'll get your sweet wines or fruit wines bill before committee if you allow us to pass this bill, this bill, this bill and this bill," sort of thing. Bob Runciman, being a trusting guy—a great member, love the man, a mentor of mine—said, "You know what? That seems like a fair deal because we'll get it through committee and then we'll get it passed." It went to the Liberal committee. You know what they did? They snapped her. No way—stepped all over it, done, finished.

The government House leader, after four days, didn't even reply to me. I talked to her assistant, Carol Price. I said, "Okay, here's the deal. You get Bill 69 through committee and then we'll talk. Get it through committee, because I don't trust you people for a minute that if we send it to committee, you won't just squash it like you did to the Honourable Bob Runciman's bill."

So there's my offer right now. My offer right now, as the opposition House leader representing the member for Oxford: Let's move the bill third reading without debate so we can treat it the same as you people think you're going to save everybody's election. Let's deal with Bill 69—third reading, no debate, move it through. Will the government House leader do that, or are her words hollow like she's been spouting off to the media, saying she supports this bill? Actions speak—

The Speaker (Hon. Steve Peters): Let's bring it back to 196, please.

Mr. John Yakabuski: I'm bringing it to the process, sir. Actions speak louder than words. When actions were required on Bill 169—196, but if you just turned that around a little bit, you could twist those two numbers over and you'd have 69. So 196 and 69 are so close, Speaker, they're like twins.

The Speaker (Hon. Steve Peters): Talk about 196.

Mr. John Yakabuski: If the House leader wants to speak about her actions being important, she has the opportunity right now. I would move and seek unanimous consent of this House to move private member's Bill 69 through third reading without debate. Would I have unanimous consent on that right now?

Hon. Monique M. Smith: No.

Mr. John Yakabuski: The government House leader says no. She's the one calling the shots here. I saw her turn around and go, "No, no, no"—just so it's on the record that if there's anybody holding up Bill 69, just look to your right, because that's where she sits. The government House leader is the one who is holding this up.

Anyway, Bill 196: What can I say? Oh, can I get more time?

Thank you very much.

The Speaker (Hon. Steve Peters): Questions and comments?

Mr. Peter Kormos: The member for Renfrew–Nipissing–Pembroke has delivered a scathing condemnation of this government and its regard for its own interests in contrast to due process. It's prepared to ram a bill through here that was introduced without any consultation. The Attorney General repeats over and over again, and rightly so, that it's a non-partisan bill, and these very sorts of non-partisan bills, like the amendments to the Members' Integrity Act, which was dealt with very effectively in a collaborative manner—it took some time, but we had the luxury of time.

We understand that the government wants this passed before the House rises. But had the government come to the opposition parties while the bill was in preparation and said this bill was being prepared, had it talked about how it wanted us to take a look at draft bills so we could take them to our caucus, had it given us the opportunity to provide a little bit of input, and, quite frankly, had it not been so brutal in its attacks on the Arnott private member's bill—the Arnott private member's bill was exactly what the Sorbara report recommended. Recommendation number 23 recommended exactly what is in private member Arnott's bill. The government can defeat it, but the government was less than forthright in how it attacked and critiqued it. The government refused to acknowledge that it was the Sorbara report, hand-picked by Premier McGuinty, that recommended that legislation, and then treated that private member and his important contribution to this broader interest of fair election processes with disdain.

The Speaker (Hon. Steve Peters): Government House leader.

Hon. Monique M. Smith: Thank you, Mr. Speaker. I appreciate the opportunity to speak to this bill again and to address some of the comments made by the member from Renfrew–Nipissing–Pembroke. As you gave him some leeway in his discussion, I am sure you will extend to me the same courtesy.

I find it very unfortunate that the member for Renfrew–Nipissing–Pembroke keeps referring to Bill 69

and making what is turning into quite a political show over this bill. I had the opportunity to speak to the parents of one of the deceased on the weekend. I also spoke to the uncle and the brother-in-law of one of the deceased. All of the families are clearly very vested in the Hawkins Gignac Act and in this particular piece of legislation that was brought by the member from Oxford. They're all very concerned and would like to see this move forward.

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As I explained to each and every one of them, as I had long conversations with them over the weekend, I have attempted, with our House leaders, to move it forward through the process. Unfortunately, other House leaders have not chosen to follow the process that's in place for private members' bills and have not raised it in our House leaders' meetings as we have done in the past.

I find it incredibly unfortunate that we are politicizing this particular issue. The families are very concerned. They're confused. They wanted to know what the status of the bill was. I explained to them that at this late date it would not move forward, as the bill does have to go to committee; it requires some consideration by the committee. There's some debate whether the carbon monoxide monitoring should be done by the fire marshal or whether it should be included in the building code, so there is some debate as to what the appropriate placement of this regulation is, and therefore it would need some discussion in committee.

I did offer to the Conservative House leader back in the fall to put it into committee in February. That was part of a package of private members' bills that we were going to move forward. That was not accepted by the Conservative House leader, and so here we stand today.

I just think it's really unfortunate that the member for Renfrew–Nipissing–Pembroke continues to harp on this and to make it into a political issue. I feel for the parents, the Hawkins—

The Speaker (Hon. Steve Peters): Thank you. The member for Parry Sound–Muskoka.

Mr. Norm Miller: It's my pleasure to make comments on the recent speech by the member from Renfrew–Nipissing–Pembroke. He did speak a fair amount about Bill 69, the Hawkins Gignac Act, which would require the installation of carbon monoxide detectors in homes. I know that the opposition is in favour of this, the NDP has indicated they're in favour of this and the government is talking like they're in favour of it. The government has all the control in the House and could easily pass this bill.

The government House leader's excuse for it is that it hasn't gone to committee. Well, the bill we're debating this evening, Bill 196, was just time-allocated; they introduced it this week and it's rushing through and isn't having any committee.

We've had months and months to consider Bill 69. It is of importance to people in my riding. The Gignac family has roots in Parry Sound and were affected by the tragedy. It's why the name of the bill is the Hawkins Gignac Act. So it's not so much about deals; it's about

doing what's right, and it seems like all parties are in favour of this bill.

In reference to the other bill in debate this evening, Bill 196, the member from Renfrew–Nipissing–Pembroke gave some colourful descriptions of some of the shenanigans—I think that was the word he used—that went on in some of the earlier elections. I would just recommend to all people in the Legislature that you read the book *No Return*, written by a former MP for Parry Sound–Muskoka, Gordon Aiken. It's a very interesting book that's based on the real history that happened in Parry Sound–Muskoka, but it does deal with some of those shenanigans in some of the early elections that took place in Parry Sound–Muskoka. It's just been reprinted by Blue Butterfly Books, a new publishing company in Parry Sound–Muskoka owned by Patrick Boyer. It's a very good read, so I'd recommend it to anyone interested.

The Speaker (Hon. Steve Peters): Thank you. The member for Trinity–Spadina.

Mr. Rosario Marchese: I know that the member from Oshawa and our friends from Parry Sound–Muskoka and possibly Renfrew–Nipissing–Pembroke, were saying, "We all agree with the bill. Let's just move on." I want to say that all have commented, including the member from Welland, who said that we agree as well. But when you don't follow due process, it's hard to let a government go and say, "Move on." Just to express some disagreement with that, because if we don't express our disagreement with the government when they don't do it right, they think that they can get away with it.

The point is this, and we've been saying this for the last couple of days: If the Attorney General wanted the support of the other parties, he would have done it in a way that was more collaborative. These illegal practices involve all parties, and there are different people in all parties who do all sorts of nasty stuff.

Mr. Peter Kormos: Not New Democrats.

Mr. Rosario Marchese: You're quite right. In my career in Trinity–Spadina, the problems we've usually had have been with Liberals, with all due respect, Speaker. But I believe that there are problems that happen all over, and you can find a problem that might occur in all political parties; it's probably true. The point is that we should have had consultations with the House leaders in all three political parties. We should have had some agreement as to what measures should have been put into the bill so that you have all three parties in agreement in advance of the introduction of the bill. We should have had some agreement as to potential hearings: at least one afternoon, and if not an afternoon, at least an hour. We have stated over and over again that the Chief Electoral Officer should have been consulted. I'm assuming he hasn't been.

All of these things speak to process. This government has not followed through with that process. That's why we need to attack the government: We can't let it go through in this form.

The Speaker (Hon. Steve Peters): The member for Renfrew–Nipissing–Pembroke has two minutes to wrap up.

Mr. John Yakabuski: I'm just going to make one quick comment on Bill 69. The government has all the power, if they want to move it ahead. Anything that needs to be changed in that bill with respect to the fire marshal versus the building code could certainly be dealt with by amendment at a later date. But if you want to talk about carbon monoxide and you want to talk about deaths, that's a bill that could be done by this House before we leave here. It could be done.

On Bill 196—and I have in front of me recommendation 26 from the Sorbara report, Select Committee on Elections, first session, 39th Parliament. Recommendation 26: "Include provisions that apply to third party advertising similar to those in place in other Canadian jurisdictions." Recommended by their own committee. This government, the McGuinty government, said, "No way, no how. We've got \$5 million to \$10 million at our disposal, working with the Working Families Coalition, that we can use outside of the electoral spending laws. We're not shutting that down." "But it's about democracy." "Who cares about democracy?" they said. "We care about getting re-elected as Liberals." So they're worried about Bill 196 because someone might get a phone call, yet they care so little about democracy and put the electoral fortunes of the Liberal Party so much above democracy that they will not even follow the rules in other jurisdictions with regard to third party advertising. Shame on them.

Mr. Peter Kormos: On a point of order, Mr. Speaker: I wish to correct my record. Earlier, just a few moments ago, I made reference to recommendation number 23. Of course, it's recommendation 26.

The Speaker (Hon. Steve Peters): Thank you. That is a point of order. The member can correct his or her own record.

Further debate? The member from Ottawa Centre.

Mr. Yasir Naqvi: Thank you, Speaker, for recognizing me to speak on Bill 196, An Act to amend the Election Act with respect to certain electoral practices.

Before I get into the substance of this bill and why this bill is important, let me say that I'm a bit baffled by the nature and the tone of the debate that's been taking place in this House on this bill. I think it was the member from Oshawa who was saying that those who may be listening to this debate may be confused as to why we're debating all this, and then he went on to start talking about what we refer to as inside baseball. Everything I'm hearing being talked about here today in this House is what only people who are somehow associated with Queen's Park care about. But the real people out there, I think, care about something much more fundamental, and that is that they have a very important democratic right to vote. That right to vote should be respected at all times, and that right to vote should not be interfered with by anyone in any circumstance whatsoever. That is the crux of this bill.

I'm a proud Canadian. I came to Canada—and I have talked about this story a fair number of times in this House—along with my family 22 years ago. The reason my family decided to come to this great country of ours is because they wanted to live in a free and democratic

country. My father, as I have spoken about many times in this House, was a political prisoner in Pakistan because back in 1984 he led a march, under a military dictatorship, asking for the right to vote.

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His crime was that he was provoking people to vote. That was written on the charge sheet. He was tried by a military general and put into prison for nine months. I was 10 years old at that time, and I very vividly remember visiting my dad, whose crime was that he was urging that people should have the right to vote.

So at the end of the day my parents, and I thank them for making the great decision they made, said they didn't want their children to grow up in a society where they didn't have the right to vote—the most fundamental of the rights available to us. They wanted to make sure that we lived in a country that was free. They wanted to make sure their children grew up in a country that respected human rights. They wanted to make sure my sister grew up in a country that respected women's rights and that their kids could do whatever they wanted to. It is because of that result, of that society, that I am fortunate enough, as somebody who was not born in Canada, to be an elected member of this Legislature.

That particular right, which is sacrosanct to Canadians, should not be taken away under any circumstances. I mean, the fact we're having a debate about this particular issue—I find it a bit ironic. It's appropriate; again, we are a democracy and we are free to express our views in debate, so I guess it fits in well, but the fact that we are quibbling about this bill or that bill, or the process by which this bill got here, takes away from the very real purpose or premise of this bill: that any interference in someone's right to vote, in the exercise of being able to cast a ballot, is illegal, period, full stop. I mean, what's the debate about that? What's so illogical about that?

I'm even more flabbergasted when I hear the argument, "Oh, this type of stuff has been for a long time." Well, it may be, but it does not make it right. We need to deal with it, and it's unfortunate that some people, in the last federal election, the one which just took place about a month ago, engaged in practices which in my opinion are illegal; which basically interfered with people's right to vote—in fact, were misleading people from where they should be voting, the kind of practice we refer to as voter suppression. Essentially, it is making sure that the supporters of one political party do not get an opportunity to vote. Of course, we live in a sophisticated society; we find sophisticated schemes to achieve that. It's absolutely wrong, period, full stop.

I think the issue here today is that when those types of activities took place in the last federal election, about a month or so ago, we looked at our legislation, the Election Act, and saw that those types of practices labelled as corrupt practices are not contemplated. I think it's only wise for this Legislature to define them as corrupt practices and to enact them into law so that nobody can attempt to do the same thing in any election moving forward.

It's perhaps a good time that we're doing it here, toward the end of the session, because we know there is an election coming up in the province of Ontario, an extremely important exercise in a democratic society. So let's do everything in our position so that this particular exercise, on October 6 of this year, is done in a proper, fair and transparent fashion.

Again, I come back to that I'm getting confused as to why we are going on and on and debating about this and finger-pointing and the tone is deteriorating. I think the member from Oshawa mentioned a friend who was visiting and wondering why we were debating this. The reason we're debating it is that we want to make sure that our system remains fair, equal, intact, that the fundamental core of our society, which is democracy, is not hijacked by anyone. I'm not engaging in any political name-calling or who does what and how. It's wrong, pure and simple. If this elected Legislature of the people—the people's servants, who we are—does not take action on that because some protocol at Queen's Park dictates that in the back rooms, in the back channels, you shall make deals this way and that way, that's abdicating our responsibility. That's really not doing what's important.

From time to time, I like to read the Charter of Rights and Freedoms. I think it's one of the most important documents we have at our disposal as Canadian citizens.

Interjection.

Mr. Yasir Naqvi: No, absolutely. I am a lawyer. I enjoy it and I think every Canadian citizen should enjoy it because it is a very important document. A lot of us have made Canada our home because of this very important constitutional document called the Charter of Rights and Freedoms, because that's what makes us equal.

Today, because it has been a while, I went on the Internet and Googled “the Charter of Rights and Freedoms,” and I've got the document in front of me. I printed out a section on democratic rights. There is a section on democratic rights, in sequence to the fundamental rights, which are freedom of speech, freedom of religion, freedom of association etc. The heading is “Democratic rights,” section 3:

“Democratic rights of citizens

“3. Every citizen of Canada has the right to vote in an election of members of the House of Commons or of a legislative assembly”—that's us—“and to be qualified for membership therein.”

That's it, black and white. It clearly states that if you're a Canadian citizen, you have the right to vote for the House of Commons and for any Legislative Assembly, and you have a right to be a member as well, if you're elected. There are no qualifiers in this provision of the Charter of Rights and Freedoms. It does not say that if you get an opportunity; it does not say if you pass certain hurdles; it does not say that you may have to jump certain loopholes; it does not say that you have to defend yourself from illegal phone calls, people misrepresenting you—no. It says very categorically that as a Canadian citizen you have a right to vote. It is therefore our responsibility as elected members to ensure that that very

fundamental right to vote, entitled as a democratic right of citizens, is upheld, because if we don't, we may be in breach of our Constitution. I say “may”; I would argue that we will be in breach of the Constitution and the Charter of Rights and Freedoms.

I think it's extremely important that if a set of practices that were witnessed in the last election are not contemplated within our own Election Act, we do not turn a blind eye, that we do not look away, that we do not use the argument that “Oh, this kind of stuff happens”; or that we should not really comfort ourselves by saying, “This has been going on for a while, so really who cares?” or to think that the Legislature is coming to the end of the session and we'd rather be back in our ridings. I think all of those options would be abdicating our responsibility and would be unconstitutional. It is incumbent on us that we take steps to ensure that the next provincial election in October and any elections after that are free, fair, transparent and open to all Ontarians; that those who qualify to vote would have the right to vote; that those who engage in any illegal practice or practices like the ones we saw in the past election or any others that we experience that happens during elections—that there is a strict law against it, so there can be deterrents, so there can be punishment of those who engage in this type of practice.

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What is this bill trying to do? Well, I think there are two very egregious practices that we witnessed in the last election, and I commend the member from Guelph, who spoke very eloquently on those, highlighting the experiences of her community in Guelph, and shed a lot of light on those illegal practices. Things like getting phone calls on behalf of Elections Canada, or somebody pretending that they're calling on behalf of Elections Canada, and telling you, “Oh, by the way, your polling station has changed.” If that is not misleading, if that is not a suppression tactic, I don't know what else would be, because here is somebody obviously, clearly misleading you, trying to make sure that you do not get to the right place to exercise your right to vote, that you go somewhere else.

That practice, that type of illegal—intuitively, I think everybody who's listening to this debate at home is going, “Well, obviously that's wrong. That should be illegal.” You're right, it is wrong and it should be illegal, but it's not stated in our legislation because it's something we had not contemplated or faced before. So we are amending the act now and we want it to be passed by Thursday, because that is the last day of the Legislature before the next election, so that that type of practice would not take place, or at least there would be a remedy or enforcement of punishment for that type of practice if that takes place.

The second corrupt practice that we witnessed and heard about—and by the way, this type of stuff happened in Ottawa Centre as well, the riding I am so privileged to serve. It was of serious concern to campaigns when those practices were going on. Somebody tries to impede or interfere with somebody's right to vote, and again, it

could be through various things: by harassing them; by making too many phone calls, purportedly on behalf of another political party, where somebody says, “I don’t want a part of this”; or again, impersonating Elections Canada or just flat out telling people, “Your vote is this day or the other day.” Any of that type of behaviour is, through the amendments that are being made to the Election Act, being defined as a corrupt practice, because then there are penalties associated with it. Penalties associated with corrupt practices in the act are from \$5,000 to a maximum of \$25,000 and a maximum jail term of six months to two years less a day. Basically, what we’re saying is, if you’re caught doing anything like this, you can be fined anywhere between \$5,000 to \$25,000 and you may get a jail sentence of anywhere from six months to two years less a day, or both of these things, a combination.

That’s a serious punishment, and rightly so. But again, it’s important that we have that articulated in the legislation so that Elections Ontario or the Chief Electoral Officer has the tools to enforce. Because it’s one thing to say that yes, these practices take place and it’s wrong, but on the other hand, these practices take place and we’ve got to make sure that we prosecute those who commit those illegal practices; that we give the Chief Electoral Officer, who is responsible for conducting and organizing an election and making sure that the laws that are outlined in the Election Act are fully followed, the tools, the mechanisms, the investigative powers, the power to seek a certain punishment, as outlined in this legislation; that it exists. That is what this legislation is trying to do. This is not some game about, “This kind of stuff happens” or “It’s just part of the game” or “This has been going on for umpteen years.” No, no. This is about making sure that we have the fairest of the fairest elections and that we do not deny people’s most fundamental democratic rights, which are outlined in our Charter of Rights and Freedoms. Failure to do so would be unconstitutional, because it does possibly take away people’s rights—the most fundamental rights.

I come back to my personal story; it’s a story which is very important to me, because it has defined me in many, many ways. It is what my family lived through. I am a proud Canadian citizen today because in the country I was born in, I did not have the rights outlined in the Charter of Rights and Freedoms. When my parents struggled for those rights, they were punished for it because it took power away from those who didn’t want to give power. For them it was more important that they live in a free society where one can do whatever, and at the most basic core have the right to vote so they can determine their own future. It is in their legacy and their memory, in many ways, that I am a public servant today. I wanted to be part of that process so that I can be with all my colleagues in this great Legislature, coming from different parts of the province with different backgrounds, representing different ideologies and ideas, so that we can all work together to ensure that we continue to a stronger Ontario, a province which is prosperous and

looks after each other, a province which is compassionate to each other.

That can only happen if we have a fair and open electoral practice, a process by which nobody is denied an opportunity to vote, and that is what we are trying to do through Bill 196. I urge all members to support this bill. Let’s pass this bill before Thursday, the last day of the Legislature, so that we can go with peace of mind that when we are all campaigning and giving people the right to vote, their democratic right will be abided by within the Charter of Rights and Freedoms, which gives us those rights.

The Acting Speaker (Mrs. Julia Munro): Questions and comments?

Mr. Jerry J. Ouellette: I appreciate the opportunity to comment on the member for Ottawa Centre’s remarks.

There’s a couple of things that I want to mention. If we want to move forward in making this better, we need to find the legal actions by which we can make it better, and how we’re going to deal with issues such as the Internet, the social Net and all the other aspects that come forward and the communications that are method there.

I am not necessarily sure that this legislation will take those into consideration and how we can adjust for those new technologies coming online. Quite frankly, many members here realize, or may not realize, that the top 10 jobs in 2010 were never even conceived of in 2004.

To the people watching: I want to emphasize one thing. We’ve talked about how this is a great thing to do. What do you do when the call comes? What do you do with that? There are a couple of simple things you can do: First of all, get a name if you can. Record the phone number or the communication by which they get in touch with you and then report it to the police immediately. You need to document as much time and all those other things.

You’re going to move forward with this legislation, but how do we enact it and what do people do out there when they see this sort of thing, and how to react and deal with it? At least if we can tell them that when a call comes in or a communication comes in that you’re suspicious of, record as much information, including the time, the date, the location, any phone numbers that appear on a call display or any names that you’re able to get for these individuals—that you can address that directly.

The member from Ottawa Centre was speaking about the Charter of Rights and Freedoms. One of the concerns, I believe—and I was trying to verify it in the time that I spoke last—was that during the last occurrence in the federal election in Oshawa, when these were reported to the police, they thought it was kind of passive; they thought it was a bit of a joke. They said, “What do you want us to do? What’s the big deal?” At least, quite frankly, if we’re able to heighten the realization that there are some aspects there that need to be addressed, then when they do come forward they can be addressed by those who have the ability to do so during that time.

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The Acting Speaker (Mrs. Julia Munro): The member for Welland.

Mr. Peter Kormos: I appreciate the youthful sincerity of the member for Ottawa Centre. He knows that I have regard for him. But I talked about this earlier today: The cops have no interest in investigating offences like the ones that are being created in this legislation, and Elections Ontario has no capacity; they don't have an investigative body. We've got serious jurisdictional problems, because as speakers have noted—I did earlier, and several have already today—you've got call centres operating out of anywhere from Manitoba through to Wyoming, or Wisconsin for that matter, or the Caribbean or Pakistan or India. I don't know where.

This is fine legislation; it's not bad legislation. That's why we're supporting it. But it certainly isn't a comprehensive package that will deal with the dirty tricksters, and in that regard I submit that what you really need—I said this earlier today—is a couple of amendments to the Criminal Code. Election fraud, just in general—and a couple of amendments to the Criminal Code would be all you would need to deal with almost every one of the potential dirty tricks that can be employed or utilized during an election time. Then you've got the Criminal Code and the power of criminal investigation and criminal conviction to assist you. You've got the whole concept of pan-Canadian jurisdiction, and Criminal Code amendments would be applicable to federal, provincial and municipal elections. That, I believe, is the course that we should take.

So if we're going to pass this—I don't know what the next government's going to be, but it seems to me that on the front burner of the next government should be re-addressing this issue, building a more comprehensive provincial legislative framework, but also, more importantly, getting Rob Nicholson—who loves making amendments to the Criminal Code; Lord knows he loves that—to make Criminal Code amendments that will truly have impact.

The Acting Speaker (Mrs. Julia Munro): Further comments or questions?

Hon. Leona Dombrowsky: I'm happy to have an opportunity to address some of the remarks that have been made today. There has been a suggestion that it might be more appropriate that another tool, the Criminal Code, would be used to address some of the abuses that have been experienced across Ontario. That is not for our government to decide. I certainly appreciate that we can advocate.

I will say that in my own riding I heard from constituents who, if they were not impacted directly by these sorts of activities, had heard about them. I think particularly for veterans, the men and women who left this country and fought for us to have the right to vote, this is something that is particularly important to them; indeed, it is sacred to them. There is nothing more galling and/or upsetting for veterans and family members of veterans particularly, whose members gave, in many cases, the ultimate sacrifice so that we today could enjoy the right to our franchise, the right to vote. To know that people would look for ways to abuse that right, to try to abuse

the process we are so blessed to have here in our country, is something that is very serious to them. They do believe that we, as a government, have a responsibility to act to the degree that we can to make sure that it doesn't happen again, that it is not repeated; that that very precious franchise we all have in any and every election in the province of Ontario is not perverted; that there is not an abuse out there in our—

The Acting Speaker (Mrs. Julia Munro): Thank you. The member for Pembroke and Nipissing—

Mr. John Yakabuski: It works for me, Speaker.

I had the opportunity to listen to the member from Ottawa Centre and also to the questions and comments. I must say that the Minister of Education, the member for Prince Edward–Hastings—you know, she makes a lovely appeal and she is very, very sweet about the way she's saying this is important and everything. But let me point out a couple of things.

They were talking earlier about these things going on in elections in 2008, federal elections in 2008. As you've heard before, I say to the Minister of Education, what took you so long? Why didn't you bring in this bill three years ago, after the 2008 election? Why, in the eleventh hour, as this Parliament is about to expire, would we then bring in this bill as some sort of a last death rattle? Goodness gracious, what is this?

I'll tell you, they had a wonderful opportunity here in the Sorbara report, if they wanted to support democracy. I have to repeat it, because it bears repeating. My colleague from Wellington–Halton Hills, Mr. Arnott, brought in a private member's bill that they just shut down; they didn't want to hear about it. But what does it say? Recommendation 26 says—and this was brought right by Greg Sorbara—“Include provisions that apply to third party advertising similar to those in place in other Canadian jurisdictions.” I was careful with that because I don't have my glasses, Madam Speaker. They could have done that. They could have stood up for democracy. They said no. Why?

The Acting Speaker (Mrs. Julia Munro): The member for Ottawa Centre has two minutes to respond.

Mr. Yasir Naqvi: I thought for a second I lost my hearing there. But let me just thank the member from Oshawa, the member from Wellington, the Minister of Education and the member from Renfrew–Nipissing–Pembroke for their comments.

The member from Renfrew–Nipissing–Pembroke talked about the timing of this bill. The federal election took place on May 2.

Mr. John Yakabuski: Was that the first federal election?

Mr. Yasir Naqvi: I think respect requires that as I was listening to you, you listen to me, sir. Thank you.

The federal election took place on May 2, when a lot of these concerns surfaced and we started reading about it and then started sharing experiences as to what we saw in our communities. The bill was tabled on May 17. If that is not expeditious, then I don't know what expeditious may be. Just because these are the dying days of this

Legislature does not mean that we stop working until the last day of this Legislature. This Legislature is duly elected until October 5 or 6, I believe, and the Legislature is duly sitting until this particular Thursday, on June 2. Our work continues on behalf of the people of Ontario. It is our responsibility, in fact, it is our duty on their behalf to ensure we uphold the democratic right as enshrined in the Charter of Rights and Freedoms. They have a right to vote and we need to make sure that there is no interference in their right to vote, because otherwise I am concerned that we will not be upholding their most fundamental and democratic right. That is why I support this bill and why I urge all members to support this bill, so it could be enacted on Thursday.

The Acting Speaker (Mrs. Julia Munro): Further debate?

Mr. Norm Miller: It's my pleasure to have the opportunity this evening to speak to Bill 196, which is An Act to amend the Election Act with respect to certain electoral practices. It was introduced pretty recently, May 17 to be exact. Of course, we're here in the last week of the legislative session just before a provincial election, which is going to happen on October 6.

As the opposition, I have to tell you, Madam Speaker, we do get a little concerned when the government, as its last gasp, if I may put it that way—the last bill it introduces is a bill about changing the rules to do with elections. That, right off the top, is a bit of a concern; certainly also the fact that they are rushing this through. We just started second reading debate this evening and it looks like the government's plan on this is to debate the required six and a half hours so that they can then bring in the time allocation motion, which they have already presented to the table. I haven't seen the time allocation motion. Perhaps the House leader can give me the time allocation motion.

2050

Mr. John Yakabuski: Oh, I've seen the motion. It's disgraceful.

Mr. Norm Miller: If he gave me a copy of it, I could—

The Acting Speaker (Mrs. Julia Munro): I would ask, please, that the member direct his remarks through the Speaker.

Mr. Norm Miller: Okay, Madam Speaker. I thought I was directing my comments through you. There were some other comments coming from behind me, mind you.

But the time allocation motion—

Mr. John Yakabuski: There it is, sir, and we've treated it accordingly.

Mr. Norm Miller: Thank you very much. So we now have a time allocation motion which has been presented, a motion for time allocation of Bill 196: "Ms. Smith moves that, pursuant to standing order 47 and notwithstanding any other standing order or special order of the House relating to Bill 196, An Act to amend the Election Act with respect to certain electoral practices, when Bill 196 is next called as a government order, the Speaker

shall put every question necessary to dispose of the second reading stage of the bill, without further debate or amendment, and at such time the bill shall be ordered for third reading, which order may then be immediately called; and

"That, when the order for third reading is called, the Speaker shall put every question necessary to dispose of this stage of the bill without further debate or amendment; and

"That no deferral of the second or third reading votes pursuant to standing order 28(h) shall be permitted; and

"That, in the case of any division relating to any proceedings on the bill, the division bell shall be limited to five minutes."

Essentially, what this time allocation order means is that the debate ends tonight. There will be no opportunity—as has been suggested by many of the speakers this evening, a logical thing to do when you're introducing a bill to do with changing the rules for elections is that perhaps you might want the Chief Electoral Officer to come before the committee and make recommendations. There may also be other parties who would be interested in looking at the bill to make recommendations. Then, of course, what would normally happen is, from those recommendations, if you took the time to listen to the people who came before the committee, we would then propose amendments. They could come from all three parties. Then, those amendments—hopefully some of them might pass, although what tends to happen around this House these days is only government amendments pass, no matter whether opposition ones are valid or not. But the idea would be to improve the bill. Instead, basically debate ends tonight.

I believe this was the time allocation motion given to the member from Welland, the third party House leader. Based on how crumpled up it is, I think I know his feeling about the actual time allocation motion.

That's the situation we have. We have this Bill 196. It's basically a one-page bill, I believe originating from things that may have happened in the federal election campaign. I assume they did, because they were reported in the news: phone calls that were made to people as they were getting ready to vote on election day, supposedly coming from Elections Canada, telling them that for some reason their polling station had changed and directing them to some other place. I'm not quite sure how that would be of benefit to any party necessarily, but that's, I believe, what happened. It's not that we object to this bill, but I don't really believe it's going to make any difference to that particular situation.

As I have mentioned in a few of the times I've had an opportunity to comment on other people's speeches this evening, I have noted that there are far more egregious things happening in elections at the current time in Ontario, and I certainly will go into that.

But what this bill does is, "The bill amends the Election Act to add new sections 96.2 and 96.3. Section 96.2 prohibits interference with voting. Section 96.3 prohibits impersonation of electoral officials, candidates and

persons authorized to act on behalf of candidates, parties and constituency associations.

“Several offences under the act, including the ones described in new sections 96.2 and 96.3, constitute ‘corrupt practices’ if committed knowingly. The existing penalty for a person who is found guilty of a corrupt practice is a fine of not more than \$5,000, imprisonment for a term of not more than six months, or both. The maximum fine for a corrupt practice is increased to \$25,000 and the maximum term of imprisonment to two years less a day.”

Brian MacLeod summed this legislation up best by calling it a “feeble Liberal law,” which won’t stop election dirty tricks. “In the federal election, the telephone was the main weapon of choice, through call centres, whose location was undetermined.” As I mentioned, on election day, voters in some ridings received automated phone calls telling them their polling station had moved, when it hadn’t.

So that’s what this is all about. I’d say it’s more about politics. I’m not quite sure what the government has to gain from this, but they did send what I would call an unusual email out—I’m sure to a wide audience. It was to the OLP Wire. This is the email sent out by the government when they introduced this bill, and that’s why I say it’s more about politics. This is the email:

“We saw American-style dirty tricks in the federal election by the federal Conservatives.” How they know that, I don’t know. “Today we’re introducing tough new legislation that will mean stiff fines and jail time if anyone breaks the rules during Ontario’s election. Here’s what you need to know:

“It will be illegal for anyone to give voters false information or impersonate a candidate, campaign worker or an Elections Ontario official. Those caught breaking the law will be fined up to \$25,000 and get nearly two years in jail. We know that the same people who ran the federal Conservative campaign are running rookie leader Tim Hudak’s campaign. Right now it’s looking like the Hudak PCs will try to block the passage of this legislation. Either way, we’ll know by their actions where they stand and what their own plans are for the upcoming Ontario election.”

So a very partisan email that was sent out. How they presume to know how we would vote—the main reason we would vote against this, and we don’t object to this at all, is for what it’s missing, and it’s missing a lot.

As you know, in the federal campaign, the documented cases of breaking the rules were documented by the Liberal candidate, and I note the Globe and Mail article on Joe Volpe, entitled “Joe Volpe Turfs Campaign Worker Caught Trashing Green Pamphlets.”

“A Liberal Party volunteer has been dismissed after removing Green Party campaign flyers from mailboxes and replacing them with Liberal materials while door-knocking with Toronto incumbent Joe Volpe.

“The actions of an unidentified man canvassing with Mr. Volpe, who has long represented Eglinton–Lawrence, were captured in a series of photographs by a Green Party supporter on Friday.”

So it seems pretty clear that this happened and was documented. It goes on:

“The canvasser’s no longer with us. End of story,” is what the Liberal Party said.

“Despite the dismissal, Green candidate Paul Baker is preparing a complaint to Elections Canada, noting that Mr. Volpe was nearby when the flyers were trashed.

“What I guess disappoints us is that Joe was there.... He may not have been robbing the bank, but it seems he was driving the getaway car,” he said. ‘In our minds, there’s no doubt that he was aware.’”

So that’s a case that happened in the recent federal election and, as far as I know, it’s against the law at this time, so we don’t need any new law. But it was the Liberal Party that was caught in that situation.

The biggest hole in this Bill 196, what it’s missing most, is anything to do with third party advertising, and that’s where we do have an unequal playing field in Ontario at this time. I would note the government’s own report from the Select Committee on Elections, done by Mr. Sorbara, who was the Chair of that committee, which did result in a number of election law changes in the province of Ontario. It made recommendations about third party advertising. In that, it noted that other provinces do have third party advertising rules—that is, parties other than political parties that spend money with political objectives. In the report, they note:

“Should Ontario adopt third party spending limits (following the lead of Canada, British Columbia and Quebec)?

“Should Ontario adopt third party contribution limits?

“Should Ontario attempt to limit third party advertising spending to the amounts a third party raises prior to and during an election campaign?

“Should Ontario adopt stricter registration and anti-collusion provisions?”

2100

And then the committee did its work, and they made a recommendation. The recommendation was number 26:

“The committee considered the proposal that Ontario’s electoral legislation

“26. Include provisions that apply to third party advertising similar to those in place in other Canadian jurisdictions.”

“The committee took notice of the provisions that apply to third party advertising in other Canadian jurisdictions and commends them to the government for consideration in any revision of Ontario’s election finance legislation.”

That was the government’s own select committee, headed by Mr. Sorbara, recommending that there should be provisions to do with third party advertising.

The government conveniently ignored that part of their own select committee’s report. You may ask, why did they ignore that? I would say it’s because the Liberal Party benefits from third party advertising, in that they have a very close relationship with the Working Families Coalition, a group that is mainly union-based and whose objective it is to make sure that Progressive Conservative

members are not elected and that the Progressive Conservative Party does not form a government in the province of Ontario.

In fact, you may remember that back in 2003, they ran ads focused on Ernie Eves that were in bus stops around Toronto: “Not this time, Ernie, not this time,” and they had TV ads. They spent a lot of money. They spent \$5 million to \$10 million. They spent as much as the major political parties do on advertising. But there are no rules, no accountability, to do with what they spend.

If you look back to the 2007 election, who funded the Working Families Coalition? Well, you have the Ontario English Catholic Teachers’ Association which funded \$100,000. You have the Ontario Secondary School Teachers’ Federation which contributed \$100,000. You have the Canadian Auto Workers who contributed \$200,000, and the Ontario Pipe Trades Council, \$400,000. The International Union of Operating Engineers in Oakville contributed \$150,000. The International Brotherhood of Electrical Workers contributed \$383,000. The Canadian Ironworkers political action committee contributed \$60,000, and on it goes, so we’re talking big dollars.

The problem with this is that the government, after benefiting from these contributions through attack ads that help elect Liberal candidates, rewards the Working Families Coalition after the election with legislation and also with pay increases that are not necessarily for the benefit of the general society. For example, the construction unions were very supportive of this ad campaign, and then the government passed legislation to do away with secret ballots in the forming of construction unions. I don’t know how anybody can argue against the secret ballot as being the most effective and fairest way to determine if a group of employees wants a union or doesn’t want a union. But that’s what the government did. They did away with the secret ballot and went back to the old system that used to be in place in the early days, this card-based system for signing up for unions, which is open to a lot of manipulation. We went away from a secret ballot to this old system.

The biggest thing is just very hefty contract increases. We’ve seen how, in the past number of years, despite a worldwide recession, despite the government talking about a wage freeze, actually what has happened is that there has hardly been a group around that negotiates with the government that hasn’t seen significant increases, whether it’s eHealth, where we now find out that there was a 10% increase, or OPSEU, which had increases in every year and then a secret increase of 1% beyond the next election. Every day, we learn of another group that has another secret deal. I say it’s connected to this. That is why this is a big hole in this legislation. It’s not dealing with this third party advertising and it’s creating an un-level playing field. The Progressive Conservative Party does not have a Working Families Coalition that will be spending \$5 million or \$10 million running nasty attack ads against the Liberal Party.

I note that the member from Wellington–Halton Hills did have a private member’s bill, Bill 195, which was

specifically aimed at dealing with this. In fact, the bill was called An Act to amend the Election Finances Act to ban collusion in electoral advertising. He did get an opportunity to debate, and I believe it was pretty much the day after he introduced it that the government introduced this bill. Maybe this is supposed to be a diversion of some kind.

There is obviously not a healthy situation in the province of Ontario, where there isn’t a level playing field. Pretty much all of the other provinces have rules. For example, you still allow third party advertising, but you set a limit of \$100,000, \$200,000 or \$300,000, so you don’t have a group, an association, spending millions and millions of dollars for the government that it is then beholden to. That’s not good for the people of Ontario.

With that, Madam Speaker, I will conclude my remarks this evening. Thank you very much.

The Acting Speaker (Mrs. Julia Munro): It’s time for questions and comments. The member for Welland.

Mr. Peter Kormos: I suspect that at the conclusion of questions and comments, this debate will have been brought to an abrupt end by the government, electing to use its authority under some very unfair standing orders to shut down debate. That will then pave or lead the way to the time allocation motion. We’ll have two hours of debate on a time allocation motion, and that time allocation motion, folks should know, forbids, prohibits, denies the public—or anybody else, for that matter—an opportunity to participate in public hearings around this matter. That time allocation motion, even more interestingly, indicates that the next time the bill is called, once that time allocation motion is passed, it shall be voted on, and that it shall then be called for third reading.

The time allocation motion circumvents the standing orders. The standing orders are a nuisance to this government. They’re something that has to be overcome at every step of the way instead of being seen as a guide to responsible process for effective legislation creation.

This isn’t a novel experience for us here in this Legislature, because the Liberals, over the course of eight years, have used time allocation with a brutality and a ruthlessness that are unprecedented. The Liberals here at Queen’s Park have restricted committee participation by the public, and I go back, whether it was Michael Bryant and the pit bull legislation—they really shut that down in short order when things stopped going his way—or any other number of pieces of legislation here that the Liberals started to quiver about.

But judgment day comes October 6, and it will not be pleasant for my colleagues on the other side.

The Acting Speaker (Mrs. Julia Munro): Further comments?

Hon. Glen R. Murray: I don’t know what’s happened to the delicate, soft souls and unhardened hands opposite. When we brought forward legislation that reduced the cost of generic drugs, we faced a rather brutal third party campaign that was very aggressive, directed specifically and very personally against the health minister and against our party. I did not hear Liberals coming here and

saying, "Oh, no. It's terrible. Democracy is so tough. Other people will exercise their rights."

Grow up. Would you guys just grow up? What did you do in my constituency? You closed the Wellesley hospital, you closed the Central hospital, you threatened to close the Grace hospital; you took transit money away from kids in Regent Park so the dropout rate went from 60% to 68%. The parents were upset. The hospital workers were upset. So they formed a coalition and they said, "Vote for Peter and his friends," or vote for some of the folks over here, because we were upset.

2110

The leader of your federal party, Stephen Harper, took the federal Liberal government all the way to the Supreme Court and raised millions of dollars to try and stop any restrictions on third party advertising—all the way to the Supreme Court. He fought that for seven years.

I'm a gay man. I have had Focus on the Family run some of the nastiest campaigns at me, not for any political position I've taken, but just simply for who I am.

Mr. John Yakabuski: Oh, stop it.

Hon. Glen R. Murray: Grow up. Stop—

Mr. John Yakabuski: It has nothing to do with this debate.

Hon. Glen R. Murray: It does, because you know, there are all these religious evangelical groups who run campaigns against some of us who are members of minorities. We've learned to be tougher. Stop being such a bunch of sissies and just grow up.

The Acting Speaker (Mrs. Julia Munro): Comments and questions?

Mr. Ted Arnott: I would like to ask the Minister of Research and Innovation to withdraw the unparliamentary insult to the opposition that he just articulated.

Hon. Glen R. Murray: Madam Speaker, I'm not quite clear on what the member was offended by.

Mr. Ted Arnott: You called us sissies.

Interjections.

Hon. Glen R. Murray: Madam Speaker, I would never want them to have to join a club they wouldn't want to be a member of, so I'll withdraw the comment.

The Acting Speaker (Mrs. Julia Munro): Just withdraw the comment.

Mr. John Yakabuski: Point of order.

The Acting Speaker (Mrs. Julia Munro): No, just a minute.

Hon. Bob Chiarelli: You're a sissy for complaining about being called a sissy.

The Acting Speaker (Mrs. Julia Munro): Order. I'm going to ask the member to withdraw. Just withdraw.

Hon. Glen R. Murray: Speaker, I withdraw the comment.

The Acting Speaker (Mrs. Julia Munro): Further comments and questions? The member for Wellington-Halton Hills.

Mr. Ted Arnott: I want to compliment the member for Parry Sound-Muskoka for his fine speech this evening in response to the government's Bill 196.

Of course, we know that the bill is now time-allocated, or at least a time allocation motion has been tabled, and we see that the time allocation motion is particularly repugnant and restrictive on the opposition. In fact, there will be no committee hearings whatsoever on this piece of legislation, even though the government did not consult the opposition before bringing the bill forward, and what's even worse and most remarkable is that there's absolutely no debate on third reading. I don't recall a precedent where that was the case.

It's absolutely incredible, and especially given the fact that our party has brought forward a bill, Bill 195, in the Legislature. We continue to advocate for it, because we do believe that, in fact, it would create a level playing field with respect to advertising for political parties during election campaigns.

We know that the Working Families issue colours this entire debate. The fact is, the Working Families organization is planning to expend probably millions of dollars yet again, most likely in direct co-operation, if not collusion, with the Liberal Party. Most likely there will be direct communication between the Liberal staffers and the Working Families Coalition to help devise and develop the attack ads to allow the Working Families Coalition to do the dirty work that the Liberal Party doesn't want to do with its advertising. It wants to keep its advertising nice and positive and happy.

Hon. Leona Dombrowsky: On a point of order, Madam Speaker: I would ask the honourable member to withdraw the unparliamentary language he is using.

The Acting Speaker (Mrs. Julia Munro): The—

Mr. Jeff Leal: They used the word "collusion."

The Acting Speaker (Mrs. Julia Munro): Yes, but the term has been used all evening with regard to this bill. The member has—

Mr. Ted Arnott: I'll just draw again to the minister's attention that the name of my bill was An Act to amend the Election Finances Act to ban collusion in electoral advertising. I would suggest—

The Acting Speaker (Mrs. Julia Munro): Thank you.

Further comments and questions?

Mr. John Yakabuski: I want to make probably my final comment on this bill. Shortly, no one will be allowed to comment on this bill ever again in this House because debate has been stifled. Discussion has been shut down. Democracy cries this evening, because without the ability to take this bill to committee, we lose the benefit of those people out there, such as the Chief Electoral Officer, who could probably have strengthened and made this bill better.

I say to the member for Ottawa Centre, who talked about, "Oh, we needed to do something drastic after May 2," yet they talked about these things going on in previous elections: Where was the government then? All of a sudden this was the most important thing on their agenda, to bring up this piece of legislation? It may sound like I'm repeating myself, but they had the opportunity just a short week or so ago to support my colleague

and friend from Wellington–Halton Hills, Ted Arnott, on a very thoughtful bill that would stand for democracy by banning collusion and third party advertising, which has been of such benefit to the Liberal Party.

So you see, whether it's good or bad does not seem to be the measurement of whether it lives or dies in the Liberal Party; it's whether or not it's good for them. And if it's good for them, it's okay.

The Acting Speaker (Mrs. Julia Munro): The member has two minutes to respond.

Mr. Norm Miller: Thank you to the member from Welland, the Minister of Research and Innovation, the member from Wellington–Halton Hills and the member from Renfrew–Nipissing–Pembroke for their comments.

I would simply say that the Minister of Research and Innovation was essentially off topic. He wasn't talking about spending in an election period, which is what I was talking about.

As was noted by the member from Welland, essentially the debate on the bill will be shortly over. It is unusual, and that was noted by the member from Wellington–Halton Hills too, that there will be no third reading on this debate. Usually we complain when the government limits debate to just an hour on third reading, but in this case, this crumpled time allocation motion, which I got from the member from Welland, the House leader of the third party—it reflects his feelings about the time allocation motion. Essentially, debate will be over.

It is a shame they aren't going to be following their own advice from their select committee and doing something about third party advertising, when we see the close connection of the Liberal Party to the Working Families Coalition: the fact that Don Guy, who is the president of Pollara, does the polling for the Working Families Coalition. He's also the director of Mr. McGuinty's campaign. Marcel Wieder, who does advertising for the Ontario Liberal Party and has contracts with the Ontario Liberal Party, is also the person responsible for doing ads for the Working Families Coalition. Of course, there's Pat Dillon, the head of the Working Families Coalition, who has multiple appointments by this government.

So we have a problem, and this bill is not dealing with that very significant problem. It would be fair for all parties, no matter how big or small, to have the same rules and limits on third party advertising in the province of Ontario.

The Acting Speaker (Mrs. Julia Munro): Pursuant to standing order 47(c), I am now required to interrupt the proceedings to announce that there has been more than six and a half hours of debate on the motion for second reading of this bill. This debate will therefore be deemed adjourned unless the government House leader indicates otherwise.

Mr. John Yakubuski: I think she wants to keep it going.

Hon. Monique M. Smith: Again, the member for Renfrew–Nipissing–Pembroke is mistaken. We have no further debate.

Second reading debate deemed adjourned.

FIRE PROTECTION AND PREVENTION AMENDMENT ACT, 2011

LOI DE 2011 MODIFIANT LA LOI SUR LA PRÉVENTION ET LA PROTECTION CONTRE L'INCENDIE

Mr. Sousa moved third reading of the following bill:

Bill 181, An Act to amend the Fire Protection and Prevention Act, 1997 / Projet de loi 181, Loi modifiant la Loi de 1997 sur la prévention et la protection contre l'incendie.

The Acting Speaker (Mrs. Julia Munro): Debate?

Hon. Charles Sousa: It's a privilege to once again rise and speak to the Fire Protection and Prevention Amendment Act, 2011. I am pleased that we are joined today by Fred LeBlanc, Mark Train and Mike Scarangella from the Ontario Professional Fire Fighters Association.

I know all Ontarians join Minister Bradley and I in expressing our deepest gratitude to the firefighters, both those who are joining us here today, as they have throughout this debate, and those throughout this province. It is the safety of firefighters and the people of Ontario that lie at the heart of the bill. You will know that prior to the introduction of Bill 181, a motion was passed in this House on March 10, 2011. That motion, brought forward by our colleague the member for Algoma–Manitoulin, recognized the important role firefighters in Ontario play every day in keeping our community safe. The motion, which passed unanimously, cited health and safety evidence and called upon the Ontario government to introduce legislation to allow for the mandatory retirement of salaried front-line firefighters. It is important to note that the motion reflected current practice and is consistent with the recent Human Rights Tribunal decision. Following this motion, the Ministries of Labour and Community Safety and Correctional Services consulted with fire safety partners on how best to move forward. The bill before us is the result of these consultations.

2120

This bill will bring greater clarity and uniformity to the issue of mandatory retirement in the fire sector for the sake of firefighters, our fire services and the public they serve. As Ontario's Minister of Labour, my mission is to advance safe workplace practices that are essential to the well-being of Ontario's workers. Our government is committed to working with its fire safety partners to keep our communities and our firefighters safe. This bill addresses two labour-related issues of concern to the fire community. The first is mandatory retirement and the second is duty of fair representation. I will speak briefly to both of these, but will begin by addressing the proposed amendments around mandatory retirement for salaried firefighters regularly assigned to active fire suppression duties.

Bill 181 would permit a mandatory retirement age of no less than 60 for firefighters regularly assigned to fire suppression activities. Such a mandatory provision would

have to be set out in a collective agreement. However, if a collective agreement does not contain such a provision or if the provision that is currently in place provides for a mandatory retirement age younger than 60, the agreement would be deemed to contain a provision of mandatory retirement at 60 years of age. Further, in order to ensure a smooth transition for all parties, this deeming provision would not come into effect until two years after royal assent. This two-year period would provide an opportunity to negotiate provisions in collective agreements that provide for retirement at an age of 60 or greater if the parties choose to do so. It also allows time for planning both by the municipal employers and by individual firefighters prior to a new provision in their collective agreement coming into effect.

It is important to stress that our proposed changes on mandatory retirement generally reflect current practices in most municipalities, and it is important to note that the mandatory retirement age of 60 for firefighters on the front lines of firefighting activities has generally been found by human rights tribunals to be a legitimate bona fide occupational requirement. For example, the Human Rights Tribunal of Ontario recently reviewed extensive medical evidence and found that age is a very significant contributor to risk of cardiac events among firefighters. There is a significantly increased risk of cardiac disease around the age of 60, and the safety consequences of such an event for a firefighter, the public and his or her colleagues may be grave. We are certainly all aware that firefighters work under unique conditions. Their work is extremely physical and unpredictable. They contend with intense heat, thick smoke and dangerous chemicals and they frequently encounter these hazards in confined areas. They perform their duties under the most demanding and stressful of conditions.

There are approximately 80 collective agreements in Ontario that cover firefighters under part IX of the Fire Protection and Prevention Act, 1997, and of these 80 agreements, we know that about two thirds contain a mandatory retirement age. The vast majority of those already stipulate that age to be 60, so the amendment we are discussing today serves to reinforce what currently exists in the majority of firefighter collective agreements. But our amendment also recognizes that salaried firefighters involved in active firefighting may continue to make a valuable contribution in other ways. To that end, those engaged in battling fires would not be compelled to retire if their employer could accommodate them by assigning them to other duties without causing the employer undue hardship. For example, front-line firefighters who have reached the retirement age, as set out in their collective agreements, might have the opportunity to be assigned to duties in the fire service like fire prevention, if such a position is available.

I would like to now just take a moment to speak to the important work done across our province by voluntary firefighters. First, I want to reiterate that this legislation does not impact volunteer firefighters. We are very aware of the crucial role that volunteers play, especially in

smaller municipalities. Our volunteer firefighters are our neighbours, who take time away from their families to keep us safe, and as volunteers we rely on their dedication and selflessness.

Our discussions with the fire safety community included meeting with representatives of volunteer firefighters. The information we received was of great value in developing the scope of this proposed legislation. Importantly, we are told that the age restrictions of volunteers would have a significant negative impact on the quality of service in some volunteer service communities.

We know that there has been some discussion since the introduction of this bill about its potential impact on pensions as well. To be clear, we do not anticipate an impact on pensions on any of the systems, as the bill generally reflects current practice and allows parties to agree on setting an age of 60 or higher in a collective agreement. By reflecting current practice and allowing for a negotiated age over 60 to be set, we are providing local flexibility in those few instances where firefighter pension planning is currently based on a retirement age of 65 rather than 60.

The second component of this bill concerns the duty of fair representation. Ontario's Labour Relations Act, 1995, imposes a duty of fair representation on most unions across this province. The duty of fair representation requires unions to represent employees fairly by not acting in a manner that is arbitrary, discriminatory or in bad faith. Such a provision, however, is not contained in the Fire Protection and Prevention Act, 1997. Currently, firefighters in Ontario do not have access to the Ontario Labour Relations Board for duty of fair representation issues. Because of this, they must instead turn to the courts or, in some cases, to the Human Rights Tribunal.

We believe, as do our fire sector partners, that the Ontario Labour Relations Board is the appropriate venue for these matters. In fact, in discussing this issue with the parties involved, it became clear that there is no good reason why unionized firefighters should not have access to the labour board for unfair representation complaints in the same way as most other unionized employees do. Quite simply, giving firefighters access to the Ontario Labour Relations Board in matters concerning the duty of fair representation is the right thing to do. In order to ensure a smooth transition, we are proposing that this provision would not come into effect until December 1, 2011.

To conclude, Ontario's firefighters, who keep our families and homes safe, do so with great bravery and dedication and deserve our utmost respect. We have listened to the firefighters of this province and to key stakeholders in the fire sector. I would like to take this opportunity to again thank our fire safety partners for taking the time to sit down with us and discuss this issue. I am pleased that our government has introduced this legislation, and I would like as well to thank Minister Bradley and his ministry for their hard work and his input on this bill.

But I would especially like to thank our firefighters. Our firefighters' commitment to the public, to the fire service and to the communities they serve continues to serve as an example to us all.

Thank you, members of the firefighting community of Ontario.

2130

The Acting Speaker (Mrs. Julia Munro): Comments and questions? Further debate?

Mr. Garfield Dunlop: It's a pleasure to be here to make a few comments on the third reading debate of Bill 181.

The Ontario Professional Fire Fighters Association has been asking for this for the last four or five years. They've had a fairly strong lobby and what we consider to be a good argument for this legislation. I know our leader, Tim Hudak, is very supportive of this and has come forward a number of times at the lobby days asking for this.

I think it sort of sells itself in that they take an age of 60—and we all know there are people who are maybe 65, 70 or 75 who are in excellent physical condition. But if you look at the data they've provided through studies in the United States and in Canada, there is a sort of cut-off point there where, at the age of 60, for the average person, you're probably taking more risk than normal, and you'd also be putting your fellow colleagues in the fire services in jeopardy. I think that was the number one reason that we support this legislation: It's not so much the pension plans or the particular age; it's about a public safety issue around your fellow colleagues in the fire service.

For that reason, I think it's important that we support the professional firefighters. This bill, as many people know, is only for the professional firefighters and full-time firefighters. We all know that there's a question around—many of us have heard the argument from AMO and some of our volunteer fire services as well about what the impact will be etc. But I consider this bill to be a good first step, and I'm glad to see that we have support, not only in first reading and second reading, at committee, but here tonight as well. I hope the bill will pass and be proclaimed as quickly as possible.

I was happy to hear the minister talk about volunteer fire services as well, because many of us in the Legislature here come from communities with little or no professional firefighters; by far, the vast majority of the fire services are done by our volunteer members in our community. I think I've said a number of times that I've got two full-time fire services in my community, and I also work quite closely with the Barrie fire service. With the exceptions of those, everyone else basically has a full-time chief, maybe a fire prevention officer, and then beyond that it's all volunteers. We owe a debt of gratitude to them, because they do take time out of their lives. Again, I want to pay tribute to the two gentlemen who lost their lives in the Listowel fire earlier this year. That was a very sad day in Ontario, and I know that the professional firefighters—Fred, you took a leadership

role in helping with the funeral arrangements and that sort of thing, and I think that was nice to see as well.

On a kind of a funny note, it's always amazing to watch the fire services because they're always asked to go in all the different parades and functions we have across our communities. Just on the weekend, I couldn't be at what we call the Coldwater Duck Race, where they dump 5,000 rubber duckies in the Coldwater River, and you buy a ticket on one of these ducks, and the winning duck that gets down to a certain line—it flows through the water—that's the person who gets first prize. Of course, in the middle of it all, there was a fire. They had to spread the parade, and the fire trucks all had to get out and go out to the fire; I think there were three or four fire trucks there. Those are our volunteer firefighters in our community, so I'm glad, Minister, you mentioned that.

I do want to go back for one second about a question I asked earlier in the House, and that's about our firefighters who work for the Ministry of Natural Resources. We met with some, and they're not covered by the presumptive legislation. I think they should be, and I hope that, with the help of our professional firefighters, the Ministry of Labour and the WSIB, we can in fact move in that direction, that our forestry firefighters are covered under presumptive legislation as well. I think it was only a week or so or two weeks ago, we sent a number, I think it was 85 or 90 of our provincial forest firefighters out to Alberta to fight that massive fire at the community of Slave Lake.

I don't think I have to go on here a long time tonight. We could talk all night about a lot of these different things and bring out different points in our own communities. We're happy to support this legislation. We thank you for the support you've given us and the input over the years and hope that it becomes successful legislation and we can get a vote passed very quickly and get it proclaimed as quickly as possible.

The Acting Speaker (Mrs. Julia Munro): Comments and questions? Further debate? The member for Welland.

Mr. Peter Kormos: Thank you kindly, Speaker.

Applause.

Mr. Peter Kormos: Just wait. You may not want to be too eager about that.

New Democrats are pleased that the bill is up for third reading. We're not going to spend a great deal of time on third reading debate. The opposition parties signalled very clearly early on in this whole process that we were anxious to get the bill passed before the House rose June 2. Obviously, if it didn't pass before June 2 it wouldn't happen until after the next election and then firefighters would have to deal with a whole new government and start all over again.

Interjections.

Mr. Peter Kormos: Well, I'm not suggesting who that government is made up of. The people of Ontario will decide what the government looks like, but it will be a new government.

This has been a long time coming, ever since the ill-thought-out elimination of retirement age by this govern-

ment. I recall it so well. It was about dignity. Do you remember that? The dignity of being able to work when you're 80. The dignity of being a greeter at Walmart because you can't afford to pay the hydro bills or the HST when you're a senior citizen.

I congratulate firefighters for their perseverance. I invite them for their commitment to the welfare of their sisters and brothers in their profession. I look forward to firefighters who, when they retire at the age of 60, embark on the sorts of things that retired people should be able to do, whether it's taking care of your grandkids or going on the vacations you never could when you were working or doing volunteer work, or simply putting your feet up on the back stoop or porch and having a soda pop. I wish that there were so many other workers in this province who would be able to do that, with real pensions.

Eight years of this government, and we've seen fewer and fewer workers with defined benefit pension plans here in the province of Ontario.

Interjection.

Mr. Peter Kormos: No, members of the Legislature chose, in a unanimous vote, a defined contribution pension plan. I remember it well, in 1996. Other workers don't choose that. They have it forced on them. Here we are in this Legislature, Liberals, Conservatives, New Democrats abolished the defined benefit pension plan—a very robust one that MPPs had—and replaced it with a defined contribution. But more and more workers in this province have no pension plan at all. Their defined benefit pension plans are crumbling. Of course, the government's pension guarantee fund stuck at \$1,000 a month does little for those workers—whether they're workers down at Atlas Steel in Welland, who had a pension plan wind up, who retired and thought things were fine until they discovered that the plan was seriously defunded. Of course, we saw the “too big to fail” operations, including the auto sector, with grossly underfunded, defunded pension plans.

So I wish that we could celebrate this for all workers here in the province of Ontario. But I commend firefighters for having fought for it, and again, for having fought for it year after year.

I'm sure they were troubled at certain points whether this was ever going to happen. I analyze these things a little bit. I wonder if a pending election helped to make it happen, if a political party in power wanted to woo firefighter support and figured that this is as good a way of doing it as any, because it seems to me it could have been done a year ago, two years ago. It could have been done shortly after the the Human Rights Code was amended here in the province of Ontario to eliminate retirement age. It was an oversight. The police weren't omitted in the course of excluding them; firefighters were.

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I share the concern of my colleague from the official opposition, Mr. Dunlop, when it comes to firefighters in the Ministry of Natural Resources not having the same access to pensions, and I look forward to pursuing that with him.

I share concerns around volunteer firefighters because I come from communities that have blended fire services with the professional firefighters. It's always incumbent upon professional firefighters to ensure adequate staffing. They have to fight for that on a regular basis to ensure adequate resources and to ensure that they have the tools with which to do a very dangerous and increasingly complex job.

This is going to go to a vote tonight. Peculiarly, perversely, Liberals will vote against this bill tonight. It's a tactic. I consider it an asinine tactic and a silly one. But you will see Liberals voting against this bill tonight when they could have had a unanimous vote in the Legislature before 10 o'clock at night.

Interjection.

Mr. Peter Kormos: The problem is, nobody knows where the Liberals stand. The nice thing about being a Liberal is that you don't always have to be a Liberal. You can be a right-winger. Ask Kim Craiton from down Niagara Falls way. He stands in every position that mankind ever created and some positions that mankind never discovered yet.

I want to close with this: This was a rare occasion when there was a collaborative effort on the part of the opposition parties with the government. We signalled, as I say, early on that we wanted this to proceed promptly on second reading. We indicated that, again, we regard it important, as due diligence, to have committee hearings. We didn't think that it was necessary for there to be extensive committee hearings, but they were valuable because, in fact, the government amended the bill during the course of those committee hearings. To have done otherwise would have meant putting the bill into committee of the whole, and I don't know whether your government House leader has ever had experience with legislation in committee of the whole but it would have been a delightful thing to have happened. I recall those with great fondness as an opposition member and even from time to time as a government backbencher. They're delightful tools that people have.

I thank the minister for his perseverance. I noticed he thanked his colleague the Minister of Community Safety. I suspect that he forgot to thank the opposition parties for their co-operation on the matter. It was rather graceless and amateurish in its own right, but, hey—

Interjections.

Mr. Peter Kormos: Well, it was. It was graceless and amateurish, and I think the minister missed a great opportunity on behalf of his government to signal that it can work with other parties rather than merely rely upon the heavy hand and the heeled boot of majority government. But I suspect that, as well, Ontarians and Ontario voters will recognize that come October 6.

Thanks, Speaker. Let's put this to a vote and watch the Liberals vote against it.

The Acting Speaker (Mrs. Julia Munro): Further debate?

Mr. Sousa has moved third reading of Bill 181. Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a 30-minute bell.

The Acting Speaker (Mrs. Julia Munro): "Pursuant to standing order 28(a), I request that the vote on Bill 181, An Act to amend the Fire Protection and Prevention Act, 1997, Minister Sousa, be deferred until Tuesday, May 31, 2011."

Third reading vote deferred.

The Acting Speaker (Mrs. Julia Munro): Orders of the day.

Hon. Monique M. Smith: I move adjournment of the House.

The Acting Speaker (Mrs. Julia Munro): The House leader has moved adjournment of the House.

Interjections.

The Acting Speaker (Mrs. Julia Munro): Order. Is it the pleasure of the House that the motion carry?

All in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

Mr. Peter Kormos: On division.

The Acting Speaker (Mrs. Julia Munro): On division.

This House stands adjourned until 9 a.m. tomorrow.

The House adjourned at 2145.

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