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Official Report of Debates (Hansard)

Monday 21 November 2016

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Lundi 21 novembre 2016

**Standing Committee on
General Government**

Election Finances Statute Law
Amendment Act, 2016

**Comité permanent des
affaires gouvernementales**

Loi de 2016 modifiant des lois
en ce qui concerne
le financement électoral

Chair: Grant Crack
Clerk: Sylwia Przedziecki

Président : Grant Crack
Greffière : Sylwia Przedziecki

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES**

Monday 21 November 2016

Lundi 21 novembre 2016

The committee met at 1402 in committee room 2.

**ELECTION FINANCES STATUTE LAW
AMENDMENT ACT, 2016
LOI DE 2016 MODIFIANT DES LOIS
EN CE QUI CONCERNE
LE FINANCEMENT ÉLECTORAL**

Consideration of the following bill:

Bill 2, An Act to amend various statutes with respect to election matters / Projet de loi 2, Loi visant à modifier diverses lois en ce qui a trait à des questions concernant les élections.

The Chair (Mr. Grant Crack): It is just after 2 p.m. I'd like to call the Standing Committee on General Government to order. I'd like to welcome all members of the committee, support staff, the Clerk, legislative counsel, Hansard and broadcasting and recording. Welcome.

We are here this afternoon to continue our clause-by-clause consideration of Bill 2, An Act to amend various statutes with respect to election matters.

When we rose last Wednesday, we were on PC motion number 19. As such, there was a request for a 20-minute break, which was in order, prior to the vote. Therefore, there will be no further discussion on PC motion number 19. I am prepared to call for the vote at this time. Those in favour of PC motion number 19? Those opposed? I declare PC motion number 19 defeated.

We shall move to PC motion number 20, which is an amendment to subsection 15(2), subsection 21(2) of the Election Finances Act. Mr. Hillier?

Mr. Randy Hillier: Thank you so very much, Chair. I'm glad to see everybody here back and well rested and ready for some thoughtful deliberation and examination of Bill 2.

I move that subsection 21(2) of the Election Finances Act, as set out in subsection 15(2) of the bill, be amended by striking out "nomination contestant".

The Chair (Mr. Grant Crack): Further discussion? Mr. Hillier.

Mr. Randy Hillier: Further on our discussions that we've had so frequently in the past on this, this section of the bill, again, refers to nomination contestants and that reporting of goods and services in contributions of \$100 or less may be considered not a contribution. We believe that that should be struck out for the nomination contestants.

The Chair (Mr. Grant Crack): Further discussion? Mr. Rinaldi.

Mr. Lou Rinaldi: Chair, I would recommend voting against this motion. The proposed motion seeks to remove nomination contestants from the list of political actors to whom the amounts of \$100 or less may be considered, as the member just suggested. If this motion were carried, nomination contestants would not be subject to statutory requirements regarding contributions under the Election Finances Act.

The Chair (Mr. Grant Crack): Further discussion? There being none, I am prepared to call for the vote. Those in favour of PC motion number 20? Those opposed? I declare PC motion number 20 lost.

We shall move to PC motion number 21, which is an amendment to subsection 15(3), subsection 21(3) of the Election Finances Act. Mr. Hillier?

Mr. Randy Hillier: I move that subsection 15(3) of the bill be struck out.

The Chair (Mr. Grant Crack): Further discussion? Mr. Hillier.

Mr. Randy Hillier: Once again, the reference to nomination contestants, I believe, is inappropriate. We've spoken at length about how this capturing of nomination contestants under the Election Finances Act will be a barrier, an obstacle and an impediment for individuals who desire to be engaged in the political process—be restricted. It's an inappropriate purpose of this bill. I don't believe it's an unintended consequence—having nomination contestants be included—but it is inappropriate. There's no need to capture nomination contestants in this bill when what we're dealing with is the abuse of members of the executive, ministers of the crown, being involved in cash-for-access and cash-for-policy. It really is throwing up a barrier where what we ought to be focused on and preventing is influential members of the government selling cash-for-access or access to policies in return for cash.

The Chair (Mr. Grant Crack): Any further discussion? Mr. Rinaldi.

Mr. Lou Rinaldi: Chair, I would once again recommend voting against this particular motion. We believe that nomination contestants should be regulated in a way that's consistent with the regulation of other political folks. Nomination contestants can ultimately become members of the Legislative Assembly and cabinet. The same principle regarding transparency, access and elim-

inating undue influence should apply to all actors seeking election. Regulating nomination contestants will help ensure that their activities are guided by a clear set of rules at every step of the election process, starting with the nomination.

The Chair (Mr. Grant Crack): Further discussion? Mr. Hillier.

Mr. Randy Hillier: I guess this would be maybe out of order, but I'll ask anyway. Later on in the amendment package, we will see an amendment about a review of the effects of this legislation. I believe it's an NDP amendment that calls for a review—essentially somewhat like a sunset provision.

I'd have somewhat more confidence in the integrity of this bill if we had some assurance or some thought that there will be support for those amendments and that there will be a public review of the effects of this committee. I just put that out for the committee members to contemplate and consider: that I believe that this capturing of nomination contestants will have very negative impacts on our democracy. I do hope we permit a thorough and public review of this legislation after its implementation so that if there are these harms and barriers thrown up, there's some mechanism to review and amend them in due course.

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The Chair (Mr. Grant Crack): Thank you, Mr. Hillier. Further discussion?

There being none, I shall call for the vote on PC motion number 21. Those in favour of PC motion 21? Those opposed? I declare PC motion number 21 defeated.

There are no amendments, therefore, to section 15. Is there any discussion on section 15 in its entirety?

Ms. Catherine Fife: Recorded vote, please.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote. That is in order. No further discussion? I shall call for the vote on section 15.

Ayes

Colle, Malhi, Rinaldi, Vernile.

Nays

Fife, Hillier, Thompson.

The Chair (Mr. Grant Crack): I declare section 15 carried.

Before we move on to section 16, I think it would be appropriate to wish Mr. Kyle Richardson a happy birthday. I believe it's your birthday today. Is that correct? It is. Good. It's great to have you.

Ms. Catherine Fife: I can't believe that he spent his birthday here.

Mr. Randy Hillier: Shall we also sing "Happy Birthday" to him?

The Chair (Mr. Grant Crack): Well, perhaps we'll sing it after the meeting.

Ms. Catherine Fife: I'm feeling slightly nervous.

The Chair (Mr. Grant Crack): But happy birthday, sir.

Moving right along to section 16, we have PC motion number 22, which is an amendment to subsection 16(1), clause 22(1)(a) of the Election Finances Act. Mr. Hillier.

Mr. Randy Hillier: I move that clause 22(1)(a) of the Election Finances Act, as set out in subsection 16(1) of the bill, be amended by striking out "the nomination of a registered nomination contestant".

The Chair (Mr. Grant Crack): Further discussion? Mr. Hillier.

Mr. Randy Hillier: We'll see that there are a number of amendments to section 16 and advertising; this is already one to strike out the provisions of this bill with respect to having nomination contestants fall under the same guise and guidelines as others.

The Chair (Mr. Grant Crack): Further discussion? Mr. Rinaldi.

Mr. Lou Rinaldi: Again, I recommend voting against this motion. Removing reference to nomination contestants from the act is inconsistent with the government's commitment to strengthen the rules around election financing and level the playing field among political actors. Nomination contestants should be subject to the same kinds of rules as other political actors in our democratic process. Removing nomination contestants from the rules on contributions will create a significant loophole.

The Chair (Mr. Grant Crack): Further discussion? Mr. Hillier.

Mr. Randy Hillier: It's interesting. I can see that regardless of the clause or the amendment that is going to be offered, we'll have the same talking point, regardless of whether it's advertising, contributions or anything else. Let's bear in mind that there are plenty of loopholes that have been created. Some less cynical people other than myself might suggest that the loopholes have been purposely involved; I wouldn't go quite that far myself, but maybe wilfully allowing loopholes under this legislation.

Regardless of the same talking point, nomination contestants ought not to be seen or regulated in the same light as ministers of the crown.

The Chair (Mr. Grant Crack): Further discussion?

There being none, I shall call the vote on PC motion number 22. Those in favour of PC motion 22? Those opposed? I declare PC motion number 22 defeated.

We shall move to PC motion number 23, which is an amendment to subsection 16(1), clause 22(1)(b) of the Election Finances Act. Mr. Hillier.

Mr. Randy Hillier: I move that clause 22(1)(b) of the Election Finances Act, as set out in subsection 16(1) of the bill, be amended by striking out "contestant".

The Chair (Mr. Grant Crack): Further discussion? Mr. Hillier.

Mr. Randy Hillier: Thank you, Chair. I'll just get on the right page of the bill. Clause 22(1)(b), 16(1): "Political advertising constitutes a contribution for the purposes of this act if ... it is provided or arranged for by

a person, organization or entity in coordination with the party, contestant or candidate, or the registered constituency association of the candidate”—nope, I’ve got the wrong clause there. Pardon me.

Interjections.

Mr. Randy Hillier: So, 22(1)(b): “in coordination with the party, contestant or candidate, or the registered constituency association of the candidate.”

Again, this will be problematic, especially for either independent contestants or of smaller parties—a significant disadvantage. We would ask members of the committee to consider striking the word “contestant” out.

The Chair (Mr. Grant Crack): Mr. Rinaldi.

Mr. Lou Rinaldi: Again, I would recommend voting against that particular motion. We believe that nomination contestants should be regulated, as I’ve said in the past, in a way that’s consistent with the regulation of all other political folks. Regulating nomination contestants will help ensure that their activities are guided by a clear set of rules at every step of the election process, starting from the nominations, so that it will be consistent right across.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on PC motion 23. Those in favour of PC motion 23? Those opposed? I declare PC motion 23 defeated.

We shall move to PC motion 24, which is an amendment to subsection 16(1), subsections 22(1) to (3) of the Election Finances Act. Mr. Hillier.

Mr. Randy Hillier: This is a lengthy amendment. We’ll see if we can read it all in correctly and without error.

I move that subsections 22(1), (2) and (3) of the Election Finances Act, as set out in subsection 16(1) of the bill, be struck out and the following substituted:

“Advertising as contribution

“(1) Political advertising constitutes a contribution for the purposes of this act if,

“(a) it promotes a registered party, the nomination of a registered nomination contestant, the election of a registered candidate or the leadership of a registered leadership contestant;

“(b) it is provided or arranged for by a person, organization or entity in coordination with the party, contestant or candidate, or the registered constituency association of the candidate; and

“(c) its value as determined under section 21 is more than \$100.

“Same, negative advertisements

“(1.1) Political advertising constitutes a contribution for the purposes of section 16 if,

“(a) it refers negatively to a registered party, the nomination of a registered nomination contestant, the election of a registered candidate or the leadership of a registered leadership contestant;

“(b) it is provided or arranged for by a person; and

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“(c) its value as determined under section 21 is more than \$100.

“Contribution limits

“(1.2) The following rules apply to political advertising that constitutes a contribution as a result of subsection (1.1):

“1. If the contribution refers to a registered candidate, the contribution shall not exceed the limit that applies to a contribution under paragraph 4 of subsection 18(1) and paragraph 5 of that subsection does not apply to the contribution.

“2. If the contribution does not refer to a registered candidate, the contribution shall not exceed the limit that applies to a contribution under paragraph 1 of subsection 18(1).

“Cost

“(2) Clauses (1)(c) and (1.1)(c) apply to,

“(a) a single political advertisement whose value is more than \$100; and

“(b) two or more political advertisements whose aggregate value is more than \$100, if they,

“(i) appear during the same calendar year, and

“(ii) are provided or arranged for by the same person.

“Campaign expense

“(3) A contribution described in subsection (1) that is made during an election campaign constitutes a campaign expense of the party or candidate promoted.”

The Chair (Mr. Grant Crack): Well done. Further discussion? Mr. Hillier.

Mr. Randy Hillier: Thank you, Chair. In essence, the real meat of this amendment speaks to one element that, I believe, was omitted inadvertently. During all our committee hearings we spoke at length about political advertising and the need to have it constrained or regulated in a manner that would result in a level playing field. We know that there’s been a history of third-party political advertising that stretched the bounds and stretched the limits, and that, some people would argue—rightfully, in my view—were abusing the rules that we had at the time.

It’s been incorporated in the bill, under subsection 16(1) of the bill, that political advertising needs to be constrained. This amendment talks mostly about the use of negative advertising in that aspect.

The original bill, the bill that we have in front of us, talks about—and it’s important—advertising as a contribution. If you look under 16(1), political advertising constitutes a contribution if it promotes a registered party, if it’s provided or arranged for by a person, and if its value is more than \$100. That’s the meat of 16: if it promotes a registered party.

What this amendment does, and it’s under (1.1): If it also refers negatively to a registered party or negatively to a contestant—I think it’s clear that everybody is in agreement that political advertising needs to be constrained. We’ve constrained the promotion of political advertising in the bill as it sits. What we haven’t recognized and haven’t constrained is the use of negative advertising in a political light. I think it’s an important element, and we all know that political advertising is not always positive. Sometimes, indeed, there is negativity in political advertising. So it’s not just the promotion of a

candidate, but if negative advertising is being used in a manner to suppress.

It would be appreciated to hear the government's view on this amendment.

The Chair (Mr. Grant Crack): Thank you, Mr. Hillier. Further discussion? Mr. Rinaldi.

Mr. Lou Rinaldi: Thank you, Chair, and I'll make it brief. Again, I would recommend voting against this particular motion. The approach that's proposed in the bill already captures an appropriate scope of political advertising while providing symmetrical treatment to ads whether they are for or against political candidates or a party.

The Chair (Mr. Grant Crack): Thank you very much. Ms. Fife, did you have your hand up? Okay, Ms. Fife.

Ms. Catherine Fife: Thank you very much, Chair. I think we understand what the PC Party is trying to accomplish in this. They are looking to clarify advertising as a contribution to include negative advertising. I think those concerns were actually well heard throughout our consultation. There has been, though, some inconsistency, I think, with their reliance on definitions that they want to eliminate. If passed, the language would be, I think, too broad for us. I did want to give them an explanation for why we won't be supporting this particular one.

Everything is provided for or arranged by "a person," and this is possibly an omission, I think, because we've all been arguing—actually, on this side, we've been arguing along the lines of the importance of language.

I think the outstanding question for us would be, who is the contribution to, if there is a negative ad? Presumably, it benefits every party but not necessarily one party that may be targeted. So I think it's safe to say that we share the concerns around advertising being considered as a contribution, particularly around negative and targeted advertising, but for us, the language of this motion doesn't quite capture that.

The Chair (Mr. Grant Crack): Further discussion? Mr. Hillier.

Mr. Randy Hillier: I am somewhat disappointed that the government's view was that the present language of the bill is an appropriate scope. I think that's the phrase and the language that was used. Again, and I'll speak also to the third party's comments, at the present time, reading this bill—and language is very, very important when we're dealing with legislation, because somebody—and we know who in this case: the Chief Electoral Officer—will be charged with the implementation and the compliance of the bill.

Advertising as a contribution: We've all recognized that that's important, that advertising that is being used for political purposes be recognized as a contribution, and then we also have a whole bunch of financial limitations on that aspect. But when the bill says "political advertising," for it to be considered political advertising, it must be used to promote a registered party. Then there are those two other elements, caveats, that go along with it. So it must promote a registered party, be more than

\$100, and be arranged for by a person or organization in coordination with the party. It needs to meet those three tests: Does the advertising promote a political party or a contestant, is it more than \$100, and is it arranged for in coordination with a party?

I would say to all members of this committee that all the Working Families advertising would be outside the scope of this present bill, because they never promoted a party. All their advertising was negative. At the time of that, the threshold required the proving of collusion between parties. That didn't happen and wasn't going to happen. We've lowered the threshold now to one of coordination, but still, their actions would not be captured under the present legislation.

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So I don't think the scope of the bill is appropriate. I don't think the scope of the bill is consistent with our understanding of the use of political advertising and the objective to limit coordination of political advertising between parties and other groups. I hope that explains a little bit to the third party. Maybe—I don't know—this is another one of those loopholes that the government has purposely created, one that gives the appearance that they're working in a bipartisan fashion to make the playing field level, when, in actuality, they're creating a tremendous loophole that would allow the same activities that we have seen in the past, that we want to prevent, to allow those same activities to continue in the future. If there are some comments on how—and maybe it would be appropriate to hear from the Chief Electoral Officer on this.

I've been around long enough to know that the words are important. Nothing in those Working Families ads—and other ads; they're not the only ones. By and large, most of our political advertising is of a negative characteristic. Seldom is political advertising crafted to deliver a positive message or one that promotes. So maybe Mr. Rinaldi can explain why not capturing negative advertising is an appropriate deficiency in this bill, so that I and others can understand why this loophole is being created with Bill 2.

The Chair (Mr. Grant Crack): Further discussion? Mr. Hillier.

Mr. Randy Hillier: Listen, we spoke about this last week. There is purpose and there is meaning to these committees. It is not only for our own benefit and understanding of the legislation; it's also for the benefit of the administration of government. This committee and our actions are used by administrators, managers of the law, to help guide them. Our discussions, our words that we use here today will be used by, for example, the Chief Electoral Officer so that he or she may understand, "Was it the intention of the Legislature to exclude negative advertising as a political contribution?" That's the question that the Chief Electoral Officer will have to ask himself or herself and reconcile. Should they have to go to court or initiate an action under this act, he or she is going to have to be able to rely on not just the words in the legislation but also the debate and the discussions at committee.

At the present time, we need to provide that clarification. Even if you're not willing to accept the amendment, I think it behooves the members on the government side of this committee. Is that what is intended? Do you let the future Chief Electoral Officer know what the will of this Legislature is? Is it to exclude negative advertising or is it expected that the word "promote" will also capture the word "negative"?

If we don't provide that clarification, then we are doing a disservice to the Chief Electoral Officer. I think we're also doing a disservice to those who are engaged in political advertising. We should be as clear as we're reasonably able to do with our language that there's clarity for those involved in this, because I can tell you, if I was looking at this and I was a member of a third-party advocacy group, I would say, "Geez, I can drive a truck through this one. I'll just use negative advertising. I'll create billboards that make Lou Rinaldi look terrible, and I won't get captured in the political advertising requirements. I'll make whoever I want in a very negative light and attempt to use the advertising to suppress voter engagement."

Really, it's important. I'm sure one of the Liberal staffers here will be able to craft a speaking point to this so that we can hear what the government's view is on why it appears that a significant loophole is being drafted. Or, just be very clear with the committee: "We don't want to limit negative advertising; we just want to limit positive advertising."

Mr. Grant Crack: Further discussion? Ms. Thompson.

Ms. Lisa M. Thompson: I think that my colleague makes a very valid point. We have to do our job here around this committee table and make sure that we are doing the right thing, not only for this election but for years to come. It seems rather self-serving, in this particular instance, the manner in which this bill has been drafted. Particularly, this amendment that came forward from the PC Party of Ontario helps improve it. We should all be working together to make sure that we all hold the same standard, the same measuring stick, if you will. Surely everyone can recall some of the crazy advertising that we were submitted to in 2014. Motion number 24 is a thoughtful motion that comes forward to ensure that the playing field is levelled and that we don't have to be subjected, as members of 107 ridings, to anything because of any negative or misleading information in the form of advertising.

Again, who's not to say that by leaving a loophole this big for a transport truck to drive through, as my colleague mentioned earlier, somebody might try to use it against this government coming forward because of all the mistakes that have been made? I would suggest that it would behoove them to give this particular motion a sober second thought and review. We'd be willing to take a recess to allow them to do just that, because I think this particular motion is something that would serve all three parties and any registered candidate seeking election as well. So that's where I stand on that.

The Chair (Mr. Grant Crack): Further discussion on PC motion 24? Mr. Hillier.

Mr. Randy Hillier: I didn't hear any response from the NDP, but I just want to put this, to be very clear, in absolute terms here. This amendment does not impact 16(1) of the bill in any other fashion, or add any additional parameters, other than the negative advertising. That's the only thing this amendment—it took a lot of words to get there, but that's the only thing. It doesn't change the parameters of what else is required to constitute political advertising. It doesn't change any of the characteristics or parameters or dollar values. All it is doing is ensuring that negative advertising is also captured under the bill.

I can't believe that, after all we heard in committee through the summer and through the fall, the Liberal members are willing to permit and make lawful negative advertising, and where they will make positive advertising unlawful. That's really the essence of this: Make positive advertising unlawful and subject to all the constraints, but have a field day open for negative advertising.

I'll just add this, Chair. I think it's important for me to reiterate this again. There is a desire, there is an understanding and a seeking of all-party consent on this bill that was telegraphed to the broader public as well as to all legislators. The Premier wanted all-party consent. So I'm going to suggest to the committee members that all-party consent requires the government to listen to amendments and, if they're reasonable and practical to implement, to do whatever within their authority to be accepting of those amendments when they're reasonable, appropriate and practical. That's an underlining tenet of finding all-party agreement and all-party consent. By rejecting out of hand the opposition amendments that meet those requirements of reasonableness and practicality, you're telegraphing to everybody that there is not a desire to find all-party consent; that there is not an interest in being bipartisan; that this bill is being used for political and partisan purposes, rather than the message telegraphed by the Premier.

I've not heard any argument advanced by any Liberal member on this committee as to why negative advertising ought not to be captured under the bill. I've not heard one stick of evidence or argument. I would truly suggest—and I think maybe the government members were caught off guard on this amendment, and maybe they didn't realize the purpose of this amendment. Maybe it is appropriate that we do take a recess before the vote so that they can go back—it was not my intention to call recesses, but I do believe that this amendment requires thoughtful examination by the members on the Liberal side to see if they can find it within themselves to limit negative advertising instead of just limiting positive advertising.

The Chair (Mr. Grant Crack): Further discussion on PC motion 24? There being none, I shall call for the vote.

Mr. Randy Hillier: I will call for a 20-minute recess.

The Chair (Mr. Grant Crack): That is in order and that shall be granted. When we return we shall go straight to the vote on PC motion 24.

This meeting is recessed for 20 minutes starting now.

The committee recessed from 1446 to 1506.

The Chair (Mr. Grant Crack): Back to order. I hope everyone enjoyed your 20-minute recess to think things over.

We were on PC motion number 24. After the 20-minute recess, there will be no more discussion. I shall call the vote.

Mr. Randy Hillier: Chair?

The Chair (Mr. Grant Crack): Yes?

Mr. Randy Hillier: May I consider a recorded vote?

The Chair (Mr. Grant Crack): Yes, that is in order. There has been a request for a recorded vote.

Ayes

Hillier.

Nays

Berardinetti, Colle, Malhi, Rinaldi, Vernile.

The Chair (Mr. Grant Crack): I declare PC motion number 24 defeated.

Hence, there are no amendments to section 16. Is there any discussion on section 16, in its entirety? Mr. Hillier.

Mr. Randy Hillier: Just in that brief intermission, one of the staffers from the Liberals did point out that the reluctance on the amendment was in the definitions about political advertising, which are applicable to section 16. It does recognize the promotion or the opposing of a political party. The amendment that was just voted down and that will now not be incorporated into section 16 referred to negative advertising—I think a much more recognizable and practical element that should have been incorporated in section 16. There are more than just two ends of the spectrum on political advertising, promotion and opposition. The inclusion of negative advertising would have been a much more concise way for the Chief Electoral Officer to understand what the purpose of these constraints are under section 16.

We're still going to oppose section 16 as it's presently worded, without that inclusion of negative advertising in it. I do hope the Liberal members will bring that message back to the House leader: that if they're looking for support on this bill at third reading, negative advertising ought to be included with it.

The Chair (Mr. Grant Crack): Further discussion? There being no further discussion on section 16, I shall call for the vote. Those in favour of section 16 carrying? Those opposed? I declare section 16 carried.

We shall move to section 17, which is PC motion number 25, which is an amendment to section 17, section 22.1 of the Election Finances Act. Mr. Hillier.

Mr. Randy Hillier: I move that section 22.1 of the Election Finances Act, as set out in section 17 of the bill, be amended by striking out "registered nomination contestant" wherever that expression appears.

The Chair (Mr. Grant Crack): Further discussion? Mr. Hillier.

Mr. Randy Hillier: I don't believe that we need to discuss my opposition to nomination contestants being included in the bill any further. It's clear that the Liberal government is intent on trying to dilute their culpability by capturing people who cannot effect change to public policy or cannot effect the undertaking of government contracts, RFPs or whatever. They have it in their minds that somehow, if we broaden things out to such a degree, they'll be less responsible for the actions of their members and their cabinet in days gone by.

The Chair (Mr. Grant Crack): Further discussion on PC motion 25? There being none, I shall call for the vote on PC motion number 25. Those in favour of PC motion 25? Those opposed? I declare PC motion number 25 defeated.

There are, therefore, no amendments to section 17. Further discussion on section 17? There being none, I shall call for the vote. Shall section 17 carry? Those in favour? Those opposed? I declare section 17 carried.

We shall move to section 18. We have PC motion number 26, which is an amendment to subsection 18(1), subsection 23(1) of the Election Finances Act. Mr. Hillier.

Mr. Randy Hillier: I move that subsection 18(1) of the bill be struck out.

The Chair (Mr. Grant Crack): Further discussion. Mr. Hillier?

Mr. Randy Hillier: Once again, with section 18(1), the only element of that clause is to include nomination contestants with respect to fundraising activities. Once again, this will be a significant hardship for those independent members and candidates from the smaller parties. It will be very, very difficult for them to engage in the political process.

I think, without a doubt, it will solidify and cement the status quo in our institution of democracy. I know most Liberal members would not want to cement the status quo, that they believe that democracy is a growing and evolving institution, and it ought to allow new faces, new ideas and new philosophies to enter into the fray and be tested by public debate and the election by the public, not by unduly preventing and interfering. Really, I don't know how they can argue that preventing new ideas and new people from getting into the electoral contest is a benefit to anyone. I think I spoke the other day on this.

These things are all well and good if you want to vest the authority in a party apparatus for who will be candidates and who will not be candidates. It certainly appears that the Liberal members on this committee are very satisfied and very willing to allow the central party apparatus to appoint or anoint contestants and to restrict new faces, new blood and new ideas from our democracy.

The Chair (Mr. Grant Crack): Further discussion on PC motion number 26? There being none, I shall call for the vote on PC motion 26. Those in favour? Those opposed? I declare PC motion 26 defeated.

We shall move to PC motion number 27, which is an amendment to subsection 18(2), subsection 23(2) of the Election Finances Act. Mr. Hillier?

Mr. Randy Hillier: I move that subsection 18(2) of the bill be struck out.

The Chair (Mr. Grant Crack): Further discussion? Mr. Hillier.

Mr. Randy Hillier: Again, that clause—its only purpose is to include nomination contestants. Once again, with this amendment, we're giving members of the government an opportunity to advocate for broader public participation, not limiting public participation.

I guess we're not going to hear anything else from the government members today on these amendments and on Bill 2. We didn't get any new talking points sent down from the Premier's office so far, so mum's the word, I guess, today on Bill 2. It is disappointing that they're willing to jeopardize all-party consent on this bill for political purposes.

The Chair (Mr. Grant Crack): Further discussion on PC motion 27? There being none, I shall call for the vote. Those in favour of PC motion 27? Those opposed? I declare PC motion number 27 defeated.

We shall move to PC motion number 28, which is an amendment to subsection 18(3), subsection 23(3) of the Election Finances Act. Ms. Thompson?

Ms. Lisa M. Thompson: I move that subsection 18(3) of the bill be struck out.

The Chair (Mr. Grant Crack): Further discussion? Ms. Thompson.

Ms. Lisa M. Thompson: Well, again, it's in keeping in being consistent with our previous arguments. We do really hope—I want to share that part of our role as MPPs is to ensure that there's good debate and that people have an opportunity to exercise their voice. So as we read in this suggested motion, I would really hope that the members opposite recognize the importance that their constituents have in them exercising their voice and participating in debate.

All I have to say, Chair, is that this motion is very consistent with our position thus far, and I hope we truly hear good debate coming from the opposite side. Thank you.

The Chair (Mr. Grant Crack): You're welcome. Further discussion on PC motion number 28? There being none, I shall call for the vote. Those in favour of PC motion 28? Those opposed? I declare PC motion 28 defeated.

We shall move to PC motion number 29, which is an amendment to subsection 18(4), clause 23(7)(a) of the Election Finances Act. Mr. Hillier?

Mr. Randy Hillier: I move that clause 23(7)(a) of the Election Finances Act, as set out in subsection 18(4) of the bill, be amended by adding "if the activity is not described in clause (b)" after "fund-raising activity".

The Chair (Mr. Grant Crack): Further discussion? Mr. Hillier?

Mr. Randy Hillier: Let me just take a peek at where I am on the bill—

Interjections.

Mr. Randy Hillier: I'll withdraw that motion.

The Chair (Mr. Grant Crack): That is in order. Mr. Hillier indicates that PC motion number 29 is withdrawn.

We shall move to NDP motion number 30, which is an amendment creating new subsection 18(6), new subsection 23(9) of the Election Finances Act. Ms. Fife?

1520

Ms. Catherine Fife: I move that section 18 of the bill be amended by adding the following subsection:

"(6) Section 23 of the act is amended by adding the following subsection:

"Prohibition on fundraising

"(9) No member of the Legislative Assembly and no chief of staff of the caucus staff of a registered political party shall engage in, participate in, consent to, encourage or attend a fund-raising activity held for or on behalf of the member, the member's constituency association, the political party which the member represents or the leader of that party."

The Chair (Mr. Grant Crack): Further discussion? Ms. Fife.

Ms. Catherine Fife: I think we can probably all agree that this has been one of the most challenging committees ever to be on. It seems that, as we move along, we have a moving target on banning cash-for-access or pay-to-play.

We've gone back to the caucus and we have said, "Okay. The government came down in the middle of clause-by-clause in the summer with a press release." Mr. Rinaldi, you'll remember that press release. It was not part of our consultation. It was never part of our discourse on removing that trust factor on cash influencing politics, or, more importantly, cash influencing policy, cash influencing legislation.

We have introduced this amendment with the acknowledgement that no member of the Legislative Assembly and no chief of staff of the caucus staff can attend, participate in or encourage fundraising activity. This is essentially our attempt to really close this loophole, quite honestly. We are looking to extend the prohibition of chiefs of staff and members to constituency associations and members of the party.

If we are really going to have an honest discourse on how money is impacting politicians, the government has proposed a public financing model of funding. Constituency associations and political parties—they have taken it away from the political parties, the big parties. They have addressed it down to the grassroots, our constituency associations, and so we are looking for support to actually close the loophole on this.

I understand there have been some challenges on the Liberal side of the committee. Even though you all have independent views, and I know that some of you have way more experience than I as an MPP, there comes a point in the debate about legislation that if we are going to make the five months that we've all spent on this committee a worthwhile and meaningful democratic process, then we have to be honest about where we are right now. Quite honestly, the cash-for-access loophole has not been closed. It has not.

The media already is aware of it, the pundits. Now, the researchers and the lobbyists and the pollsters are happy that you've left some of the loopholes open, because that money remains off the books as far as election finance. But if we want to make it a pure and clean process, then let's do that. So we are asking for support for this amendment pertaining to 18(6).

The Chair (Mr. Grant Crack): Thank you very much. Mr. Hillier.

Mr. Randy Hillier: Where to start with this one? I understand the rationale of putting this motion forward from the NDP. It's clear they believe that government motion number 32 is a fait accompli, with that prohibition on fundraising that's included in motion 32. The NDP is attempting to have a narrower view and a more appropriate definition of a prohibition on fundraising. But it is predicated and is premised on an understanding that government motion 32 will proceed ahead.

But, just like government motion 32, this amendment is conflating cash-for-access with cash-for-events. Cash-for-access is not the same as cash-for-events—a world of difference. Cash-for-events is also not the same as influencing who gets what in the awarding of government contracts or grants.

Let me just share with the members of this committee: On Saturday morning, I was asked to attend and be a speaker at a Progressive Conservative Party fundraising event for the electoral district of Ottawa South. It's a drive from my place. I agreed to it and got up early on Saturday morning and drove in to Ottawa to speak to these riding associations. The charge was \$24.95, and it included a breakfast: scrambled eggs, sausages, bacon, toast. I was there. There were also people seeking to be contestants in nominations for the Progressive Conservative Party. We spoke about Bill 2. We spoke about sex education curriculums. We spoke about the recent by-elections. We spoke about the activities of the Legislature, the legislation in front of it and the public policies in front of it.

Under this motion or motion 32, if they go ahead, that would be unlawful; not unlawful just because I was there, but unlawful because nomination contestants were also there.

That's a good and proper—that activity ought to be encouraged, in my view, of elected members of the Legislature going out and speaking with people about public policy and legislation. My, my. That should not be an illegal activity in any manner, in any fashion. It shouldn't be illegal. It should be facilitated. It should be embraced. But that's where we're heading with this bill: to make interactions between elected members and constituents, or others outside their riding, unlawful.

Now, I went to Ottawa South. There's no way anybody in that room could ever vote for me. They all live 100 kilometres away. Why is it improper for me to go and speak with these people? What benefit is society deriving from restricting me to come out and engage with people and give them an explanation of the legislation that we're dealing with in this committee? Why is it that

to give and share my opinion on the sex ed curriculum is an unlawful activity if they paid for breakfast?

1530

Listen, this is \$24.95. Nobody gets rich selling \$24.95 breakfasts. Nobody is going to be unduly or improperly influenced by receiving a \$24.95 cheque for providing breakfast in a venue for people to be engaged in political discussion. That's what that was: It was political discussion to speak about the successes and losses in by-elections last week. It cannot be viewed as an offence, but that's what this bill is doing. It's making our very purpose an offence under the election financing law.

We know that if I'm not permitted to go out to that breakfast—you know, my wife will be happy, because now I won't have to get up early and go into Ottawa. I can spend the day with her and get some work done around the house and get some shopping done that has been neglected and all kinds of other benefits—personal benefits. However, we know if I can't be there and if the member from Huron can't be there and the member from Kitchener can't be there, well, who is going to be there? Who is going to be there? Who is going to bring a view of the legislative agenda to them? Who is going to be empowered under this legislation for helping and assisting electoral district riding associations to have some money to organize an election campaign? We know it will be the unseen, because we won't be allowed to be seen there. It will be people who can organize and who are not known. In the old days, we would call them bagmen. Those are the people who will be able to bring money to a riding association.

We have spoken at length on this, and even the member from Northumberland just mentioned in the previous amendment that we want greater transparency. There's no greater transparency than when an elected member states where he's going or she's going. You can take a look. Go on my Facebook page. There's the notice: "Come and join me in Ottawa at the South Keys restaurant for breakfast for \$25." You are going to drive election financing and fundraising underground. You're going to create darkness instead of shining and illuminating the goings-on.

Ms. Lisa M. Thompson: Another mistake.

Mr. Randy Hillier: Yes, another mistake. We're going to hear that at next year's Liberal AGM: "Well, another mistake."

Listen, I wonder what is going to happen at party AGMs. People pay a fee. Your party members pay a fee to go to your annual general meeting and cast votes for party positions, to listen to the Premier and others speak of policy. You raise money. Annual general meetings: They will be prohibited. It's just foolhardy how far this government has gone in its attempt to shirk the culpability of their ministers and the fundraising quotas that were assigned to ministers of the crown. Is this going to make our democracy any better when we can't have annual general meetings, or that in order to have them, we essentially have to lose money in the political process? This is, at best, conflating these subjects.

Although I always enjoy, whenever possible, supporting the third party's amendments, this one, because it's based on a belief that motion 32 will go ahead—I don't want to give anybody the false impression that we believe prohibition of this type is thoughtful or worthwhile, so I will not be supporting this NDP motion. It's not because I dislike the NDP, but I don't want to put that limitation—I don't want to say to the members in my community, and the members in Ottawa South and elsewhere, that I supported a prohibition on me coming to speak with them. I don't like it when others put unfair constraints on liberty; I'm certainly not going to be placing those restraints on myself willingly.

The Chair (Mr. Grant Crack): We'll go with Mr. Rinaldi, Ms. Fife and then Ms. Thompson.

Mr. Lou Rinaldi: I'll make it brief; my vocabulary is not as extensive as Mr. Hillier's.

This doesn't happen very often: I do agree with the member's statement. As a matter of fact, Mr. Hillier, I've been to your riding a number of times. The last time I was there was for breakfast with Liberal folks to talk about you—all good things.

Mr. Randy Hillier: Why didn't you invite me?

Mr. Lou Rinaldi: Next time.

I just want to make a point: That breakfast you went to in Ottawa South or wherever you were on Saturday probably cost \$24.95 when you included taxes—

Mr. Randy Hillier: It was good, but it wasn't that good.

Mr. Lou Rinaldi: Well, I'm sorry you didn't enjoy it. All I'm saying is that that's captured. That's not included as long as it's generally revenue-neutral. You could have all the get-togethers you want. We could have an AGM like we did this past weekend in Ottawa as long as the fees that you pay are to cover the costs. That's been very, very clear. So when you talk about the \$24—

Interjection.

Mr. Lou Rinaldi: Well, that's what we're saying is going to happen. All I'm saying is that those things are captured. You can have those gatherings. I could go to my association meeting. We meet once a month and we have breakfast. We pay for our own breakfast and there's nothing wrong with it. Of course, I talk about our policy and what we're doing.

I just want to make that clear on the record. I think you're not representing factually what the intent of this is.

The Chair (Mr. Grant Crack): Ms. Fife.

Ms. Catherine Fife: In some respects, this motion is really calling the government's bluff. That's where we are right now in this committee, because the entire mandate of this legislative committee was to address the conflict-of-interest motivations that have become very prevalent with the Liberal government. It was to address the abuse of power, if you will. So if the government is going to say, "Well, certain people can now fundraise and certain people can't," then let's close that door. Let's close the door on fundraising and buying influence in government.

In many respects, I think the member from Lanark–Frontenac–Lennox and Addington actually made the case for this motion. But do you know what? We don't need to draw this out any longer, because it is a painful, painful process. We are going to stand down, actually, our motion, which is our notice of motion. Let's get right to the heart of the matter. Let's get to government motion 32 and let's find out where this government really is on banning cash-for-access. If they're not going to accept a full closure—close that door, close that loophole, end this practice, end the culture of buying influence and policy in the province of Ontario—then we're going to call them out on their own motion.

1540

The Chair (Mr. Grant Crack): Ms. Thompson.

Ms. Lisa M. Thompson: I just want to thank the member from Kitchener–Waterloo for putting it out there on the table, because I was going to mention, just to put it on the record, that it is the government's handiwork that has led us to motion number 30. They have to realize that their antics, the manner in which they've tried to tie the rest of our hands, have been called out in this motion. The member beat me to it.

I just want to say in closing, be careful what you ask for. People are starting to see through you and push for calling your bluff. I look forward to continued debate.

The Chair (Mr. Grant Crack): Mr. Hillier.

Mr. Randy Hillier: Just for clarification to Mr. Rinaldi's comments, the event in Ottawa South was a fundraiser. The bill is very clear—or your motion 32. Anything that is used or expected to raise funds—a fundraising activity is prohibited. So even if you don't make money, even if your fundraiser loses money, it's still unlawful to have one.

Just for clarification—and I'm being as concise as I can be on this. If you have an event that isn't intended to be a fundraiser and you have residual dollars left over after expenses, that's okay, but those residual dollars have to be turned over to the Chief Electoral Officer. But if the event is identified as a fundraiser in that whole definition of what fundraising is, I'm not allowed to be there, whether we make money or not. You won't be allowed to be there, whether you make money or not.

Yes, will I be able to still meet with my board? As long as I'm not trying to raise money, yes, I can. But that's closing the circle down, and it's also not recognizing the fact that everybody who has presented to this committee has recognized that political parties, political candidates and constituency associations need money. What we want to do is have the money raised in an open and transparent fashion so that it can be accountable, so that people can see the process, scrutinize the process and see if there are things that are happening which ought not to be happening. That's what openness and transparency are.

Not only are we conflating cash-for-access with events, but we seem to be conflating transparency and openness with prohibitions. They're different words; they mean different things. We don't achieve openness and

transparency through prohibitions. We achieve openness and transparency through accountability—not by preventing the action from happening but ensuring that it is disclosed. Disclosure is what we want, not prohibitions.

That was made abundantly clear throughout the committee hearings. To the member from Kitchener–Waterloo’s point, I think it is calling the bluff. Once again, everybody is seeing through this facade that’s being offered up. From the words from Mr. Rinaldi, as well, you can see the inappropriateness of preventing those sorts of activities from happening.

Listen, how can I be influenced by going to an electoral district that’s 100-and-some kilometres away from me? They raise money for their operation. How is that going to influence me? Maybe other parties act in a different fashion. I don’t take a cut, you know. That money is for that electoral district, not for me. I did it because I wanted to bring awareness and understanding of these election finance reforms to people who will be impacted. It should not be offensive to do that.

I do appreciate the member from Kitchener–Waterloo in the NDP bringing this forward. Let’s see what happens with 32, I guess.

The Chair (Mr. Grant Crack): Ms. Fife.

Ms. Catherine Fife: Recorded vote, please.

The Chair (Mr. Grant Crack): Okay. There’s no further discussion? Then, there has been a request for a recorded vote, which shall be entertained.

Ayes

Fife.

Nays

Berardinetti, Colle, Malhi, Rinaldi, Vernile.

The Chair (Mr. Grant Crack): I declare NDP motion number 30 defeated.

Mr. Hillier?

Mr. Randy Hillier: I would like to stand down PC motion 31 until such time that we’ve dealt with government motion 32.

The Chair (Mr. Grant Crack): Okay. Do we have unanimous consent to stand down PC motion number 31 until such time as 32 is dealt with? I hear agreement, so that shall be entertained as well.

We shall move to government motion number 32, which is an amendment to—

Ms. Catherine Fife: Chair?

The Chair (Mr. Grant Crack): Sorry. Ms. Fife?

Ms. Catherine Fife: Thank you. We had also introduced a notice of motion, prior to motion 32, and it had been distributed to the Clerk and to the Chair. We also wish to stand down until after we hear from motion 32.

The Chair (Mr. Grant Crack): That’s fair enough, but it already is scheduled to be after government motion number 32 as a result of how the amendments were submitted.

Ms. Catherine Fife: Okay, that’s good.

The Chair (Mr. Grant Crack): So we are achieving your goal.

Ms. Catherine Fife: Thank you.

The Chair (Mr. Grant Crack): So government motion 32, which is an amendment to section 18, sections 23 and 23.1 of the Election Finances Act. Ms. Vernile.

Ms. Daiene Vernile: I move that section 18 of the bill be struck out and the following substituted:

“18. Section 23 of the act is repealed and the following substituted:

“Fund-raising events

“23(1) In this section,

““fund-raising event” means an event held for the purpose of raising funds for the party, constituency association, nomination contestant, candidate or leadership contestant registered under this act by whom or on whose behalf the event is held, and where a charge by the sale of tickets or otherwise is made for attendance.

“Income to be reported

“(2) The gross income from any fund-raising event shall be recorded and reported to the Chief Electoral Officer by the chief financial officer of the party, constituency association, nomination contestant, candidate or leadership contestant registered under this act that held the event or on whose behalf the event was held.

“Where amounts to be considered contribution

“(3) Any amount paid for goods or services, other than advertising services, offered for sale at a fund-raising event in excess of the highest amount charged, at or about the time the goods or services are provided, by any other person providing similar goods on a commercial retail basis or similar services on a commercial basis in the market area in which the goods or services are provided, shall be considered to be a contribution for the purposes of this act.

“Same, advertising

“(4) Any amount paid for advertising services offered for sale in connection with a fund-raising event shall be considered to be a contribution for the purposes of this act.

1550

“Information re fund-raising events

“(5) Every registered party to which section 25.1 applies shall post on its website the following information respecting every fund-raising event to be held by or on behalf of the party, its constituency associations and candidates:

“1. The date of the fund-raising event.

“2. The location of the fund-raising event.

“3. The amount of the charge for attending the fund-raising event.

“4. The identity of the recipient or recipients of the funds to be raised at the fund-raising event.

“Timing

“(6) The registered party shall post the information described in subsection (5),

“(a) at least seven days before the date of the fund-raising event; or

“(b) in the case of a fund-raising event that is to take place during the period commencing with the issue of a writ for an election and terminating on election day, at least three days before the date of a fund-raising event.

“Limit on contributions

“(7) The total contribution made with respect to a single fund-raising event by a contributor may not exceed \$1,200, multiplied by the indexation factor determined under section 40.1 for the calendar year in which the fund-raising event is held and rounded to the nearest dollar.

“Attendance at fund-raising events prohibited

“23.1(1) None of the following may attend a fund-raising event:

“1. A member of the assembly.

“2. The leader of a registered party.

“3. A nomination contestant, candidate or leadership contestant registered under this act.

“4. Any person employed in the Office of the Premier.

“5. The chief of staff of a minister of the crown, or a person holding an equivalent position for a minister of the crown, regardless of title.

“6. Any person employed as a member of the staff of the leader of a recognized party within the meaning of subsection 62(5) of the Legislative Assembly Act.

“Saving

“(2) For greater certainty, nothing in subsection (1) prevents a person mentioned in that subsection from,

“(a) attending an event held by or on behalf of a party, constituency association, nomination contestant, candidate or leadership contestant registered under this act where a charge by the sale of tickets or otherwise is made exclusively to recover the costs of holding the event, and where any money raised in excess of the amount required for cost recovery is promptly paid to the Chief Electoral Officer; or

“(b) soliciting contributions by mail, telephone, electronic communication or other means.

“Definitions

“(3) In this subsection,

“‘fund-raising event’ has the same meaning as in section 23.”

The Chair (Mr. Grant Crack): Ms. Vernile, just for clarification, in “Definitions,” the last portion, (3), I believe you said, “In this subsection.” I believe it would be “section.”

Ms. Daiene Vernile: Thank you.

The Chair (Mr. Grant Crack): Okay, that’s clarified. Thank you. Further discussion? Mr. Berardinetti.

Mr. Lorenzo Berardinetti: I think we are focused here—I think it’s pretty straightforward, the motion being moved. We’re trying to enhance public confidence and trust in the province’s election system. It’s critical to address even the perception that elected officials might be beholden to anyone other than their constituents. So we’re trying to level the playing field. I think it’s very straightforward.

Increasing transparency, which we think is very important as well, through advance public disclosure of political fundraising events and banning political actors and their staff from attending these events, responds to concerns about the possibility of stakeholders purchasing access and exerting undue influence.

We’ve addressed this issue. I think we’re responding to concerns that certain people have access to certain politicians. So it’s pretty straightforward.

The Chair (Mr. Grant Crack): Thank you very much. Mr. Hillier.

Mr. Randy Hillier: I’m looking at this government motion and comparing it with the bill that was reported back to the committee after second reading. Government motion 32 is amending section 18 of the bill, section 23 of the act. So when I looked through the current bill that’s in front of us—18(1), 18(2), 18(3) and 18(4) make no modifications to section 23 of the act, other than including nomination contestants. Subsection 18(6) does make some amendments with regard to information about fundraising activities, and subsection 18(7) makes reference to the timing of reporting. Subsection 18(8) identifies limits on contributions, and that’s the extent of Bill 2 that’s before the committee.

When I compare that with the government motion, there’s a whole new set of requirements. This government motion puts in a clause for the reporting of income which was not in the bill. “Where amounts to be considered a contribution” is not in the bill. Of course, “Information on fund-raising events” is; “Timing” is; “Limit of contributions” is in the bill. But also, “Attendance at fund-raising events prohibited” is not in the bill that was reported to this committee after second reading.

I would suggest, as I go through the practices and procedures, first, we know that a bill that’s reported to the committee ought to be in its—it can’t be in an imperfect form; it needs to be in a form that is intended to be its final form, subject to amendments of particular clauses that are already included in the bill. Nowhere in this bill did Bill 2 seek to amend section 23 of the act, on attendance at funding events.

I would also like to draw the Chair’s attention to both Speaker Fraser’s and Speaker Stockwell’s rulings on matters that are very similar, in my view, to what we’ve seen happen with Bill 2. We’ve seen Bill 2 reported back to the committee and amendments telegraphed to the Legislature at the time of second reading debate, but none of us had an opportunity—when we had the vote on Bill 2 at second reading, we didn’t vote on prohibiting attendance at fundraising events. We had no view or idea that there would be these clauses for income to be reported.

I would suggest that there is improper procedure that has happened here; that motion 32 advances amendments to Bill 2 which are outside the scope of the bill. We have done a disservice, procedurally, to the House by voting on Bill 2 and then having the principles of the bill altered during the committee process.

I would like to read Speaker Stockwell’s decision of January 22, 1997. I’ll start with the end of his ruling first.

It says, “It is not enough for yet another Speaker to issue yet another warning or caution in circumstances where the wording and circulation of the pamphlet appear on their face to cross the line. I say in all candour that a reader of that document could be left with an incorrect impression about how parliamentary democracy works in Ontario, an impression that undermines respect for our parliamentary institutions.

“For these reasons then, I find that a prima facie case of contempt has been established.”

I would like to ask the Chair that, in my view, these elements—not the whole government motion 32, but these elements of government motion 32—23.1, “Attendance at fund-raising events prohibited,” be considered out of order; in addition, that 23(2), “Income to be reported,” is considered out of order; and 23(3), “Where amounts to be considered contribution” are beyond the scope of the bill and are out of order, leaving 23(4), “advertising”; 23(5), “Information re fund-raising events”; 23(6), “Timing”; and 23(7) “Limit on contributions,” which certainly are already included in the bill and it makes sense, if the government desires, to amend them. But to amend sections of the bill that were not already included would be inappropriate parliamentary procedure, Chair.

The Chair (Mr. Grant Crack): Further debate?

Mr. Randy Hillier: I’m asking for a ruling on it.

The Chair (Mr. Grant Crack): Are you asking me for a point of order, to rule on a point of order?

Mr. Randy Hillier: A point of order that those sections of the motion are out of order. They are beyond the scope of the bill.

The Chair (Mr. Grant Crack): Okay. Thank you very much. I appreciate that. Is it a point of order?

Mr. Randy Hillier: Yes.

The Chair (Mr. Grant Crack): Okay. Thank you for the point of order. I appreciate that.

Okay. With the committee’s approval, can we take a five-minute break or maybe a 10-minute break? We’re halfway through, and that’ll give me time to gather my thoughts as we move forward.

This meeting is recessed for 10 minutes.

The committee recessed from 1602 to 1616.

The Chair (Mr. Grant Crack): Okay, back to order. I want to thank Mr. Hillier for his very thoughtful point of order. I would say that, had I felt that that particular motion would have been out of order or out of scope, I would have declared so right as it was read into the record. I do feel that it is within the scope. Where a bill has several purposes, the amendments directed to objects not specifically covered in the bill but broadly germane to its subject matter may be found within its scope. So I do respect your point of order, but I’m ruling that it is not a point of order in this case, and we will continue debate.

Further debate? Mr. Hillier.

Mr. Randy Hillier: The standing orders compel me that if there is a matter of privilege, it’s incumbent on me to make notice as soon as that happens. I do believe that a breach of privilege is now happening. I would just inform the Chair that I will seek to raise this matter of privilege

in the House, when I can get back to the House, outside of committee. I just wanted to put it on the record, as is incumbent on me by the standing orders.

The Chair (Mr. Grant Crack): That’s respectful.

Now, I believe, Ms. Fife.

Ms. Catherine Fife: My comments are very brief on this particular motion. The motion that the government has brought forward ultimately does not close the solicitation loophole.

It is somewhat shocking for me that the government has brought forward this motion, when they had the ability to draft the legislation in a comprehensive manner, because they have been driving this ship the entire time—even introducing a bill, Bill 2, after prorogation, which was incomplete, and acknowledged that it was incomplete. They had the opportunity to introduce a piece of legislation that incorporated the very things that they dropped into that clause-by-clause on Bill 201.

It is genuinely frustrating to be sitting here and navigating a piece of legislation which will fundamentally change the way we all operate—how our democracy operates, how we engage even with the public at a very basic level. The government had an opportunity, through this amendment process, to right that wrong, and they still chose to leave an exemption in that allows for all prohibited classes to continue soliciting by email, telephone and by other means.

It’s almost meaningless. The only thing that you change is that we can’t come to the party. That’s the only thing. The principles that we already agreed on are part of this legislation, where we’re not going to accept union donations and we’re not going to accept corporate donations, and that limit has been reduced. We all agree on those three things.

But you left open the Rolodex. There should be a Rolodex amendment here: “Rolodexes are still allowed.” We can all sit in our offices and we can still make those phone calls and they can still be stakeholder-ministry connected. It can still happen.

All of us know it in this room. The media know it and the public knows it, and the stakeholders who are still trying to influence government policy also know it. They just know that it’s not going to cost them as much money.

This government motion fails the test for us because it still leaves, very clearly, the solicitation loophole wide open.

The Chair (Mr. Grant Crack): Thank you. Mr. Berardinetti.

Mr. Lorenzo Berardinetti: I just wanted to make a couple of points regarding this government motion put forward. I think to enhance public confidence and trust in the province’s election system, it’s critical to address the perception that even political officials might be beholden to anyone other than their constituents. That’s been our message as we’ve gone through this process.

Increasing transparency through advance public disclosure of political fundraising events and banning political actors and their staff from attending these events

responds to concerns about the possibility of stakeholders purchasing access and exerting undue influence. I think that's something we've maintained throughout this committee process.

The Chair (Mr. Grant Crack): Thank you very much. Mr. McDonell.

Mr. Jim McDonell: It's interesting to finally see the amendment appearing here. It was talked about in the summertime, and I think, as the member from the NDP said, the government had full time to—they talked about the full intent of putting this amendment into the new bill. The House was prorogued so of course they included all the amendments up to that time, and the last one they introduced they didn't include. Not knowing the format or what it actually was—we heard a lot of promises about what they were going to do, but it didn't allow us to properly debate because of course we couldn't see. So we missed that opportunity.

The first day the Premier entered into a discussion of this bill, she talked about drafting it at the kitchen table and how it was going to be inclusive and she wanted all-party consensus on it. Then they do something like this, where they go out of their way to make sure that it's not up for discussion because they don't include it in the bill, even though they indicated, before the bill was issued, that they wanted to do this.

It is a change. At my fundraisers—we had a breakfast one for \$10; I can't go. It hardly makes any sense, but it allows the minister to call up a wind company and say, "You know, we're negotiating contracts and we don't see your name here, and we're just wondering"—that type of thing doesn't stop. And we know from statistics that that type of thing has been happening.

It appears it's the government's way of spreading the mud across all the parties when really, they're the only group here that got caught doing this. They're the only group that can issue contracts. Yes, the ministers should be curtailed, but this doesn't really curtail them. It just curtails them from showing up to the \$15,000 fundraisers, but the actual call that would allow them to get these donations is still there.

It is a lot of window dressing. It doesn't have any content. There was, I'm sure, a lot of good debate that could have been had on this amendment if it had been included.

The actions of the government clearly are anything but transparent. You had a chance to make a change. You didn't. You've got to wonder about why. What was the purpose here? We've come to committee meetings since we started here, and I haven't heard a word from the other side. It's like there's no explanation. It's not the way Parliament is supposed to happen.

It'll be interesting to hear what the official ruling is, but I was always under the impression that if something wasn't open in a bill, we couldn't amend it. I've heard that many times. In bills where I've sat on committee, it's simply deemed to be out of order. I question why all of a sudden there's an exception when it's the government doing it, especially when no unanimous support was asked to do this. There's a lot of concern over it.

I think a little bit of it is that the parties are feeling a little bit insulted that we're painted with this brush that cast such a wide stroke on so much of what has gone on in the last few years. There's a lot of different opinions on why the government talked about putting restrictions on, but certainly it released a large number of bad behaviour—I don't believe the lead was there. The Premier tried to deflect, and of course, this is what we're seeing as a result of that.

The Chair (Mr. Grant Crack): Mr. Hillier.

Mr. Randy Hillier: I listened to the parliamentary assistant in his rationale, once again conflating prohibition with transparency. They're not the same functions. They're not the same words. They don't have the same meaning. There's nothing in government motion 32 that improves transparency. It does broaden prohibition, but it doesn't improve transparency at all.

I want to just reinforce that. We will not be allowed to go to a fundraising event as elected members. However, this motion still permits and makes lawful the government's actions of having fundraising quotas by their ministers—to call up stakeholders, to call up the very people who are governed by those ministries and shake them down for cash. Nothing in this bill or this amendment changes that.

We know the Minister of Energy had a \$500,000 quota. I believe the Minister of Transportation had a \$300,000 quota. They will still have those quotas. The only difference is, instead of them meeting face to face at a ticketed event, it will be—and here it is, just if the language is not clear. They will still be able to solicit those contributions "by mail, telephone, electronic communication or other means." Okay?

Will it be more transparent? Absolutely not. Adrian Morrow from the Globe and Mail will not be able to see that phone call or listen in on that phone call. Rob Benzie, Rob Ferguson and Martin Regg Cohn will not be able to look at those emails or other means of communication. As the minister says to renewable energy firms, "I need more money to meet my quota. You'll be taken care of if you contribute dollars"—that will still be permissible, but my attending the Ottawa South event at \$24.95 for breakfast of course will be unlawful.

The shakedown can continue. Granted, and I think appropriately so, the shakedown has gone away in prohibited union and corporate dollars. However, those same people, involved either as owners, shareholders, directors or senior management of unions and corporations, can still contribute individually. Does that improve the transparency, when the ministers can shake down people who are their stakeholders? The very people who they are regulating, their names and phone numbers are on the Rolodex, as the member from Kitchener–Waterloo mentioned.

1630

There is nothing that makes it more transparent. It is driving political financing deeper underground and into darker places, when the very opposite was the intention: to illuminate the fundraising activities of political parties and elected members.

I can't support this bill. There is little benefit and many negatives to this motion. I would also echo the comments from the third party and from the member from Stormont–Dundas–South Glengarry that we saw—the essence of this motion was telegraphed to the committee in the final week of our sitting on Bill 201. We were not provided the wording of it, but it was telegraphed that the essence would be tabled.

We all thought it would have been tabled after prorogation in the new bill, Bill 2. That would be the appropriate time to have amended the bill. Instead, we waited and waited, and we debated the bill absent of these, in my view, fundamental expansions of legislative authorities. We debated the bill and voted on the principles of the bill and the scope of the bill absent of that motion. Very unorthodox, and if that wasn't unorthodox as it was, the introduction of the amendment prior to the committee hearing—I'll speak more to that in the House tomorrow—however, very, very unorthodox.

We've not heard any rationale why the reconstituted Bill 2 did not include those amendments, but I think it just speaks to the chaos of the Liberal Party on Bill 2 and on Bill 201. It's forever altering, forever changing. With every new headline and every new media story, they try to deflect responsibility for their actions.

On this motion—and even the motion, motion 32, is amended in relation to the amendment that was tabled with the committee members at a technical briefing by the minister. We were assured that that amendment that he showed us that day was the final wording for the committee to consider. Then, of course, we see that it's altered once again. It's chasing their tails trying to put out the fires of their own creation, but never, never going so far as to actually prohibit quotas to be determined by the Premier for her cabinet ministers to solicit funds for.

If any motion ought to have been included and was within this scope, it should have been a motion, an amendment, a clause to prohibit quotas being assigned for fundraising by cabinet from their stakeholders. That would really tell me that the Liberal members, the Liberal government and the Premier meant business about cleaning up the unsavoury and dark aspects of election financing that have been under way in this province. We don't have any limit on the insertion of amendments with this committee. So I would encourage the Liberal members to craft up another amendment, an amendment to prohibit the assignment of fundraising quotas to cabinet. Show us that you really mean business here. If you come up with that amendment, then you'll get our support on these other ones. Show us that you mean to get rid of the unsavoury aspects of election fundraising and election financing that you've been engaged in. Then we'll know that you're sincere about cleaning this mess up that has been created.

The Chair (Mr. Grant Crack): Further discussion? Mr. Berardinetti.

Mr. Lorenzo Berardinetti: Thank you, Mr. Chair. I think this proposed approach contributes to transforming the political process here in Ontario by reducing the role

of money in politics and ensuring that our election processes are fair and reflect the best interests of the people of Ontario.

We aren't the first party to do fundraising. Fundraising has been done for ages. What's interesting is, when the Conservative government was in power prior to us, they didn't put this law into place. When the NDP government was in power, they didn't put this law into place. We're actually grabbing a very important issue—fundraising—and putting some rules down. I keep saying it: I wasn't around when Mike Harris was in government, but God only knows—and only God knows—what he did and what the party at that time did. So we're trying to do something. That's all.

The Chair (Mr. Grant Crack): Ms. Fife?

Ms. Catherine Fife: Thank you, Chair. I was just going to ask for a recorded vote, which I will be asking for, on this particular motion, but the parliamentary assistant—I don't even believe that he believes what he's saying about this bill. That's where we are right now. To pull up past governments, NDP and PC, around fundraising—I think the media reports, particularly the work by Adrian Morrow, has been very clear: This has been the government that has accelerated and doubled down on fundraising. No other party had quotas. We even heard the former member, the Attorney General, in Kingston say that, yes, he did have a quota, but it was about \$130,000—or something like that—nothing like \$500,000 and \$800,000. That member even said that he just left it up to his staff to do the fundraising.

That's why you have to close the loopholes. By removing us as politicians from that room, you are actually downloading the responsibility of fundraising to others who are not held to the same ethical standards that the Integrity Commissioner actually has control over.

There is a reason why we asked the Integrity Commissioner to come to this committee: It was for him to actually say what he thought about these things. He said very clearly to us, "I have no power over MPPs." Right now, we police ourselves. That is completely unacceptable. Also, it doesn't even lend itself to a professional working relationship between MPPs. I should not have to file a complaint against you if I suspect that you have been in a room with—it should not be my job, as an MPP. Right now, by default, it is.

That system is broken. This government had the chance to fix it. You chose not to, and then you come to this committee and you say that, in the past, this party and that party didn't address the problem. Well, the only reason we're in this committee—the most painful committee that has ever sat in this House, I'm quite certain of, and there have been some doozies, let me tell you—is because you got caught. You got caught.

Instead of actually embracing this process—I felt, at the very beginning, we really were going to do that. David Reevely told me in Ottawa—and we were all there. He said, "It seems like you guys are truly trying to figure this out." It was a genuine comment from the media saying, "I'm listening to you guys listen to each other." That was in July.

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We are now in November, and we are debating the Rolodex amendment. It is such a complete and utter betrayal of our democracy. It really is.

We will not be supporting this motion because it doesn't go far enough. It doesn't close the loophole. You had the opportunity to do so. We can still all sit in our offices and call people and solicit fundraising asks. That still is possible with this.

If the government side of this committee is not permitted to engage in an honest discourse on fundraising in the province of Ontario, then perhaps you shouldn't weigh in at all. Perhaps that's the best course of action because what you just said is exactly the opposite of the sentiment that we actually need at this committee right now.

The Chair (Mr. Grant Crack): Mr. McDonnell?

Mr. Jim McDonnell: I'm just taken aback a little bit as well by what the member opposite said when he talked about how the Conservative and NDP governments didn't do this in the past.

The member from the NDP is very correct. You got caught and you're embarrassed about it. Instead of just apologizing and making changes, you try to spread it around that everybody is doing it. But there is a thing about ministers showing up and demanding—"You can't meet the minister because he's far too busy, but if you were to pay \$15,000 and go to his dinner tonight, we could probably fit you in." Those are quotes from our people who have experienced that type of treatment by this government. It's one thing to be in a public place and to ask for something, but these quotas, as Mr. Hillier says, are not being outlawed, so ministers are still under the gun to make the quiet phone call if you really want to do some effective fundraising.

We see promises being made, contracts being made and donations taken back. That is a horrible thing to see in a democracy. To have the Premier stand up and say, "We've got to stop this; we're all doing this," I'm thinking, "The last time I handed out a contract was at the municipal level, and certainly we didn't do fundraising like they do at this point that's required here."

They haven't really taken away the need to do fundraising, but they've just made it very difficult for the opposition parties because we can't fulfill these big contracts. We can't issue polling contracts to our friends and pay millions of dollars for questions we already know.

We see this every week: There's another embarrassing story in the paper. They just can't help themselves.

Even with the talk of the commitment she made that ministers would cancel all future fundraising events and attending them, they're still going on. The one we identified in question period was interesting. It wasn't advertised on the website until after question period was over—before question period was over, it silently appeared because they got caught again. It's like it's ingrained and they can't help themselves.

It's just not fair to the people of Ontario to not come clean. I know that the easy way to make sure, if you

don't want to make a mistake, is not to say anything. That's what we see at this committee. Everybody's afraid to say something, or they've been ordered not to say anything.

Mr. Lou Rinaldi: At least we're here; we didn't walk out.

Mr. Randy Hillier: We're all here.

Mr. Jim McDonnell: Yes, we've all been here for it.

But you look at the actions, and I guess you get tired of being blamed for the actions of the government that a lot of people will have comments about.

The Chair (Mr. Grant Crack): Mr. Hillier?

Mr. Randy Hillier: I didn't want to interfere with my colleague's statement but to just recognize that we aren't supposed to make reference to people's attendance, as well, under the standing orders.

I do want to concentrate my comments on the response from the parliamentary assistant and the rationale that was provided. The narrative that was put forth that the parliamentary assistant wants us to swallow was that this government has now done the honourable thing. Unlike any other past government, this government is championing financing reform. Clearly, the inference was that other governments engaged in the same activities. Now, I don't know if that's true or not—

Mr. Lorenzo Berardinetti: Excuse me, Mr. Hillier. I have a point of order.

The Chair (Mr. Grant Crack): Point of order, Mr. Berardinetti.

Mr. Lorenzo Berardinetti: I wouldn't say that the other governments did the same thing that we're doing. I'm just saying that we're putting a law into place; that's all. I'd ask the member that, if you are going to quote me, you quote me correctly.

The Chair (Mr. Grant Crack): Thank you, but it's not a point of order.

Continue, please.

Mr. Randy Hillier: It wasn't an inference. He has explicitly stated that other governments did similar things. Well, I don't know if that's true or not. There is no evidence to suggest that it is. Maybe it is, but there is no evidence, so it's an opinion.

However, what we do know is that this government was caught, and there it is, once again, trying and attempting to cast blame upon others: other governments, other individuals, other people who aren't even elected into office—nomination contestants. Casting blame upon all others instead of taking ownership of their own culpability in this unsavoury business that they engaged in: That's the narrative that they're trying to sell us. It's not working.

Why they got caught—there may have been abuses in the past; I'm not sure. But we know why this government got caught: It's because, like the member from the third party mentioned, they accelerated the abuse to such a degree.

We saw that people who were contributing to the Liberal Party, to their cabinet ministers, felt that they were being shaken down for cash. Those individuals then

went to the media: people like Adrian Morrow and Rob Ferguson and Rob Benzie. Those people went to the media and said, “Enough is enough. This is unsavoury at its best.” They did not agree and did not believe that their government should be shaking them down for \$10,000.

Listen, they all get it. There were benefits. We saw that—what was it?—90% of all of the green energy contracts were let out under that Large Renewable Procurement program were let out to people who attended those high-priced private fundraisers by the Minister of Energy and his stakeholders.

We saw that the banking consortium involved with the selling of the shares of Hydro One all went to a number of bankers who paid big money to have a private engagement with the Minister of Finance.

These are things that the Liberal Party got caught doing. That’s why this bill—

Mr. Mike Colle: Point of order.

The Chair (Mr. Grant Crack): Point of order, Mr. Colle.

Mr. Mike Colle: These are matters where the member is impugning motive and he’s making allegations that are criminal in nature. This is way beyond the purview of this committee and what’s before us. He is, again, totally off the matters before us. I urge you to rein him in to get to discussing what’s before him, and not to casting allegations of ministers and members of the public. This is not parliamentary.

The Chair (Mr. Grant Crack): I just want to remind the member, too, that we’re all honourable members here. If you want to continue remarks with that in mind, continue.

Mr. Randy Hillier: Everything that I just stated is a fact. It has not impugned anybody in any fashion. I’ve just stated the fact that the bankers who were provided with the contract to sell the shares of Hydro One—

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Mr. Mike Colle: Point of order.

Mr. Randy Hillier: This is on the public record. It’s been spoken about. It’s in the media.

The Chair (Mr. Grant Crack): Order. Mr. Hillier, I have a point of order.

Mr. Colle?

Mr. Mike Colle: Again, “spoken about,” “in the media,” “a fact”: This is what the member is alleging—again, allegations. He is judge and jury in this committee that is supposed to be dealing with election reform, which he obviously opposes, and he sees no merit in the motion. He has the prerogative to vote against it, but he doesn’t have the prerogative to basically cast serious allegations against people and the acts and the carryings-on of government and government officials and bankers, as he says. This is totally inappropriate in this committee.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Colle. It is not a point of order. Mr. Hillier, in my opinion, is making comments that are in line with the scope of the bill with regard to the Election Finances Act, and I’m going to ask him to continue.

Mr. Randy Hillier: Thank you, Chair. All these facts have not only been reported in the media; they have been asked as questions in the House. Every one of them has been asked as specific questions in the Legislature. Listen, if these things hadn’t happened, if they hadn’t been exposed, ask yourselves: Would Bill 2 be in front of the Legislature? If the conduct of all the ministers was saintly, would we have Bill 2 or Bill 201 in front of the House? No.

But I’m going to draw back. This casting of blame onto everyone else instead of taking ownership in their own actions is what grates on people. It’s unfortunate. The Premier, this weekend—and I think everybody gives her credit for it—said that she made a mistake with hydro. An admission and a recognition of wrongdoing goes a long way to having good public policy. But what we’ve seen here on Bill 2 in these election financing reforms is no admission of wrongdoing but the pointing of fingers to others, from the Liberal Party. I would significantly emphasize and implore the members of this committee to act like the Premier and just admit when wrongdoing has happened. You will be provided with greater latitude if there is that level of sincerity in recognition that, yes, there was wrongdoing, and it wasn’t because of the NDP government of Bob Rae, this wrongdoing, and it wasn’t because of the Progressive Conservative government of Mike Harris that there was this wrongdoing. It was the actions by the minister.

Once again, we heard from the Attorney General, we’ve heard from everybody, that the quota system will remain under Bill 2 with election financing in Ontario. The unsavoury actions, if they do happen, however, will not be transparent. The phone calls will happen from the minister’s offices, from his cellphone, whatever. The electronic communications will go out. The quotas will continue, and we’re expected to swallow this false narrative, that everybody else is to blame for the unsavoury actions that were exposed by the Globe and Mail and the Toronto Star.

The Chair (Mr. Grant Crack): Further discussion? Mr. McDonell.

Mr. Jim McDonell: I just wanted to make a couple of points here. I think the member opposite talked about something not being in the public record, but donations are on the public record, at least if you do them that much legally. Donations over \$100 are recorded and tax receipts are given out.

This is not speculation; this is just the information that’s there, that’s available to the general public. Maybe not easily—maybe that’s why it wasn’t picked up before. Maybe the member is right: If it’s illegal, maybe they should be calling in the OPP because this obviously went on. The numbers are consistently over 90%, and the banking information is right there. We know who is involved in the consortium that’s involved with Hydro One.

It’s interesting. The Premier may have indicated she made a mistake, but I’ve not heard her say she’s going to stop the sale, at least under 50%. She has never said that in the House. She had an opportunity today to say

something of that nature, but she hasn't. So we're not stopping it. We're continuing to make these sales, giving different groups the money to buy the shares, which I would have to say is unheard of in any other developed country. In some of the undeveloped countries, those things can happen. But we pride ourselves on being a transparent democracy.

When I hear that millions of dollars are given to friends so that they can buy hydro shares, you've got to wonder about that. That's part of the money. We borrow money and then we turn that into a cash flow that hopefully next year will offset a deficit. It sounds like a roundabout way of borrowing money to hide what you're doing.

You go into this—the Green Energy Act. There are lots of cases where donations are made. That's public record. They got caught, to a gross amount. They originally promised this bill. Later on in the year, they rushed it in a hurry before the end of the last session. Obviously, they made quite a few errors, but the one we're talking about here was not an error. It was a deliberate decision not to add it when they redid the bill, because they had talked about it before the bill was issued. That's why the discussion. It avoided the opposition from talking about it in debate. Very deliberate actions, and it's these deliberate actions that we see.

It's like somebody mentioned today in the questions in the House: turning around and blaming the school boards for the cuts. Give us a break. Six hundred schools in the province is not the odd school board making cuts; those are cuts coming from this government.

It's time to stand up. If there's an issue worth talking about, take some credit for it. Take some credit for making the change and the reasons for it instead of trying to blame everybody else.

The Chair (Mr. Grant Crack): Further discussion on government motion number 32? There being none, I shall call for the vote.

Interjections.

The Chair (Mr. Grant Crack): There is a request for a recorded vote, which shall be entertained.

Ayes

Berardinetti, Malhi, Rinaldi, Vernile.

Nays

Fife, Hillier, McDonell.

The Chair (Mr. Grant Crack): I declare government motion number 32 carried.

Now we shall move to NDP motion number 32.1.

Interjection.

The Chair (Mr. Grant Crack): Oh, the PC motion was stood down first. I apologize.

We'll go back one to PC motion number 31, which is an amendment to section 18, section 23 of the Election Finances Act. Mr. Hillier.

Mr. Randy Hillier: Thank so much, Chair, for your diligence and keeping things on track and in order.

The Chair (Mr. Grant Crack): Thank you.

Interjection: You're welcome.

The Chair (Mr. Grant Crack): Behave.

Mr. Randy Hillier: I move that section 18 of the bill be struck out and the following substituted:

"18. Section 23 of the act is repealed and the following substituted:

"Fund-raising events

"23(1) In this section,

"fund-raising event" means an event,

"(a) that is held for the purpose of raising funds for the party, constituency association, candidate or leadership contestant registered under this act by whom or on whose behalf the event is held, and

"(b) for which a charge by the sale of tickets or otherwise is made for attendance.

"Income to be reported

"(2) The chief financial officer of the party, constituency association, candidate or leadership contestant registered under this act that holds a fund-raising event or on whose behalf a fund-raising event is held shall record the gross income from the event and report it to the Chief Electoral Officer.

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"Where amounts to be considered contribution

"(3) Any amount paid for goods or services, other than advertising services, offered for sale at a fund-raising event in excess of the highest amount charged, at or about the time the goods or services are provided, by any other person providing similar goods on a commercial retail basis or similar services on a commercial basis in the market area in which the goods or services are provided, shall be considered to be a contribution for the purposes of this act.

"Same, advertising

"(4) Any amount paid for advertising services offered for sale in connection with a fund-raising event shall be considered to be a contribution for the purposes of this act.

"Information re fund-raising events

"(5) Every registered party to which section 25.1 applies shall post on its website the following information respecting every fund-raising event to be held by or on behalf of the party, its constituency associations and candidates:

"1. The date of the fund-raising event.

"2. The location of the fund-raising event.

"3. The amount of the charge for attending the fund-raising event.

"4. The identity of the recipient or recipients of the funds to be raised at the fund-raising event.

"Timing

"(6) The registered party shall post the information described in subsection (5),

"(a) at least seven days before the date of the fund-raising event, if the event is not described in clause (b); or

“(b) in the case of a fund-raising event that is to take place during the period commencing with the issue of a writ for an election and terminating on election day, at least three days before the date of the fund-raising event.

“Limit on contributions

“(7) The total contribution made with respect to a single fund-raising event by a contributor may not exceed \$1,200, multiplied by the indexation factor determined under section 40.1 for the calendar year in which the fund-raising event is held and rounded to the nearest dollar.

“Attendance at fund-raising events prohibited

“(8) None of the following may attend a fund-raising event:

“1. A member of the executive council.

“2. Staff of a member of the executive council.

“3. The leader of a registered party.

“4. A leadership contestant registered under this act.

“Saving

“(9) For greater certainty, nothing in subsection (8) prevents a person mentioned in that subsection from,

“(a) attending an event held by or on behalf of a party, constituency association, candidate or leadership contestant registered under this act where,

“(i) a charge by the sale of tickets or otherwise is made exclusively to recover the costs of holding the event, and

“(ii) any money raised in excess of the amount required for cost recovery is promptly paid to the Chief Electoral Officer; or

“(b) soliciting contributions by mail, telephone, electronic communication or other means.”

The Chair (Mr. Grant Crack): Thank you very much, Mr. Hillier. Further discussion? Mr. Hillier.

Mr. Randy Hillier: Chair, you may recognize that this motion is similar to government motion 32 in many aspects. I asked for it to be stood down until we dealt with government motion 32. My hope and my expectation was that this motion would not be necessary if we had dealt with government motion 32 first.

There are elements in this motion, I have to say to the Chair, just for recognition, that I believe are improper and ought not to be included, but not knowing how things would transpire, we tabled this amendment regardless.

The essence of the change or the alteration between PC motion 31 and the government motion that was just dispensed with is that it limits the prohibition of attendance at fundraising events to members of the executive council, staff of the executive council and leaders of the parties or leadership contestants.

I think it's quite clear. I've argued this point. I've used my own involvement at events as an example. I've also argued strenuously that where the unsavory aspects of election financing happen is not at breakfast meetings at electoral districts, but people in the most senior positions of influence, the most overwhelming authority, the ministers of the crown, members of the executive council, those people who have statutory legislative authority to grant and dispense not just contracts and grants and the

awarding of such, but also who have the whole power of the state and the administration of government at their fingertips to amend or alter statutory provisions for those very people who are contributing to them. That's the crux. That's the impetus and the motivation for this bill.

PC motion 31 limits that prohibition to those individuals who can alter legislation, can award contracts, or those people who very likely will be able to in the near future. That's why we've included leaders of registered parties. We've included leadership contestants in this amendment. Those people may very well likely be able to effect change of government policy and the awarding of contracts, so they need to have a greater bar to jump over to ensure that their conduct is indeed consistent with the expectations of the public, consistent with transparency and openness.

The other elements of this motion—as I said, I offer them up under some level of protest, I guess. I don't believe they ought to be there, going back to earlier discussions in committee.

The Chair (Mr. Grant Crack): Further discussion on PC motion number 31? Mr. McDonnell.

Mr. Jim McDonnell: I think this speaks a lot—our democracy works on small gatherings in the riding, fundraising. It's hard to get people out. People are busy. It doesn't matter if you're trying to get volunteers out for a sports organization or church activities; people are just busy. I think it's an opportunity that this amendment allows members to attend meetings, get a message out and fundraise.

1710

I mean, we're not talking the \$15,000 or \$10,000 a plate that we see—ministers who are attracting specific stakeholders. We're talking about the riding people who you're trying to get out. You're trying to get them to be volunteers and connect with them, and being able to—as I say, our last breakfast was \$10. Not a lot of money was made at it, and we sold probably a couple of turkeys at it or something.

But those are the types of things that—yes, there's a little bit of money. I don't think that day there were too many contracts signed or anything put out. These are not something for influence—that we're going to see changes to legislation. It could be a cabinet minister and this \$100-a-plate dinner—which is more than double the richest we charge at ours—but it's not going to directly impact legislation being issued, and I think that's the message we're trying to make here.

We think that it's the proper way of attacking an issue. It was an issue with the government taking large amounts of money from people who were rewarded contracts. We've thrown this over not only the members of our party or the third party, but also the members of the governing party who are not in power.

At the very least, there's a big difference between the \$100,000 it takes to run an election and the possibility of getting maybe \$30,000 or \$40,000 through this public stipend that they talked about. There are expenses that the riding associations have. We don't have the benefit of

the federal party where I think they get back 60-some percent of the cost of an election. We don't have the ability to send out free mailers; postage is something that we have to cover as a party. There are a lot of expenses and you're really making it so that you're keeping your opposition members—you're really handcuffing them as far as what ability they have to fundraise and how they can run an effective election.

As everybody knows, elections are expensive. Signs are expensive, advertising—we just don't do a lot of it because it takes a lot of money. If you have to go into an election and you're really handicapped and you're going in with a third or a quarter of what we've been able to raise in our really very limited fundraising options by attending a dinner—I think that there's an intent here, and I think the public could see through this if they were to take the time to look at it.

Again, we're looking at something that attacks the very basis of our democracy. Open transparency: Does that mean we see, every chance they get, the officers of the Legislature have had their powers removed so that people can't find out what's going on? Now we're finding that even our ability to attract people out to some of our fundraisers—we're not allowed to attend. It's very hard to get a message out telling people what's going on up here if we're not allowed to attend. That's why I think you see so much resistance here on this bill.

Clearly, when the Premier first talked about it in the House, she talked about getting consensus and making things that made sense, and then this gets dropped on after the bill has gone through second reading. Twice we see this coming out. Not many bills get introduced twice, but this one was a high priority: rushed through, prorogued, it died, they introduced it again with the amendments made, but still without the amendments. It's like they don't want the public to be able to read about it or see about it on Hansard. Of course, if they're not in the bill, it gets ruled that you can't speak about them in the House for the debate.

I think that, especially being from rural Ontario, our ability to raise money is very modest at best. We don't have the big head offices where people come down and drop off thousands of dollars. Farmers by their nature are very frugal, especially the more recent ones who have come over, and they don't—\$100 is a big deal. We charge \$40 and are lucky to get people out to them, but part of that is that they get a chance to hear what's going on in Parliament, some of our messaging. You've taken that ability away from us, so that's why I think you find us so upset with this part of it.

It's very hard—I mean, people in Ontario aren't doing well. It's just not a level playing field. You hold all the cards. You're ready to retire your debt, and you want to make sure that nobody else is. We went through a by-election where our ridings that don't have a member currently—the balance is at zero. I guess you want to keep it that way. I'm not sure that the NDP have had much more luck. But it's very hard, without a member, to raise money. Then, when you have a member, you're making it so we can't raise money anyway.

You have to really wonder what the reason is. I think the reasons, in my mind, become obvious. They're trying to fix the game, and it's going to come around here in 2018, in April. Anything you can do to make it more and more difficult, you've done. You're still raising money at the high level. That debt is paid off; other parties' aren't. It's difficult when you're not in power because you can't make the promises, you can't give out contracts, you can't give out appointments, and you can't lure people from the other parties at a different level. All those things have happened.

I see the police report today from CBC radio, the CBC report about the current Minister of Energy being enticed with a promise—can't be charged, because you can't be charged for taking a bribe, just giving one. It's disappointing, and now we're seeing this as a result.

The Chair (Mr. Grant Crack): Further discussion on PC motion 31?

There being none, I shall call for a vote on PC motion 31.

Mr. Lorenzo Berardinetti: Recorded vote, please.

Ayes

Hillier, McDonell.

Nays

Berardinetti, Colle, Rinaldi, Vernile.

The Chair (Mr. Grant Crack): I declare PC motion 31 defeated.

We shall move to NDP motion 32.1, which is an amendment to section 18, sections 23 and 23.1 of the Election Finances Act. Ms. Fife?

Ms. Catherine Fife: I move that section 18 of the bill be struck out and the following substituted:

“18. Section 23 of the act is repealed and the following substituted:

““Fund-raising events

““23(1) In this section,

“““fund-raising event” means an event held for the purpose of raising funds for the party, constituency association, nomination contestant, candidate or leadership contestant registered under this act by whom or on whose behalf the event is held, and where a charge by the sale of tickets or otherwise is made for attendance.

““Income to be reported

““(2) The gross income from any fund-raising event shall be recorded and reported to the Chief Electoral Officer by the chief financial officer of the party, constituency association, nomination contestant, candidate or leadership contestant registered under this act that held the event or on whose behalf the event was held.

““Where amounts to be considered contribution

““(3) Any amount paid for goods or services, other than advertising services, offered for sale at a fund-raising event in excess of the highest amount charged, at or about the time the goods or services are provided, by

any other person providing similar goods on a commercial retail basis or similar services on a commercial basis in the market area in which the goods or services are provided, shall be considered to be a contribution for the purposes of this act.

“Same, advertising

“(4) Any amount paid for advertising services offered for sale in connection with a fund-raising event shall be considered to be a contribution for the purposes of this act.

“Information re fund-raising events

“(5) Every registered party to which section 25.1 applies shall post on its website the following information respecting every fund-raising event to be held by or on behalf of the party, its constituency associations and candidates:

“1. The date of the fund-raising event.

“2. The location of the fund-raising event.

“3. The amount of the charge for attending the fund-raising event.

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“4. The identity of the recipient or recipients of the funds to be raised at the fund-raising event.

“Timing

“(6) The registered party shall post the information described in subsection (5),

“(a) at least seven days before the date of the fund-raising event; or

“(b) in the case of a fund-raising event that is to take place during the period commencing with the issue of a writ for an election and terminating on election day, at least three days before the date of the fund-raising event.

“Limit on contributions

“(7) The total contribution made with respect to a single fund-raising event by a contributor may not exceed \$1,200, multiplied by the indexation factor determined under section 40.1 for the calendar year in which the fund-raising event is held and rounded to the nearest dollar.

“Attendance at fund-raising events prohibited

“23.1(1) None of the following may attend a fund-raising event:

“1. A member of the assembly.

“2. The leader of a registered party.

“3. A nomination contestant, candidate or leadership contestant registered under this act.

“4. Any person employed in the Office of the Premier.

“5. The chief of staff of a minister of the crown, or a person holding an equivalent position for a minister of the crown, regardless of title.

“6. Any person employed as a member of the staff of the leader of a recognized party within the meaning of subsection 62(5) of the Legislative Assembly Act.

“Saving

“(2) For greater certainty and subject to section 23.2, nothing in subsection (1) prevents a person mentioned in that subsection from,

“(a) attending an event held by or on behalf of a party, constituency association, nomination contestant, candidate or leadership contestant registered under this act where a charge by the sale of tickets or otherwise is made exclusively to recover the costs of holding the event, and where any money raised in excess of the amount required for cost recovery is promptly paid to the Chief Electoral Officer; or

“(b) soliciting contributions in person or by any other means, including by mail, telephone, electronic communication.

“Definitions

“(3) In this section,

““fund-raising event” has the same meaning as in section 23.

“Prohibited activities, ministers

“23.2 No minister of the crown, including the Premier, shall,

“(a) attend an event held by or on behalf of a party, constituency association, nomination contestant, candidate or leadership contestant registered under this act where a charge by the sale of tickets or otherwise is made for attendance, even though the charge is made exclusively to recover the costs of holding the event and any money raised in excess of the amount required for cost recovery is promptly paid to the Chief Electoral Officer; or

“(b) solicit contributions in person or by any other means, including by mail, telephone, electronic communication.”

The Chair (Mr. Grant Crack): Thank you very much. Further discussion? Ms. Fife.

Ms. Catherine Fife: So you can see by this amendment that this amendment would establish the same definitions as Conservative motion 31, but it also prohibits cabinet ministers and their staff from fundraising activity. It also closes the solicitation loophole under section 23.1(a) and (b), and it does create specific prohibited activities for ministers of the crown and the Premier, including attending events where ticket prices can exceed cost—and “solicit contributions in person or by any other means,” including by mail, by telephone and by electronic communication. In other words, this amendment truly does close the cash-for-access that this entire committee has been built upon.

So the government has pushed us to this place, leaving open the door for direct solicitation and even indirect solicitation, and we aim to close that door. I would hope that the government, if they are sincere in their attempts to address cash-for-access or pay-for-access, would support this amendment.

The Chair (Mr. Grant Crack): Further discussion on NDP motion 32.1? Mr. Hillier.

Mr. Randy Hillier: I’m astonished that nobody on the Liberal side wanted to engage in this amendment. I will give credit to the third party. They have gone where this logically must go to if there is sincerity and a genuine interest to prevent cash-for-access from happening. We know that the Liberal members and the Liberal govern-

ment has opened the door a crack with motion 32 to give the appearance that they want to end cash-for-access, but we also know that it is really just an appearance.

The NDP motion does exactly what the government has telegraphed that they want to end. They want to end cash-for-access, so now it's a prohibited activity. Not just the attendance at a fundraising event under this motion, the actual solicitation of funds is now prohibited by the minister, as well as those other people employed in the Office of the Premier and the chiefs of staff of cabinet ministers.

So I will commend the NDP on putting forward this amendment. Let's see where the Liberal members on this committee want to go. Let's see what the direction is from the staffer, or from the Premier's office, on this one. Are you going to be sincere and actually put an end to that unsavoury activity of quotas and the solicitation by ministers of the crown with their stakeholders? Or do you really just want them to be able to pick up the phone and call people and have the shakedown process continue, but behind the scenes and without openness and without disclosure?

From the appearance of it, it doesn't appear that any of the Liberal members have an interest in talking to this amendment. Surely somebody in the corner office has developed a talking point, however irrational, for them to telegraph to the committee. But I do think this will be an important one. We'll see who votes where on this. I'm sure the member from Kitchener–Waterloo will ask for a recorded vote on it. Yes, the member from Kitchener–Waterloo will ask for a recorded vote.

If we don't see support from the Liberal members, that tells me that the quota system is in play, that nothing has changed, that the unsavoury actions will continue, and the charade and the facade will be clearly exposed. Let's get it on the record just how serious or how genuine they actually are about ending these quotas and these unsavoury shakedowns that have been happening in provincial politics.

The Chair (Mr. Grant Crack): Mr. McDonnell?

Mr. Jim McDonnell: I know it's very hard sometimes, but it does attempt to close off the real part of the fundraising that we want to get rid of. Those secret calls that are going on—where you're actually making calls. If you're going to outlaw attending meetings, surely you want to outlaw the fact that people of power can actually call up and demand these donations. That's what we're seeing.

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I think, as the member for Lanark has said, it will be interesting to see how the votes will shake out. Are they really interested, or is this only some window dressing that really doesn't do anything? It doesn't stop anything. We don't see anything about quotas. Of course, most people can keep a secret, but things have become so obvious with this government—I don't know if they can keep quota systems secret, but we see the publishing of them.

Let's close this bill. Let's close the problems of this being left. This, really, from the start has been all

about—let's look like we're going to do something here. Let's let people think that we're actually concerned about what this government got caught doing. They put through a comprehensive bill. I know the origins were the kitchen table, but I see it was quite different. We had a Premier who talked about consensus of all the parties and who certainly has not worked with the parties—as far as I can see, being on this committee—in any way to make sure that there is a consensus. The most embarrassing part that they left out of the bill only to put it in at a much later time—it gets dropped at the last minute. Now we see that we're arguing whether they're within parliamentary procedure or not. There's certainly that part, which they knew before they introduced these. These last amendments were contentious. They certainly could have solved that issue by just including them in the bill, if they chose to. They had the opportunity: The bill was re-written up, reissued. Lo and behold, the huge issues about the fundraising were omitted again. Now we see continued pressure to put them through.

The real crux of what we're at here, the real issue the press has identified: members being shaken down for big, big dollars, people who are very successful in their dealings with the government. The auditor just said about \$9.2 billion in the Green Energy Act was overpaid in contracts alone in this phase. There's nothing to talk about that.

I would hope, if the government really is genuine in what it's trying to do, that they walk the talk and that we actually see some action on this and we possibly actually see them vote in favour of this and put this in place—or other orders from the corner office to make sure that this does go in, because it would certainly create a level playing field with all the parties. That's something that I think we see, through the whole nature of this bill, was never the intention. The intention always was to keep that upper hand, thinking that, despite the gross unpopularity of the party, they can take this back by having a huge war chest. That should concern the people of Ontario.

I think, if you were to ask anybody, even some staunch members of the other party, they might say, on the surface, that they believe that a level playing field is where elections should be taken. They might work against that, but at least in public they would say that. But we're seeing, obviously, in the orders from the corner office, that that's not where they want to go.

I think that it will be very telling. This is a loophole. It's a gaping loophole that you could drive a truck through, especially a Brink's truck. Cash-for-access is not closed unless we see something like this actually adopted by the government. Their unwillingness to speak about it speaks to that. Maybe they're worried that somebody might say something that might further identify some of the actions that have gone on in the past.

Anyway, it will be interesting to see what happens with the recorded vote.

The Chair (Mr. Grant Crack): Thank you, Mr. McDonnell. Mr. Hillier?

Mr. Randy Hillier: What became very evident during the discussion on NDP motion 32.1, I noticed, was that

none of the Liberal members of this committee actually went on record to state anything, on the record, about the NDP motion. We've heard interjections from Mr. Rinaldi, we've heard interjections from Liberal members, points of orders etc., but we haven't actually heard them engaged in the discharge of their duties in the examination of the amendments. It just became very evident and very apparent. They do have a voice; it's just that it's being used for interjections and not for examination of the amendments.

The Chair (Mr. Grant Crack): Further debate on NDP motion number 32.1? Ms. Fife.

Ms. Catherine Fife: Thank you very much, Chair. I know I said earlier that if the members are not empowered to actually express their own opinions and if they're going to talk about the past, then maybe they shouldn't speak. Maybe that was unparliamentarian of me. I really would like to hear from the members of the Liberal benches on this. I think that this is an issue which will affect each and every one of us. I know I read into the record last week how the Chamber of Commerce Greater Kitchener Waterloo and the chamber of commerce for the city of Cambridge have expressed some concerns around the financing changes, and how they felt that they were not duly consulted on that.

I think this really is an opportunity for members to weigh in. Maybe the government side of the House thinks that soliciting contributions in person or by any other means, including by mail, telephone and electronic communication, should still be prohibited by ministers. If they do, if they think that, and if they are silent on this motion, then one can definitely infer that they think that a minister can sit in his or her office and make a phone call and call a stakeholder who has a direct relationship and will be impacted by public policy and by legislation, in their capacity as a business, by ministry directives—still make that phone call and still place that ask for the \$1,200.

If the government thinks that that still is okay, even while they have put in, essentially, a publicly funded election financing mechanism without any public consultation on that mechanism, without any referendum on moving away from a system which involves MPP involvement and engagement in electoral financing—if that is their intention, then I think that they should speak it here in this committee, in this public committee, and give a good reason why they think that that should continue. Because if we don't explicitly say it, if we don't state it in the legislation, if we don't draw that line in the sand, then that line is always going to be moving.

I think, if they don't want to weigh in on this particular amendment, then it really is a lost opportunity for the entire work of the committee—at great expense and

great energy and, really, great thought going forward—to close the door on this opportunity for individual ministers of the crown and their staff to engage in direct asks for funding. That's what this amendment does. I will be asking for a recorded vote, and I will be asking for a recess, hopefully sooner than later, Mr. Jim McDonell.

The Chair (Mr. Grant Crack): Mr. Hillier, then Mr. McDonell.

Mr. Randy Hillier: The member from Kitchener-Waterloo makes a good point. I don't believe that the public funding aspects of this bill have been debated with enough vigour. We've seen a very significant broadening of a public funding model, without debate. We've seen the intention, clearly, with the government motions, to move closer and closer to a public funding model. It's clear to me that they want to have their cake and eat it too. They want to be dipping into the taxpayer funding model, but still leave their ministers free to engage in those activities, where the NDP really would, and appropriately, prohibit those unsavoury actions by members of cabinet.

The Chair (Mr. Grant Crack): Mr. McDonell?

Mr. Jim McDonell: Yes, I just was kind of curious. We talked about serious and open debate here, and I'm just wondering how the Premier found five members that have so little to debate, because I know in our party we get criticized—any time we come out with various different opinions on something, we're in the press because so-and-so doesn't agree. I guess this is one way of making sure there are no disagreements. There's no debate.

Again, it is a very important part. It is a fundamental change. As the member says, they're having their cake and eating it too. Is there an agreement with backbenchers that they get funded by this other money from the party? I'm not sure, but it certainly has left the gate wide open for this type of fundraising that the government seemed so embarrassed about getting caught doing. It leaves it open for it. I think that's dangerous, and it's not a level playing field.

It's just very interesting that we see a party with all its members refusing to contribute to the debate.

The Chair (Mr. Grant Crack): Further debate?

There being none, I shall call for the vote.

Ms. Catherine Fife: Can I ask for a 20-minute recess, please?

The Chair (Mr. Grant Crack): Okay. That is in order. There has also been a request for a recorded vote. Having said that, a 20-minute recess will be entertained. The time is 18 minutes before 6 p.m. Therefore, I will adjourn the meeting, and we will reconvene on Wednesday at 4 p.m.

This meeting is adjourned.

The committee adjourned at 1742.

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