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Lundi  
17 septembre 2018

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Speaker: Honourable Ted Arnott  
Clerk: Todd Decker

Président : L'honorable Ted Arnott  
Greffier : Todd Decker

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LEGISLATIVE ASSEMBLY  
OF ONTARIO

Monday 17 September 2018

ASSEMBLÉE LÉGISLATIVE  
DE L'ONTARIO

Lundi 17 septembre 2018

*The House met at 0001.*

**The Speaker (Hon. Ted Arnott):** Let us pause for a moment of silence for inner thought and personal reflection.

*Prayers.*

**The Speaker (Hon. Ted Arnott):** This being the first Monday of the month that we've been sitting, I would like to ask everyone to join with me in singing our national anthem.

*Singing of O Canada.*

**The Speaker (Hon. Ted Arnott):** I also wish to acknowledge this territory as the traditional gathering place for many Indigenous nations, most recently the Mississaugas of the New Credit.

Members can take their seats.

CONSIDERATION OF BILL 31

**The Speaker (Hon. Ted Arnott):** On September 15, the member for Timmins rose on two points of order to challenge the orderliness of Bill 31, An Act to amend the City of Toronto Act, 2006, the Municipal Act, 2001, the Municipal Elections Act, 1996 and the Education Act and to revoke two regulations.

The member contends, first, that the fact of active litigation in the matter of the constitutionality of An Act to amend the City of Toronto Act, 2006, the Municipal Act, 2001 and the Municipal Elections Act, 1996, Bill 5, invokes the sub judice convention and standing order 23(g), and should prevent the bill from being considered by the Legislature.

Secondly, the member contends that Bill 31 is so similar to Bill 5, which was passed by the House in the current session on August 14, 2018, that Bill 31 contravenes standing order 52 and should therefore not be permitted to proceed.

Having heard the member's submissions, those of the government House leader, and after consulting our precedents and procedural authorities, I am now prepared to rule on these matters. I will deal with the issues in the order in which they were raised.

The sub judice convention is codified in this assembly's standing orders as follows:

"23. In debate, a member shall be called to order by the Speaker if he or she....

"(g) Refers to any matter that is the subject of a proceeding,

"(i) that is pending in a court or before a judge for judicial determination; or

"(ii) that is before any quasi-judicial body constituted by the House or by or under the authority of an act of the Legislature,

"where it is shown to the satisfaction of the Speaker that further reference would create a real and substantial danger of prejudice to the proceeding."

The sub judice convention, and the rule as it is codified in our standing orders, apply to debate only; that is, they can operate to restrict the scope of permitted debate on legislation, but do not operate to limit the superior and pre-eminent right of the Legislature to legislate in the first instance.

This principle is well explained in the House of Commons Procedure and Practice at page 633 of the third edition:

"The convention does not apply to legislation or to the legislative process as the right of Parliament to legislate may not be limited. If the sub judice convention were to apply to bills, the whole legislative process could be stopped simply by the initiation of legal proceedings in any court in Canada."

On the point of the applicability of the rule to a bill, a ruling made on June 4, 2002, by Speaker Carr cited a previous ruling made on January 29, 1937, by Speaker Hipel, as follows:

"Instances of the passing of bills affecting particular actions or other proceedings before the courts are not uncommon in the history of this Legislature....

"In my opinion, it is clear that ... Erskine May ... goes no further than to state that during the course of a debate, members should not refer to matters awaiting the adjudication of a court of law, such matters being sub judice. It is not intended to interfere with the right of legislative bodies to alter existing laws, even though such alteration may affect a matter before the courts.

"I hold that it would be a stultification of the powers of this assembly to rule that an act may not be introduced to remedy a condition in an act and to make clear the will of the assembly even though the act to be remedied is under consideration by a court of law.

"Accordingly, it is my ruling that an act may be introduced and considered by the assembly, notwithstanding that such act may interfere with actions pending before the courts."

Accordingly, I do not find that the sub judice convention and standing order 23(g) apply to prevent Bill 31 from coming before the House to be considered.

Turning now to the second issue raised by the member for Timmins, I will cite the applicable standing order in question, which states:

“52. No motion, or amendment, the subject-matter of which has been decided upon, can be again proposed during the same session.”

This standing order captures an ancient parliamentary principle, which is known as the “same question rule.” House of Commons Procedure and Practice explains this rule as follows at page 590 of the third edition:

“A decision once made cannot be questioned again but must stand as the judgment of the House. Thus, for example, if a bill or motion is rejected, it cannot be revived in the same session, although there is no bar to a motion similar in intent to one already negatived but with sufficient variance to constitute a new question. This is to prevent the time of the House being used in the discussion of motions of the same nature with the possibility of contradictory decisions being arrived at in the course of the same session.”

**0010**

There is no denying that the act passed by the House on August 14, and Bill 31, are similar to each other. I have reviewed both, and I note that parts of the earlier legislation are replicated verbatim in Bill 31. However, Bill 31 also introduces a number of new provisions that were not present in Bill 5, including schedule 4.

But the most significant differences are that the provisions of Bill 31 apply despite the Ontario Human Rights Code, and the invocation of subsection 33(1) of the Canadian Charter of Rights and Freedoms—the “notwithstanding” clause—in all four of Bill 31’s schedules.

The member for Timmins contends that the two pieces of legislation are virtually identical because the ultimate product and result of both are the same. I therefore must decide whether the Legislature is being asked to decide the same question it has already decided when it passed Bill 5.

In my view it is not, because Bill 31 further presents a significantly higher-level—indeed, philosophical—inquiry for the assembly to answer.

Since the first reading of Bill 31, I think it would be hard for anyone to credibly sustain the argument that the debate has not substantially changed from the appropriate size of the city of Toronto council, and is now focused on the legitimacy and advisability of the government’s willingness to invoke the Constitution’s “notwithstanding” clause in response to the court’s ruling.

In Bill 31, the executive council has, in my opinion, put before this assembly of 124 MPPs these questions:

“Shall the decision made by this Legislature, in passing Bill 5, be vindicated and stand?”; and

“Shall that decision prevail over any challenge against which this Legislature, within its sphere of jurisdiction, intends Bill 31 to protect itself?”

These were not matters for debate or decision when Bill 5 was before the House several weeks ago; clearly, they are now. For this reason, I am satisfied that Bill 31 is sufficiently different from Bill 5 to comply with the requirements of standing order 52, and I find that Bill 31 is in order.

I wish to thank the member for Timmins and the government House leader for their submissions on this important matter.

*Interjections.*

**The Speaker (Hon. Ted Arnott):** Order. The House will come to order.

**M<sup>me</sup> Nathalie Des Rosiers:** Point of order.

**The Speaker (Hon. Ted Arnott):** Point of order, the member for Ottawa–Vanier.

**M<sup>me</sup> Nathalie Des Rosiers:** I believe we have unanimous consent for the members of the Liberal caucus to split their time during their 20 minutes.

**The Speaker (Hon. Ted Arnott):** Is there unanimous consent of the House? I heard a no.

**Mr. Gilles Bisson:** Point of order.

**The Speaker (Hon. Ted Arnott):** Point of order, the member for Timmins.

**Mr. Gilles Bisson:** I wish that you would allow me to introduce Rocco Achampong, who is here: one of the candidates for city council responsible for the legal challenge of Bill 5, along with one of his human rights—

**The Speaker (Hon. Ted Arnott):** We’re not doing introduction of visitors this morning until 10:30 a.m.

## ORDERS OF THE DAY

### EFFICIENT LOCAL GOVERNMENT ACT, 2018

#### LOI DE 2018 POUR DES ADMINISTRATIONS LOCALES EFFICACES

Mr. Clark moved second reading of the following bill:  
Bill 31, An Act to amend the City of Toronto Act, 2006, the Municipal Act, 2001, the Municipal Elections Act, 1996 and the Education Act and to revoke two regulations / Projet de loi 31, Loi modifiant la Loi de 2006 sur la cité de Toronto, la Loi de 2001 sur les municipalités, la Loi de 1996 sur les élections municipales et la Loi sur l’éducation et abrogeant deux règlements.

**The Speaker (Hon. Ted Arnott):** I look to the minister to lead off the debate.

**Hon. Steve Clark:** I would like to announce that I’m sharing my time with—

**Mr. Gilles Bisson:** Point of order.

**The Speaker (Hon. Ted Arnott):** Point of order, the member for Timmins.

**Mr. Gilles Bisson:** I would also like to introduce Cheri DiNovo, the former—

**The Speaker (Hon. Ted Arnott):** Thank you. We welcome you to the Legislature.

Again, I recognize the Minister of Municipal Affairs and Housing.

**Hon. Steve Clark:** Thank you, Speaker. I want to announce that I’m going to be sharing my time with the Attorney General.

On Wednesday, September 12, 2018—

*Interruption.*

**The Speaker (Hon. Ted Arnott):** Once again I have to advise the visitors who are here today that they cannot participate in the debate. That includes former members.

*Interruption.*

**The Speaker (Hon. Ted Arnott):** If you don't stop, Ms. DiNovo, we're going to have to ask that you leave.

Again I recognize the Minister of Municipal Affairs and Housing.

**Hon. Steve Clark:** Thank you, Speaker.

On Wednesday, September 12, 2018, I had the honour of rising in the House to introduce the proposed Efficient Local Government Act, 2018. The intent of this bill is to ensure the objectives of the Better Local Government Act, 2018, are achieved in time for this year's municipal election.

As you will recall, Speaker, the Legislature passed the Better Local Government Act, 2018, on August 14. Nearly one month ago I stood right here to speak to the importance of effective and efficient government, and the importance that there is voter parity in the 2018 election. Our goal was clear then, and we remain committed to that same goal today: to have Toronto, which is Ontario's largest municipality and a major economic engine for both the province and the country, move away from a dysfunctional council system, a broken system that has difficulty with decision-making, a broken system that gets very little done. Instead, the goal is an efficient council that deals with the big issues that need to be addressed, such as transit, infrastructure and housing.

Take an example, Speaker, in 2017: After days of debate at the committee level, city council took 15 hours to pass its budget—15 hours of going back and forth and back and forth on a document that was already nearly set in stone, 15 hours to express opinions that had been expressed numerous times before on the record. And after all that, council passed a budget that created a \$2-million budget hole that meant it had to hastily draw from a reserve fund. Speaker, that's not an efficient way to run a government.

In addition, I indicated that the 25-ward structure for city council would result in a fairer vote for residents in 2018. The 47-ward structure adopted by the city would not provide voter parity until 2026, and would not do it for three elections. Speaker, that's eight years to get voter parity—three elections. Toronto residents deserve a fair vote with voter parity in 2018. They should not have to wait eight years.

Toronto residents also deserve and need an efficient and effective council in 2018—they shouldn't have to wait—a council that needs to make prompt decisions about the big issues that really matter not just to Toronto but also to our province.

One month ago, we had proposed an answer to the unacceptable public policy stalemates at Toronto city hall and an answer to the need for voter parity and effective representation in 2018, but because of the ruling by the Superior Court of Justice just days ago, we've made a decision to replace the Better Local Government Act and introduce this new legislation. This legislation would, if

passed, replace recent changes to the Municipal Act, 2001, the City of Toronto Act, 2006, and the Municipal Elections Act, 1996: changes that were made through the Better Local Government Act. This new legislation would reintroduce these changes to these acts and the Education Act, with some modifications—and again, Speaker, I want to thank you for your ruling.

**0020**

Provisions in the act declare that the amendments in the act operate notwithstanding sections 2 and 7 to 15 of the Canadian Charter of Rights and Freedoms.

Let me be clear: We value the judicial system, Mr. Speaker, but we're disappointed with the Superior Court's decision. Our position, this government's position, is that the Better Local Government Act is a valid exercise of the province's jurisdiction over municipal institutions.

In recent days, there has been much debate and many views expressed, including many former politicians. Christy Clark, the former Premier of British Columbia, has expressed support for our legislation. She said that it's the right thing to do because she knows that people all across Canada, not just in Toronto, are wondering why governments can't move things faster.

Former Premier of Saskatchewan Brad Wall also commented on this bill. He understands why we need to act and to be able to use the legal tools that are available to us.

Former Premier of Quebec Jean Charest has also added his voice. I found it very interesting that he made comments very much the same as former Premiers Clark and Wall. He pointed out that the political gridlock and dysfunction at Toronto city hall is known far and wide, even to Canadians like him who are far, far away from downtown Toronto. Here's what he said: "For years, though, we've all heard how difficult it's been to manage the city of Toronto." Speaker, this is a great city. It has great residents, incredible residents. But do we really want to continue to have a reputation for our local government that it gets in the way of its own self, that it can't make those effective and efficient decisions? Of course not, and that's the reason why we're here tonight to move this legislation forward.

There are many voices who have come out to support the steps we're taking, but I felt it's important to take some time to highlight those really insightful and thoughtful comments from three incredibly respected former Premiers. They sat in the highest political offices of their respective provinces, and they've had to make some tough decisions.

The point is, we're not going to step away from legislative changes that our government believes are critical to the taxpayers of Toronto. The voters of this city and people across this entire province need these changes to be put forward.

Speaker, we were elected to govern, and that's exactly what we're doing.

Restoring order to Toronto city council by reducing the number of councillors is part of our plan to make government more effective and more efficient; so is improving

parity in the city of Toronto. We also want to reduce the wasteful spending of tax dollars. People expect their local governments to run efficiently, and this government believes that the hard-working people of Ontario have every right to expect that. This is why we're committed to finding efficiencies and listening to the people of Ontario. With the date of the municipal election rapidly approaching, we need to take action—October 22 is just a few weeks away—to provide greater certainty for everyone and to ensure that the election proceeds.

Before I get into the details of the legislation, Speaker, I want to give you a little bit of background about myself, because I think some people need to know that. I want to take people back to 1982. I had just graduated from the University of Waterloo, and I made the decision that I wanted to run for political office. While I was perceived as a youngster, I had developed a very deep passion for local issues and municipal politics, and I wanted to put my name forward to serve. I thought it was very important to get involved in the political process and try to benefit that local community that I called home. That same belief that I had back in 1982 as somebody who ran for office at 21 and was elected the day after my 22nd birthday is the same passion that I bring to the job today as a member of provincial Parliament.

Now, as Minister of Municipal Affairs and Housing, I have the tremendous opportunity to be able to invoke change in the system, and we on this side of the House believe that an efficient and effective council is vital to municipal politics and municipal government in our province. The Better Local Government Act was the first step, Speaker. I consider it to be a very important piece of legislation, but, as I said earlier, because of recent events, we've had to take action to introduce new legislation. But our commitment to resolving those issues at hand is unwavering. Our government is committed to reducing the size and cost of government and making municipal government efficient and effective.

I learned early in my political career that anyone who runs for public office must remember who the boss is, and that boss is the people you represent. You work for the people of Ontario; you work for the people. That's exactly what we're doing as a government: We're respecting the people we represent, and we're respecting their hard-earned tax dollars. We're respecting the taxpayer.

Speaker, if passed, this legislation will reduce the size of Toronto council to 25 from 47 councillors, plus the mayor. It gives taxpayers in the city a streamlined, more effective council that's ready to work quickly on those very, very important issues that Torontonians want them to work on after the October 22 election. The people of Toronto want to see transit and housing built now. They don't want to wait four more years; they certainly don't want to wait until 2026. Infrastructure in Toronto cannot continue to crumble; it urgently needs attention. We as a government want to work with the city of Toronto and we want to work with the council, but we need that streamlined council of 25 that's ready to work.

The action that we're taking is long overdue. Local governments deliver many critical services to residents,

and it's in everyone's interest that they work quickly and efficiently and respect the taxpayers' hard-earned dollars.

Many of us sitting in this chamber got our first political experience as municipal councillors. That was a very valuable opportunity. Our Premier served the citizens of Toronto on council for four years. I served as a mayor for nine years. Both of us, through our years of experience on municipal council, know how important the services are that communities across our province in Ontario's 444 municipalities provide, those critical services for everyday Ontarians.

The more efficiently municipalities are managed, the better it is for residents. Towards that goal, our legislation will reduce the size of Toronto's city council by aligning the city's municipal ward boundaries with the provincial and federal electoral districts. Twenty-five areas are very familiar to voters. Twenty-five areas have been proven to provide fair and equitable representation for the other two levels of government.

The current size of Toronto city council hinders decision-making. Debates are time-consuming. They're inefficient. They're costly. Forty-four independent councillors, each with their own agenda and outlook, mean deadlock and dysfunction for the city's decision-making on so many issues that are facing the citizens of Toronto. Allowing Toronto city council to grow to 47 councillors would make the situation even worse.

I can point to one debate in particular as an example. It has come up time and time again at Toronto city hall: what to do about the aging Gardiner Expressway, an expressway that turned 60 years old earlier this year. A good portion of the past decade has been spent debating how to save this crumbling piece of infrastructure. It's a topic that has caused as much gridlock at Toronto city hall as it does at rush hour on the Gardiner itself. The debates have gone on and on and on, made worse by the number of councillors standing up to speak their mind. Forty-four independent councillors, Speaker—I said that earlier—each with their own agenda, still stall decision-making on so many issues that are important to the taxpayers of Toronto.

#### 0030

The residents and businesses of Toronto deserve better than that. As the economic engine of our great province, decisions at Toronto city hall are important to all Ontarians, because those cars, those buses, those trucks lined up along the Gardiner are not just carrying passengers from Toronto; they're carrying commuters to their businesses; they're carrying goods and services from those businesses; they're carrying tourists who are coming and visiting this great city; and investors who are trying to create good jobs.

The people of Ontario and the citizens of this city need to have a council that's run efficiently and effectively to move on past those endless debates that go on and on and on at council. So our government is acting quickly to deliver on the promises to improve efficiency and effectiveness at city hall.

Some have speculated that reducing the size of Toronto city council will negatively affect the representation of residents at city hall. Speaker, I want you to know that we

considered this very, very carefully. Under our proposed legislation, the average ward size would be 109,263 people. That's based on the latest census figures. We believe that's a very reasonable number. The 25 boundaries align with the federal and provincial electoral districts in Toronto. These boundaries are vetted through a federal commission that has been found to provide very effective representation. As part of the review of effective representation, the federal process considers population equality, communities of interest—

*Interruption.*

**Hon. Steve Clark:** Is everything okay?

**Interjection:** He did it on purpose.

**Hon. Steve Clark:**—historical patterns and geographic size. It would be open to the Legislature to adjust the 25 ward boundaries to continue to track that fair and independent federal process for ensuring effective representation, with no additional cost to taxpayers.

The pre-existing 44 wards had wide variances in population in 2016. The ward sizes ranged from populations of more than 45,000 to more than 97,000 in 2016. The 47 wards created by the city are not much better for 2018. For example, under the 47 wards, according to the Toronto Ward Boundary Review, ward populations range from more than 38,000 to nearly double that, at 69,000. That does not provide voter parity for this election. Parity of voting power is the most important aspect of effective representation. That's why it's so important that there is voter parity power in the 2018 election, not waiting until 2026.

We believe smaller councils work better, Speaker. Aside from the time that will be saved during the decision-making process, there are also going to be cost savings for the city as well. We estimate that this reduction in the size of Toronto city council could save the city at least \$15 million over four years. That's \$15 million, taken out of administration, that could be put towards directly helping the residents and businesses of Toronto.

Anyone who lives or works in Toronto could see in the last few weeks that the municipal election campaign was proceeding using the 25-ward system that was enacted by the Legislature. We made sure that candidates for Toronto council had time to decide which of the new wards they wished to run in. We extended the nomination deadline. Our government worked hard to ensure that the candidates for municipal council or school board trustee were able to continue their campaigns and ensure that the contributions they collected were treated fairly.

We also worked with the city clerk.

We worked with Elections Ontario. They provided assistance. Implementation issues, Speaker, were addressed. It was straightforward and it was simple for candidates to determine which, if any, of the new wards they wanted to run in.

Now, because of the recent court decision, we have to factor in the timing of the October municipal election. As I said at the start of my address tonight, it's fast approaching; October 22 is coming very quickly.

We understand that candidates, both seasoned political veterans and those new to the political arena, are watching the outcome of this morning's debate very closely.

This legislation, if passed, will extend the nomination deadline again for city council and school board trustee candidates. The new date will be two days after this proposed legislation receives royal assent. We believe that the steps we are taking are fair to candidates running for both Toronto city council and for school boards, and this will allow both incumbents and candidates new to the municipal arena to consider which ward they feel will best represent their interests.

As I have touched upon, our proposed reforms would also allow for the redistribution of Toronto-area school board trustee seats. I want to emphasize that the number of trustees would remain the same. As this currently is governed by regulation under the Education Act, I have been working with my colleague the Honourable Lisa Thompson, the Minister of Education. Her ministry will continue to work with the four district school boards that would be affected by this legislation. These boards are the Toronto District School Board, the Toronto Catholic District School Board, the Conseil scolaire Viamonde, and the Conseil scolaire de district catholique Centre-Sud. All of those working on this have made sure that the redistribution of school board trustee electoral districts aligns with those 25 electoral districts that I talked about.

Speaker, as the Premier has said and as I have said, we disagree with the Superior Court of Justice decision on provisions in the Better Local Government Act, 2018. We believe that the act originally passed by this Legislature was a constitutional exercise of the province's jurisdiction over municipalities. And we believe it's for the good of all taxpayers that we have the most efficient, effective and streamlined government possible.

Speaker, it has been encouraging to hear words of support on this government's position on this matter. The Ontario director of the Canadian Taxpayers Federation has been quoted in the media as saying, "The legislation is fully within the scope of provincial powers to enact," and the judicial ruling sets a "bad constitutional precedent" that undoes "something that a democratically elected government had been voted in to do."

Even the federal director of the Canadian Taxpayers Federation has weighed in, saying that our initial bill was "introduced in sufficient time," and saying he's disappointed with the decision brought down by the court. He said that this ruling signifies a danger that the Ontario government won't be able to make changes to municipalities, something that's under our jurisdiction.

Mr. Speaker, our government has been focused on the most efficient ways to govern. We had the honour of being elected with a majority government here in Ontario. The people gave us a mandate to streamline government and to make it more efficient. The people of Ontario gave us a mandate to pave the way for better transit, more housing, and new and improved infrastructure. We believe that fewer councillors will help improve decision-making to make that happen. We believe that the 25-ward system will provide voter parity in 2018.

Speaker, here's another supporter. A policy director under former Prime Minister Stephen Harper went on CBC last week to say that she supports our government using section 33 to uphold the items included in the Better Local Government Act. She said, "I'm glad that a Premier in Ontario has finally said, 'I am going to use this clause in the charter.'" She said that the clause "is expressly designed for this purpose, to uphold legislation that's supported by the democratically elected Premier of the province." Speaker, we're just using the tools in our toolbox to effectively govern.

0040

I'd also like to note that this isn't the first time that the number of Toronto council seats has been reduced. During amalgamation in 1998, the number of councillors went from 56 to 44. The city continued to function. If you have effective councillors sitting in council chambers, people and businesses will be represented. The city will still work to get things done for taxpayers.

Speaker, we've had many sitting city councillors speak in support of the government when we first outlined our plans in the Better Local Government Act. We had a number of city councillors show up here in the Legislature, in the media studio, and they expressed their support: Councillor Vincent Crisanti; Councillor Michael Ford; Councillor Stephen Holyday; Councillor Justin Di Ciano; Councillor Giorgio Mammoliti—

*Interjections.*

**The Speaker (Hon. Ted Arnott):** Order. The opposition benches will come to order.

**Hon. Steve Clark:**—Councillor and Speaker Frances Nunziata; Councillor Cesar Palacio; Councillor David Shiner; Councillor Michael Thompson; and Councillor and Deputy Mayor, East, Glenn De Baeremaeker.

*Interjections.*

**Hon. Steve Clark:** I guess the official opposition doesn't want to hear about all of our support for this bill on city council.

This group of veteran councillors, and those who are a little new to municipal politics, spoke in support—

*Interjections.*

**The Speaker (Hon. Ted Arnott):** Order. The House has to come to order.

Sorry to interrupt the minister.

**Hon. Steve Clark:** They had three main reasons why they said a smaller council is needed.

First, they agree that a smaller council will lead to better decision-making at Toronto city hall, which would benefit Torontonians as a whole. They gave the example of the current 44-member council having 10-hour debates on issues that would end with the vast majority of councillors voting the same way as they did at the beginning of the debate. Speaker, time is wasted. They have said that the Speaker often has to ask for quiet because people aren't paying attention and they're talking while decisions are being made.

Second, they point out that it will save money, and those savings go beyond just councillors' salaries. The current 44-member council has created a huge challenge

for Toronto's bureaucracy, which has to respond to motion after motion, report after report, deferral after deferral. Let's use a recent city council meeting, where there were 128 members' motions presented. If we allowed council to grow to 47 members and hadn't acted quickly, I suggest, Speaker, that that situation would have become even worse. Toronto city staff have to work on all of those reports instead of working on the issues that are important to the people of Toronto, important issues like transit, infrastructure and housing.

Third, it would result in a fair vote for residents, which was the very reason Toronto itself undertook that boundary review in the first place.

It's not just these councillors who have been speaking about cutting Toronto city council; the size of city council has, quite frankly, been debated for years. In fact, this very issue was raised in the 2010 municipal election. We saw candidates for council and candidates for mayor propose the idea to cut council in half. They pointed to increased efficiency.

Speaker, now I just want to take a few moments and talk about the Efficient Local Government Act, which also proposes reforms to the selection of regional chairs for the regional governments of York, Peel, Niagara and the district of Muskoka. We wanted to get things right that were imposed by the previous government, so I'm going to turn to those reforms.

We believe that regions should have a say in how they are governed. At their core, they must serve the needs of their communities, like all of us who have been called to serve for the people. Our government for the people believes that the regions in Ontario should be the ones that make those important decisions on how they serve residents. Listen, they understand communities. They understand their unique challenges. They are in the best position to provide those solutions. They are accountable to meeting their residents' needs. That is why, unlike the previous government, we believe that regions should be able to decide how they should elect their regional chairs.

The previous government had a bit of a different view. This led to changes in the Municipal Act two years ago, changes that the previous government—

**Mr. Gilles Bisson:** Steve, you voted for regional elections.

**The Speaker (Hon. Ted Arnott):** Member for Timmins, come to order.

**Mrs. Jennifer (Jennie) Stevens:** They don't get to decide in Niagara.

**The Speaker (Hon. Ted Arnott):** Member for St. Catharines, come to order.

**Hon. Steve Clark:**—imposed those changes on regional municipalities. Municipalities had already decided at that time to appoint their regional chairs and were no longer allowed to do that. Aside from the case of Oxford county, which was an exception, all seven remaining regional governments had to directly elect their regional chairs.

Mr. Speaker, we believe we should return to the system used in the 2014 election, before the previous government's legislation was enacted. What we're proposing is

to reverse those changes that were imposed by the previous government. If passed, in the future regions would decide for themselves how those selections of chairs would take place.

We want to give decision-making power back to those regions because they understand better than anyone how this two-tiered municipal system works.

Regional governments work with their member municipalities to ensure the needs of their local communities are met. They are called upon to provide key services for their local residents. They are responsive to the needs of those communities. That's why our government believes regions are well equipped to decide how their regional chairs should be selected.

Speaker, every region is unique. Do we honestly think that what works for the region of Peel would work for the district of Muskoka? I don't think so. The same could be said for York region and Niagara region. They're two different regions. Those local councils should be able to make that decision on how their regional chair is selected. So our government hit the pause button on those elections.

I also want to talk about our government's regional review, which will take a broad look at the current model which has been in place for 50 years. It's time to consider whether changes are needed to improve municipal governance in communities where populations have grown significantly and that 50-year-old model of government may no longer be applicable for the future prosperity of those communities.

Our goal as a government is to work together with those municipal governments to ensure that Ontario taxpayers' dollars are respected and to ensure that local governments are positioned to serve their people and are working as efficiently and effectively as possible—all to support the future economic prosperity of their residents and businesses. We look forward to discussing with the many stakeholders, including our municipal partners, to determine what's working well.

Speaker, we started the conversation a few weeks ago at the Association of Municipalities of Ontario conference, one where, I might say, our government set a record for the most consultation meetings of any government in history with our municipal partners. When I was there, we met with one delegation after another. For four straight days, we listened intently to municipalities large and small, from every corner of our province. I see that as pivotal. I want to give a shout-out to my two parliamentary assistants, Jim McDonnell and Christine Hogarth, who did an exceptional job listening to delegations.

During that speech to almost 2,000 people, I laid out our government's priorities—priorities that have been ignored for too long, important work that will make a real difference for municipalities and the people they serve, like cutting red tape; like shortening development approval times so we can unlock development and increase housing supply; like eliminating the many reports that municipal staff feel are a waste of time—reports that ask for the same information over and over again from different ministries in our government. I laid out our

feeling of finding efficiencies and showing respect for taxpayers and their hard-earned dollars. That's the message this government brought to the AMO conference, and that's at the core of this bill. We're proposing to return decision-making powers back to the regions and, in future elections, they should be able to select their heads of council in a way that works for them.

From day one, some communities opposed the government's proposed decision to force municipalities to elect their chairs. I'm going to give you an example, Speaker. The mayor of Mississauga was one of those people against it. And the mayor was far from alone. There were many, many others who agreed. In Peel, the regional council was strongly opposed when the matter was discussed and voted on in 2017. The final results were 22 to 1 against electing a regional chair—22 to 1 against. I think that's a pretty clear point of view.

**0050**

That's why, for the upcoming municipal election on October 22, we're going to revert back to the way it was in 2014, before the previous government imposed it. It's quite simple: Regional governments in York, Peel, Niagara and Muskoka will appoint their chairs; Waterloo, Durham and Halton will elect them. It's not new. It worked fine before. It worked fine in the last election. In the future, it's going to be their choice.

Speaker, I want to reiterate that this new bill is about upholding the principles behind what was debated and passed on this very floor a month ago: restoring accountability and respect for the people of Ontario. Our proposal for Toronto ward boundaries to match the federal and provincial electoral districts is an example. The electoral districts were established in an unbiased manner. We have used this unbiased information to redraw the ward map for the city of Toronto. We're operating, as a level of government, completely within our legal jurisdiction, and we are focused on putting everyday people first.

Lowering taxes; reducing the regulatory burden; restoring accountability and trust, and reducing the size and cost of government: We heard very clearly from Ontarians that government is supposed to work for them. They want a government that gets things done, and again, that's exactly what we're doing here this morning. We're showing the people of Ontario that their trust in our government was well placed. When it comes to their local and regional governments, people expect and deserve that same level of accountability and responsibility. Streamlining decision-making will help the people of Toronto get that housing, get that new transit and get those infrastructure improvements.

*Interjections.*

**Hon. Steve Clark:** As I've said, and I've said it over and over again—the NDP can howl all they want. They can stand up for the more politicians they want. They can stand up for the deadlock and dysfunction that has plagued Toronto city council. As I've said, better decision-making at Toronto city hall will not just help the residents of Toronto. We need Ontario's economic engine firing on all cylinders and making sure that we have that efficient and

effective council that, on October 22, is willing to have a 25-person streamlined council that we commit, as a government, to working with on those very important issues that benefit everyday Ontarians, everyday Torontonians. That's what we want.

Now I'm going to turn it over to the Attorney General to take our remaining time.

*Interjection.*

**The Speaker (Hon. Ted Arnott):** Thank you very much. You've referred it to the Attorney General.

The Attorney General.

**Hon. Caroline Mulroney:** Mr. Speaker, I'd like to thank the Minister of Municipal Affairs and Housing for introducing the Efficient Local Government Act, 2018. This important piece of legislation highlights the importance of local government and emphasizes that all levels of government must work effectively and efficiently for the people of this great province.

As the Minister of Municipal Affairs and Housing mentioned, people deserve an accountable provincial government that respects their hard-earned taxpayer dollars and works for them, and people expect the same from their local government.

The people of Toronto are preparing to cast their vote in the upcoming municipal election, and they need and deserve certainty now. Should this bill pass, it would deliver on Ontario's commitment to smaller, more effective government and stand up for the interests of voters and taxpayers across Ontario. As my colleague mentioned, decision-making at Toronto city council is far from efficient. I think we can all agree that there are major ongoing issues such as much-needed transit, infrastructure and housing that are just not being built. Each day that passes is another where Toronto residents are being failed by a council that is dysfunctional. That is unacceptable. People and their families deserve to see prompt action from city council on the issues that matter to them.

Mr. Speaker, our goal is to have Toronto move towards a system that is streamlined and efficient, but this should come as no surprise. Our government has a very clear mandate. We campaigned to restore accountability and trust in government and end the culture of waste and mismanagement.

During the election campaign, we heard very clearly from Ontarians that they want us to respect their hard-earned taxpayer dollars. We heard that they want their government to work for them. We committed to finding efficiencies in local government and to listening to concerns raised by the people of Ontario, and we continue to deliver on that commitment. Restoring order to city council by reducing the number of city councillors is part of that plan.

Monsieur le Président, au cours de la campagne électorale, les Ontariens et Ontariennes nous ont très clairement confié qu'ils voulaient que nous respections l'argent qu'ils gagnent en travaillant très dur. Nous avons compris qu'ils voulaient que leur gouvernement travaille pour eux, alors nous nous sommes engagés à réaliser des économies au niveau de l'administration locale et à

écouter les préoccupations exprimées par la population ontarienne, et nous respectons cet engagement. Rétablir l'ordre au conseil municipal en réduisant le nombre de conseillers municipaux fait partie de ce plan.

Now, if passed, the proposed legislation would mean that Toronto would have 25 city councillors, just like we have 25 elected provincial MPPs and 25 elected federal MPs. A smaller Toronto city council will be ready to work quickly and put the needs of everyday people first.

Si le projet de loi est adopté, Toronto aura 25 conseillers municipaux, exactement comme nous avons 25 députés provinciaux élus et 25 députés fédéraux élus. Monsieur le Président, un conseil municipal réduit pour Toronto sera prêt à—

*Interruption.*

**The Speaker (Hon. Ted Arnott):** I will speak again to the people who are visitors in the gallery. You cannot continue with these outbursts, or you'll have to leave.

*Interjection.*

**The Speaker (Hon. Ted Arnott):** The Leader of the Opposition will come to order.

I'll recognize again the Attorney General.

**L'hon. Caroline Mulroney:** Monsieur le Président, un conseil municipal réduit pour Toronto sera prêt à travailler rapidement et à donner la priorité aux besoins de la population.

With our proposed changes, Toronto city council will be better equipped to get transit moving and infrastructure built now, not sometime in the distant future.

**0100**

As the Minister of Municipal Affairs and Housing mentioned, the proposed 25-ward structure would also result in a fairer vote for residents in 2018. In contrast, the existing 47-ward structure in Toronto would not provide voter parity until 2026. Mr. Speaker, that is eight years away. Toronto residents can't afford to wait for an efficient and effective council.

Now I want to turn my attention to the fact that this bill invokes section 33 of the Charter of Rights and Freedoms. Members know that on September 10, the Superior Court struck down a key provision of Bill 5 that would decrease the number of councillors at the city of Toronto from 47 to 25. We believe the Superior Court's decision was made in error. The judge found an infringement of rights where we believe none existed. That is why we are appealing the court decision—

*Interjections.*

**The Speaker (Hon. Ted Arnott):** Order.

**M<sup>me</sup> Nathalie Des Rosiers:** The matter is in front of a court.

**The Speaker (Hon. Ted Arnott):** The member for Ottawa-Vanier, take your seat. Order.

The Attorney General.

**Hon. Caroline Mulroney:** Mr. Speaker, that is why we are appealing the court decision and why we are applying for a stay of the court decision until that appeal can be heard.

**M<sup>me</sup> Nathalie Des Rosiers:** Point of order.

**The Speaker (Hon. Ted Arnott):** Point of order?

**M<sup>me</sup> Nathalie Des Rosiers:** Yes, I have a point of order. My point of order is that this matter is in front of courts. I submit that this is sub judice to discuss this matter.

**The Speaker (Hon. Ted Arnott):** I'm listening intently to the Attorney General. I haven't heard her say anything that's out of order.

**Hon. Caroline Mulroney:** It is also why, in Bill 31, we are invoking section 33 of the charter. That is because time is of the essence, Speaker. With the court having, we believe, made an error, the question of the Toronto election has been thrown into doubt.

*Interjections.*

**The Speaker (Hon. Ted Arnott):** Opposition benches will come to order.

**Hon. Caroline Mulroney:** The city of Toronto needs certainty, and that certainty can be found through the use of this section.

Mr. Speaker, there has been much commentary over the last week about the government's decision to introduce legislation invoking section 33. Let us be clear about one thing: This Legislature holds the sole right and responsibility to pass legislation related to municipalities. That is a point that is beyond dispute. That legislative sovereignty goes to the heart of the debate around section 33.

Précisons un point : la législature—

*Interruption.*

**The Speaker (Hon. Ted Arnott):** Stop the clock. Once again, I will ask those of you who are here as guests to observe the rules of the Legislature. If the outbursts continue, I will have no choice but to clear the entire gallery.

*Interjections.*

**The Speaker (Hon. Ted Arnott):** Order. The member for Waterloo, come to order.

*Interruption.*

**The Speaker (Hon. Ted Arnott):** The member for Timmins, come to order.

We will have order during this debate. Start the clock.

The Attorney General.

**L'hon. Caroline Mulroney:** Précisons un point : la législature détient, à elle seule, le droit et la responsabilité d'adopter des lois concernant les municipalités. C'est un point incontestable.

Much of the public discourse over the last week has conflated two issues: first, the constitutionality of using section 33, and second, the policy advisability of Bill 31. I have already discussed the policy aspects of Bill 31 and why I support them.

So what of section 33? There is wide consensus, Mr. Speaker, that section 33, as conceived by those who wrote and approved it, was to be a tool that balanced the role of the courts and the role of the Legislature.

Allan Blakeney, the former NDP Premier of Saskatchewan, at the first ministers' conference on the Constitution in November 1981, said that section 33 is "fully consistent with the sort of argument we have put forward that we need to balance the protection of rights with the existence

of our institutions which have served us so well for so many centuries."

Later that same month, Prime Minister Pierre Trudeau said, "It is a way that the Legislatures ... have of ensuring that the last word is held by the elected representatives of the people rather than by the courts."

In agreeing to put section 33 into the Charter of Rights and Freedoms, those who did so included—

*Interruption.*

**The Speaker (Hon. Ted Arnott):** You have to leave.

*Interruption.*

**The Speaker (Hon. Ted Arnott):** Stop the clock.

You have to leave.

*Interruption.*

**The Speaker (Hon. Ted Arnott):** Once again, this is the last warning. If the outbursts continue, I will clear the galleries and you will all have to leave.

*Interruption.*

**The Speaker (Hon. Ted Arnott):** Clear the galleries.

**Mr. Gilles Bisson:** Point of order, Speaker.

**The Speaker (Hon. Ted Arnott):** I'm going to recess the House for 10 minutes.

*The House recessed from 0107 to 0118.*

**The Speaker (Hon. Ted Arnott):** The House will come to order.

Before the recess, the Attorney General had the floor. I would once again recognize the Attorney General.

**Hon. Caroline Mulroney:** Thank you, Mr. Speaker.

In agreeing to put section 33 into the Charter of Rights and Freedoms, those who did so included a safety valve, so that Legislatures can have the final say on important matters of public policy.

Some have suggested that section 33 should only be used in non-controversial circumstances, but the definition of "controversial" depends on how one feels about the policy question at the heart of the matter, and that is at the heart of the debate around section 33. As Premier Blakeney put it, "The fundamental issue is: What things in our society ought to be decided by the courts?" He worried that putting the charter into the Constitution would lead to the erosion of the power of the Legislatures to decide the political questions of the day and turn the power over to the courts. But section 33 set Premier Blakeney's concerns to rest.

We believe that the size of a municipal council is a political question that ought to be decided by the Legislature, which is why we have proposed that this Legislature invoke section 33. Section 33 is recognized as crucial to a healthy, inter-institutional dialogue that allows the Legislature to insist on the primacy of its judgment in cases of profound disagreement with courts on questions of a political nature. And that is what we have in this case, Mr. Speaker—a profound disagreement over the correctness of the ruling issued by the Superior Court.

But we also have profound respect for the role of the court in the constitutional dialogue between our institutions. That is why we are appealing the decision and seeking a stay. But as I have said, time is of the essence,

and that is why it is advisable to invoke section 33 in Bill 31.

Nous croyons que la taille du conseil municipal est une question politique qui devrait être réglée par la législature et c'est pour cette raison que nous avons proposé que la législature invoque l'article 33.

Il est reconnu que l'article 33 est indispensable pour assurer un dialogue fructueux interinstitutionnel qui permet à la législature d'insister sur la primauté de son jugement dans les cas de désaccord profond avec les tribunaux sur une des questions de nature politique.

Nous nous trouvons dans une situation de ce genre, monsieur le Président : un désaccord profond sur la validité de la décision rendue par la Cour supérieure.

Néanmoins, nous respectons entièrement le rôle du tribunal dans le dialogue constitutionnel entre nos institutions. C'est pourquoi nous interjetons appel de la décision et demandons d'y surseoir. Mais, comme je l'ai dit, nous avons très peu de temps et c'est pourquoi il est souhaitable que nous invoquions l'article 33 dans le cas du projet de loi 31.

The Charter of Rights and Freedoms has, as Premier Blakeney feared, taken much of what was the domain of the Legislatures and placed it into the domain of litigation. As Professor José Woehrling of the University of Montreal said, "The rhetoric of rights and freedoms gives an absolute, non-debatable appearance to issues that have traditionally been considered subjects of legitimate political disagreement"—issues, for instance, like the size of a municipal council.

Mr. Speaker, Premier Ford and our government want to have a full and exuberant debate about political and policy matters, and that debate should occur here in the Legislature. Section 33 exists to ensure that Legislatures can decide matters such as these. That is why we are proposing in Bill 31 to assert the Legislature's ability to govern according to the decisions made by the democratically elected members of this Legislature.

L'article 33 existe pour garantir, si une législature souhaite trancher une question politique en dépit de certains articles de la Charte, qu'elle peut le faire. C'est ce que nous proposons avec le projet de loi 31 : d'affirmer la capacité de la législature de gouverner selon les décisions prises par des membres de la législature élus démocratiquement.

The independent members of this House have drawn much attention to the fact that the member for Ottawa–Vanier is the editor of a book on the Canadian Constitution. Chapter 33 of that book deals with section 33 of the charter. The authors write, "By invoking this power"—that is, section 33—"provincial Legislatures can temporarily give priority to local or provincial interests that conflict with judicial interpretation of the charter." That is precisely what we are proposing to do with Bill 31.

To quote further from that chapter: "Canadians are not well served by ... 'wishing away' this clause"—nor are they well served by assuming that by not using this clause, governments are complying with judicial norms about the charter. The idea that our proposed use of section 33

indicates a disregard for the charter or the judiciary is a myth—a myth perpetrated by those who have a policy disagreement with the government.

We agree with the statement in the member for Ottawa–Vanier's book that it "is well beyond time for a thoughtful discussion" of section 33, and it's time to dismantle those myths.

Le recours proposé à l'article 33 n'est pas une marque de mépris pour la Charte ou la magistrature. C'est un mythe, perpétué par ceux qui s'opposent à une politique du gouvernement.

Mr. Speaker, throughout its history, section 33 has been invoked 16 times. Within the past year, Saskatchewan's Legislature invoked section 33 of the charter to ensure that public school funding that had been successfully challenged in court could continue as planned, and to provide certainty to parents as to what school their children would attend while that province pursued an appeal.

Ontario is doing the same thing here. The invocation of section 33 would ensure that voters and candidates have certainty that a 25-ward election can proceed while it pursues its appeal on the challenge to Bill 5.

In closing, we are committed to efficient local government that is accountable to the people. The people voted for that, and that is what this government intends to deliver. If passed, the proposed Efficient Local Government Act, 2018, would ensure that the city of Toronto provides better, more efficient service to the people it serves.

As I mentioned, while Ontario will be appealing this matter, we cannot afford to wait. This legislation is needed to allow the Toronto election to proceed, as it is scheduled to, on October 22.

The mayor of Toronto agrees. He has said, "The sooner" Bill 31 "can get passed, then" elections staff "will have that certainty that allows them to proceed." He further said, "But I think it can be done and I think it is in the best interests of the city to have the election on ... October 22." He said that it's in the best interests "so that we can get on with the budget and get on with the transit and on with the work we have to do."

The people of our province expect and deserve to have an accountable provincial government—a government that respects and puts their needs first. When it comes to their local- and regional-level governments, they expect and deserve no less.

If passed, the proposed legislation would show Ontarians that their trust in us was well placed and that we continue to stand by the commitments we made to them. I strongly urge the members to join me in support of this important bill and to uphold our commitment to better local government and more responsible use of taxpayer dollars.

Thank you. Merci.

*Interjections.*

**The Speaker (Hon. Ted Arnott):** Members will please take their seats.

**Hon. Steve Clark:** Point of order.

**The Speaker (Hon. Ted Arnott):** Point of order, the Minister of Municipal Affairs and Housing.

**Hon. Steve Clark:** I want to correct my record. I want to make sure I have the right savings on the record. The proposed savings are \$25 million over four years. I just wanted to correct my record.

**The Speaker (Hon. Ted Arnott):** Thank you very much.

Questions and comments?

0130

**Ms. Suze Morrison:** I'd like to direct my comments at the Attorney General, specifically her comments that the courts have made an "error" in its ruling on this case.

Our judiciary system is as vital to the health of our democracy as this very House. The courts are one of the necessary checks and balances on our system that prevent our democracy from deteriorating into a tyrannical dictatorship.

Respectfully, the Attorney General has done her very best—

*Interjections.*

**The Speaker (Hon. Ted Arnott):** I'm going to ask the member to withdraw.

**Ms. Suze Morrison:** Withdraw what?

**The Speaker (Hon. Ted Arnott):** Her unparliamentary language.

**Ms. Suze Morrison:** Withdrawn.

Respectfully, the Attorney General has done her very best this evening to wax eloquently this Premier's abuse of section 33 to settle political scores and has attempted to spin this as a righteous cause. There is nothing righteous about what is going on here tonight.

Yes, section 33 is a tool in the box, but it is not one that should be used to settle political scores with a city that rejected this Premier, and it should not be used to rip up the charter rights of all Ontarians. More than 400 members of the legal community have signed a letter outlining what an abuse of power the use of section 33 is.

To the Attorney General, to the ministers, to the Premier, to every single member on that bench: This is absolutely shameful. History is being made in this chamber tonight, and you are not on the right side of it. You are not on the right side of this.

Mr. Speaker, this bill is an affront to our democracy—

*Interjections.*

**The Speaker (Hon. Ted Arnott):** The government side will come to order. I can't hear the member.

I will give you more time to finish and conclude. I couldn't hear you.

**Ms. Suze Morrison:** Mr. Speaker, this bill is an affront to our democracy and has made a farce of this House.

You are making history in this chamber, and you are not on the right side of it.

**The Speaker (Hon. Ted Arnott):** Questions and comments?

**Mr. Doug Downey:** As I start my comments, I'd like to note that Sam Moini is here—a candidate for council with the city of Toronto. He's out knocking on doors.

Mr. Speaker, I have served decades with the courts and with the rule of law. I have studied and I have worked with

section 33. My former law partner—we started a law firm together in 2001. He wrote to the media most recently:

"As to the 'notwithstanding' clause, I can tell you where it came from because I was there when it was created. In the fall of 1982, I was appointed deputy opposition House leader of the Progressive Conservatives. One of my main duties was to organize our side during question period as to who asked what question, of whom and in what order. It was a demanding and exhilarating task."

The honourable Doug Lewis goes on to state: "Premier Ford was perfectly entitled to use it.

"Elections are the best judge of a government's actions as to whether they are within all of the laws of the land, and fair. Let's see how this plays out over four years."

Well, Mr. Speaker, I look forward to seeing how this plays out in four years, because we're doing the right thing. We are doing what we said we would do. We are reducing the size of government. We are looking for efficiencies. We're not just looking at the city of Toronto; we're doing line-by-line within our own government. We are looking at everything. Everything was on the table in terms of trying to reduce the size of government for the people, make life more affordable and make sure that we are delivering change that people voted for.

There is ton of work being done. There's a ton more work to be done. It's exactly this type of dysfunction that we're seeing in the city of Toronto that we're trying to solve.

I applaud the Attorney General for standing on principle, and I applaud the Minister of Municipal Affairs and Housing for all the work he has done.

*Interjections.*

**The Speaker (Hon. Ted Arnott):** Members take their seats.

Questions and comments?

**Ms. Laura Mae Lindo:** I'd like to focus, really, on one thing: the fact that, while we're talking about respect for the law, for the judiciary, we have people who are protesting and trying to get into this House. I don't understand how we can actually argue in good conscience, with real morals and ethics, that we're doing any of this for the people if the people are right outside.

Under normal circumstances, when we're trying to deal with people and there's conflict, we take a pause, we take a breath and we go outside as leaders to speak to the people who are there. Instead of doing that, we are all sitting here, and on the other side of the House, we're pretending like this isn't happening.

I'm going to pause for two seconds so we can all actually listen, for the record, to what is happening while I am speaking to you right now.

*Interjections.*

**The Speaker (Hon. Ted Arnott):** Order. The government side will come to order. It's not helpful.

I'll let the member continue.

**Ms. Laura Mae Lindo:** Given that I am standing in the House talking with you, Mr. Speaker, about what our role is in this House on behalf of the people, and in the two

seconds that I took a breath to try to hear what was happening, all we heard were the claps from the government, I'm very concerned. I'm as concerned as the people who are standing outside. This isn't me condoning people actually hitting the doors; it's me acknowledging that people want to be part of the decisions that are being made. That's what we're talking about. Instead of being part of the decisions—

**The Speaker (Hon. Ted Arnott):** Thank you. Questions and comments?

**Mrs. Robin Martin:** Like the Minister of the Attorney General, like my friend from Barrie–Springwater–Oro–Medonte, I am a lawyer as well. I practised law downtown here for 10 years and I did specialize in charter litigation and political theory and political science, so I very much care about the judiciary. I value the judiciary. I know the judiciary has a role to play, as does the Legislature here, the Parliament.

The “notwithstanding” clause is as much a part of the charter as are the rights that are enshrined in the charter. Indeed, there would be no charter, as the Minister of the Attorney General has said, if it hadn't been for the “notwithstanding” clause. Accordingly, the “notwithstanding” power has been defended by no less a constitutional authority than our friend over there, Nathalie Des Rosiers, but also by—

**The Speaker (Hon. Ted Arnott):** You have to refer to another member by her riding name in this instance.

**Mrs. Robin Martin:** The member from Ottawa–Vanier, and by Professor Peter Russell of U of T, who wrote, “To defend the ‘notwithstanding’ clause is not to oppose the charter. After all it is part of the charter. It was included in the charter for a very good reason: a belief that there should be a parliamentary check on a fallible judiciary's ... decisions.”

In sum, the “notwithstanding” power is not a check on the charter but a check on misinterpretation of the charter. That is why we have invoked it in this case. I, like Mayor John Tory, like all of the people on our side of the House, believe that we're better served in Toronto if the election proceeds on October 22. I hope you will support that.

*Interjections.*

**The Speaker (Hon. Ted Arnott):** Members will please take their seats.

One of the ministers can now respond. Minister of Municipal Affairs and Housing.

**Hon. Steve Clark:** Thank you, Speaker.

I want to acknowledge with thanks the member for Toronto Centre, the member for Barrie–Springwater–Oro–Medonte, the member for Kitchener Centre and the member for Eglinton–Lawrence for their responses to the address that the Attorney General and I had to kick off Bill 31's second reading debate.

Speaker, as I said at the start of the debate, time is of the essence. We take these decisions very seriously. We made a decision to recall the Legislature on Saturday and made the decision to have the early morning sitting because time is of the essence. October 22 is fast approaching.

*Interjections.*

**Hon. Steve Clark:** Despite the calls from the opposition and the unparliamentary language that they continue to use—

**Mr. Gilles Bisson:** You never talked about it.

**The Speaker (Hon. Ted Arnott):** Member for Timmins, come to order.

**Mrs. Jennifer (Jennie) Stevens:** You didn't even have a plan.

0140

**The Speaker (Hon. Ted Arnott):** Member for St. Catharines, come to order.

**Hon. Steve Clark:** We have an election on October 22 and we are committed, just like we committed every day in the campaign—every day in the campaign we talked about respecting taxpayers' dollars. Every day in the campaign we talked about reducing the size and cost of government, to make efficient and effective government. That's exactly why we're here. That's exactly why we retable Bill 31: Because we couldn't wait for the appeal. The Attorney General talked about it: We couldn't wait for that appeal. We have to ensure that on October 22, that streamlined council—a council that will not be deadlocked and dysfunctional—we need to have that council move forward and work with our government and ensure that those priorities, those very important things that everyday Torontonians want from their municipal council, can get done. That's why we're here tonight. That's why we're here debating this bill: Because it's important to the future of this city that they have a council that's ready and willing to do that work. That's why we're here.

Again, I want all members to support the bill—

**The Speaker (Hon. Ted Arnott):** Thank you.

Further debate. I recognize the member for Toronto–Danforth.

**Mr. Peter Tabuns:** Thank you, Speaker. I'll be sharing my time with Andrea Horwath, the leader of our party.

Before I go into the main body of my remarks, I want to urge the government to withdraw this bill, to respect the city of Toronto, to respect the electoral process, and to discontinue this course of action that is disrupting our city, disrupting the democracy of the city, and disrupting democracy in Niagara region, Peel and elsewhere.

There are three points that I want to address at the beginning, given that it's 1:40 in the morning. The first point is, the Premier is ignoring people's priorities. Most of the people in Ontario may not care about elections in Toronto, but they do care about education, health care, the environment and jobs. I'll speak to why the Premier is ignoring those priorities.

My second point addresses the sin that dare not speak its name in this Legislature. You, Speaker, would rule against me if I were to use that language, and I will speak about the issue before us that I can't fully discuss.

The third point is democracy itself and what it means when the Premier turns his back on the fundamental laws of this country.

Let's look first at what are, or should be, the priorities of this Premier and this government.

The last Liberal government created huge problems in this province. You are well aware of those, Speaker.

Premier Ford ran a campaign saying he would address those problems; that was the heart of his campaign.

You're well aware, Speaker, that we have a crisis of hallway medicine in this province. You personally, and members in this chamber, have seen situations where patients are either packed onto gurneys and put into shower stalls because there are no rooms, or moved into what were TV rooms. I've talked to nurses who have told me that auditoriums in hospitals have been cleared out, with gurneys pushed in, and used as temporary treatment space.

We have a crisis in medicine. And beyond the crisis that was left to us by the Liberals, we have this government that has already cut \$300 million from mental health care, from the mental health budget. One of its first acts—

*Interjections.*

**The Speaker (Hon. Ted Arnott):** The government side will come to order.

**Mr. Peter Tabuns:** And yet, Speaker, where is the Premier focused? Attacking the government of Toronto in the middle of an election, which has provoked a furious response. You can hear it outside, but you don't have to go outside of the Legislature. Go onto the streets. Go to the neighbourhoods. Talk to people who are shaking their heads that this could be the priority of this government.

Speaker, why on earth would the Premier do that?

All the talk in the election was about dealing with the problems that were created by the Liberals, and that has been sidelined. Our schools are crumbling. The member from Mushkegowuk—James Bay asked the other day about students in Kashechewan, who are having to go to school in mouldy portables. What answer did he get from the Premier? Nothing but talk about Toronto and efficiency.

The member had to say, “The community of Kashechewan ordered their school closed because of the repair backlog. There is chronic water damage. The walls grow hot but the fire alarms don't work.

“This government,” said our member from Mushkegowuk—James Bay, “has a Toronto obsession and they are ignoring the urgent issues facing northern Ontario and rural Ontario.”

There is a \$15-billion-plus backlog of repairs in our schools that is not being addressed. In fact, again, one of the first acts of this government was to cut \$100 million in repairs to schools in this province. There's a huge backlog, you cut the funding, and you say that you care about the priorities of the people of Ontario? Clearly not.

What kind of focus is it that we're caught in, where we have an endless loop of debates about how to attack the Toronto elections? The Premier could have simply accepted the judgment from the Superior Court of Justice, let the elections roll on, and filed an appeal. He has filed a stay. He could go forward and appeal, but no; that wasn't enough for him. His obsession with city council is too profound for him to follow his own election platform. Schools, health care: not an issue for him—not an issue. Obsession with Toronto? Yes, that's the issue. I don't think the environment matters to this Premier. It's pretty clear. Action on climate change, clean water, clean air—

not his priority. Well, it may not be his priority, but a lot of people in Ontario do care about those things, even though the Premier has pushed them to the back of the line.

Then, of course, there are jobs. We lost 80,000 jobs, according to the last report that came out. The Premier should see this as critical, something he'll address—and not just by building a sign at the border saying, “Open for business”—a waste of thousands of dollars. But not for him, because this Premier's priority is his obsession with Toronto, with getting back at the council of the city of Toronto. He's like Ahab and the white whale: Nothing else matters. He's going after that white whale.

This was not in his platform—

**The Speaker (Hon. Ted Arnott):** Again, I'm going to remind all members in the House that to ascribe motive is not an acceptable part of debate.

The member for Toronto—Danforth has the floor.

**Mr. Peter Tabuns:** Speaker, this action was not in his platform. It was not part of his speeches. It won't change Ontario for the better and it won't address the issues that the people who voted for him cared about. It is an obsession, and it's taking him and his party off track while Ontario continues to deal with some grim problems.

I want to tell a brief cautionary tale. Some of you sitting here were not here for the last term of government. The Liberals were the government for a number of years, and they have been reduced to a rump of seven. Kathleen Wynne swept Ontario in 2014. When I went out canvassing prior to that 2014 election, during that election and immediately after that election, there was a groundswell of support for her. She, in whatever way, had touched a nerve in Ontario. People felt that she was representing their interests, and she was carried forward. She was seen as a refreshing change from the extraordinarily arrogant Dalton McGuinty. It was a tough time running against her in 2014.

But then she forgot what got her elected. It didn't take long for her to set aside everything that she had said during her campaign and everything that she had done to build a bridge to the people of Ontario. She decided to sell off Hydro One and to continue the privatization of the hydro system that drove up hydro prices. From that day on, she started to lose altitude.

In 2014, I didn't want to talk about Kathleen Wynne at the door during the election because people were so sympathetic toward her. In the last election, I didn't want to talk about her at the door because people would start ranting and I couldn't get on to the next door. She had destroyed her base by ignoring why people put her in power.

**0150**

I want to say that it's as a cautionary tale for the Conservatives. To the extent that you spend your time on this obsession with attacking Toronto and not addressing the matters that are of consequence to the people of this city and of this province, you will start to lose altitude. You will change people's perception of who you are and what you're about—a dangerous thing for any party.

The second point I want to raise is the sin that dare not speak its name in this chamber. When you do something

and then say that what you're doing is fine, and then see another person doing something similar and condemn them for that, we, in the English language, have some fairly rich words for that kind of behaviour.

The other day, when the Superior Court ruling came out setting aside the "attack Toronto" act, Bill 5, the Premier was entirely clear about his position: "I was elected. The judge was appointed. He was appointed by one person, Dalton McGuinty." He was factually wrong on that—I don't think that's material to us—but it fit his narrative at the time.

He went on to say, "A democratically elected government, trying to be shut down by the courts—that concerns me more than anything," he said, adding that the courts have made him feel like 'I'm sitting here handcuffed, with a piece of tape over my mouth, watching what I say.'"

In short, the Premier doesn't believe that a judge can rule that a law he brought forward can be struck down. He doesn't believe that the courts or the law have that power. He's arguing for the complete and unlimited supremacy of elected governments. It doesn't matter whether the government broke the fundamental law of the country, the Constitution. All that matters is that he has a majority, he has passed a law, and that's the end of the story.

I think that governments should obey the law, the fundamental law of the country, the Constitution. The Premier thinks that position is wrong. His position can be summarized as: "No judge is the boss of me." Some people, mistakenly and erroneously, think the Premier is uneducated, that perhaps he isn't being smart on this. But that assessment is a complete mistake. He's a smart man. He's street-smart. He knows power; he knows how it works. His actions are intentional, not driven by a lack of schooling.

Which leads me to this: The other day, the Minister of the Environment held a press conference announcing the next stage in throwing away \$30 million in a lawsuit challenging the constitutional right of the federal government to impose a carbon tax.

CTV reported, "Environment Minister Rod Phillips said the government was within its rights to use legal channels to push back against the federal plan.

"We're properly using the tools in our tool kit," he told reporters.

"We see this as a question of jurisdiction. We see this as a question of what the province is meant to do as a result of the Constitution Act and what the federal government is meant to do."

Was the minister freelancing? Had he forgotten that judges shouldn't be able to tell an elected government what they can or can't do? Did he go rogue and not tell the Premier that he was going to have that press conference to launch a constitutional challenge? Did he not tell the Premier that possibly an unelected and appointed judge would overrule the decision of a duly elected majority government in this country?

The minister is not the kind of person to go rogue. He doesn't freelance. Frankly, not only would the Premier have been fully aware of what was going forward, but my guess is, he was instructing the minister to proceed.

Some MPPs were very gentle in their criticism. They called this "ironic." There's another word—a word for a sin that cannot be spoken allowed in this chamber. Speaker, you know the word, and if I were to use it, you'd rule me out of order; you'd ask me to withdraw. So let's play early morning Jeopardy!, without actually awarding any prizes. You know how the game is played, right? I give you a definition, I tell you something, and you tell me what I'm talking about. So here's the dictionary definition: What is the practice of claiming to have moral standards or beliefs to which one's own behaviour does not conform? I urge people to use their memories. Some people could use Google. Spoken or unspoken, that word applies.

The third point that I want to touch on is democracy itself and what it means when the Premier denies that we have a constitutional democracy with a check on the power of government.

A week ago, Global News reported: "Ontario Superior Court Justice Edward Belobaba ruled that the province 'clearly crossed a line' when it introduced legislation cutting the number of wards to 25 from 47 in the middle of a municipal election and 'substantially interfered with the municipal candidates' freedom of expression."

"It appears that Bill 5 was hurriedly enacted to take effect in the middle of the city's election without much thought at all, more out of pique than principle," Belobaba wrote.

"As things now stand—and until a constitutionally valid provincial law says otherwise—the city has 47 wards."

Well, Speaker, I thought I'd take a look at that ruling, and I'd like to read a few more comments from that judge. He writes:

"The matter before me is unprecedented. The provincial Legislature enacted Bill 5, radically redrawing the city of Toronto's electoral districts, in the middle of the city's election.

"(4) The election period for Toronto city council began on May 1, 2018" but "at the end of July, shortly after taking power, the newly elected Ontario government announced that it would enact legislation directed primarily at the city of Toronto...."

"(5) Bill 5 received first reading on July 30, second reading on August 2, 7 and 8 and royal assent on August 14, 2018. Bill 5 took immediate effect in the middle of August, by which point some 509 candidates for the October 22 election had been certified, the candidates were in the midst of their campaigns and the city clerk's preparations for a 47-ward election were well under way.

"(6) The enactment of provincial legislation radically changing the number and size of a city's electoral districts in the middle of the city's election is without parallel in Canadian history." Without parallel, Speaker.

"(7) Most people would agree that changing the rules in the middle of the game is profoundly unfair." But the justice says, "Unfair" doesn't cut it in my court; 'unconstitutional' is what has to be the standard."

He's acutely aware of the appropriate role of the court in reviewing duly enacted legislation, and he can only

intervene when the province crosses the line. The province clearly crossed the line.

He notes that the impugned provisions are unconstitutional and are set aside.

A point that is made fairly regularly by the government, and it's noted here by the judge: "There is no dispute that the province has plenary authority ... to pass laws in relation to 'municipal institutions in the province'. Assuming the law falls under s. 92(8), or indeed any other provincial head of power, the province can pass a law that is wrong-headed, unfair or even 'draconian.'" This is where the government goes with its argument. It says, "We've got the constitutional power." The judge agreed; you do have that power, except when you act in a way that is unconstitutional, when you go outside of your powers.

"There is only one proviso," said the judge, "an important one ... that any such legislation must comply with the charter."

He said, "At first glance, Bill 5 although controversial in content appears to fall squarely within the province's legislative competence"—again, the argument that the government makes and then it stops. It doesn't go further.

The judge notes: "One discovers at least two constitutional deficiencies that cannot be justified in a free and democratic society"—a pretty powerful statement and decision by the judge.

"(20) As I explain in more detail below, the impugned provisions breach s. 2(b) of the charter in two ways: (i) because the bill was enacted in the middle of an ongoing election campaign"—undoubtedly, obvious, totally clear to all. But also, "because Bill 5 almost doubled the population size of city wards from an average of 61,000 to an average of 111,000, it breached the municipal voter's right to cast a vote that can result in effective representation.

**0200**

"(21) Either breach by itself is sufficient to support a court order declaring that the impugned provisions are of no force or effect."

Speaker, the judge noted: "The Supreme Court has frequently and consistently held that freedom of expression is of crucial importance in a democratic society.... Political expression is at the very heart of the values sought to be protected by the freedom of expression...."

Lastly: "On the basis of the evidence before me, I find that the impugned provisions (that impose a 25-ward structure with an average population size of 111,000) infringe the municipal voter's right under s. 2(b) of the charter to cast a vote that can result in meaningful and effective representation. Once the province has provided for a right to vote in a municipal election, that right must comply with the charter."

Speaker, the Premier relies on what the judge acknowledges about the fundamental power of the province, and then won't answer the question of breaking the fundamental law of the land, the Constitution, and yet wants to use that fundamental law to challenge the federal government. So, should majority governments be able to do whatever they want, or is there a constraint on their rule by the Constitution? The Premier wants it both ways. For him, no

limits; for the federal government, limits for sure. Take your pick. It's one or the other.

The fundamental reality is that governments can and do break the law. It is an unfortunate reality, but it is there. The other reality is that in a democracy, we try to set up systems to protect people from governments that act badly.

The Progressive Conservatives regularly accused the previous Liberal government of being corrupt. It's pretty strong language. Those are the words that they used, citing eHealth, Ornge, the gas plants scandal and others, to make their point. The PCs believed, or said they believed, that governments should act within the law—until they became the government.

Actually, Speaker, no, I'm wrong. When the Liberals brought forward Bill 115, which unconstitutionally attacked the labour rights of educators and teachers in this province, we pointed out in this House that they were breaking the law. The Supreme Court upheld that position when it finally got there. But the PCs were absolutely happy to go along with the Liberals in breaking the law. It didn't hold them back for a second.

English-speaking countries have gone through a long history of trying to ensure that governments lived within the law and the citizens would be protected from governments going bad.

In grade 10, we all got to study the Magna Carta. My guess is that most people in this room were teenagers in grade 10. They were obsessed with all the stuff that you get obsessed with as a teenager. They were dating or trying to figure out how to get on a date. They were involved with part-time work. They were involved with a variety of things, and my guess is that very few remember the Magna Carta being part of their curriculum.

**Mr. Gilles Bisson:** Oh, I remember.

**Mr. Peter Tabuns:** Ah. Well, one member in this chamber will admit that they remember.

**M. Gilles Bisson:** Je me souviens.

**Mr. Peter Tabuns:** They remember. But, Speaker, most people will have forgotten. I've forgotten the fine points, and so I forgive all of us for not remembering the details about the Magna Carta. But I will say that it was one of the first attempts, over 800 years ago, to bring government—governing bodies—within the rule of law so that no one and no body was above the law.

Today, 80 law professors published an open letter to the Premier and the Attorney General on this issue. It's three pages long. I won't read the whole thing, but I wanted to draw people's attention to this: "Premier Ford, you have stated that you will not allow the courts to override your political mandate. You have pointed out that you are elected, while the judge who ruled against Bill 5 was appointed. This is not simply a matter of disagreeing with a court ruling. Rather, you have claimed that a majority government can not only ignore court rulings, but that it is also free to set aside constitutional rights."

That was very clear. I listened to the words of the Premier. He's very happy to use the "notwithstanding" clause. I think the words were that he isn't going to be shy about it. In fact, as everyone in this chamber knows,

former Prime Minister Chrétien, Roy Romanow and Mr. McMurtry, who were the authors of that “notwithstanding” clause, all said that the use in this case was an abuse, and that it was not intended to be used casually; it was to be used for central matters affecting the life of the whole province.

We have a constitutional democracy that balances rule of law with rule of majority. What we have here is not simply invoking the “notwithstanding” clause to pass a law; you’re challenging the core principles underlying our constitutional democracy. You, Premier, are questioning and rejecting the role of an independent judiciary in upholding the fundamental rights and freedoms of every person in Ontario.

As bad as it is to override the judge’s ruling in the way you have, Premier, even worse is your statement that you will not be shy to override people’s rights whenever you want to use the “notwithstanding” clause. That is a dangerous thing in a democracy, when a government holds itself to be above the law.

I also found it fascinating that in Bill 31, the government says that it’s not governed by the Human Rights Code. Now, I don’t know exactly what it is they’re trying to protect themselves from there, but I found it quite astounding that that was inserted. In my time here, I’ve never seen that sort of language in a bill.

What is the Premier trying to do here? He’s having lawyers appeal the Superior Court’s ruling. The Star had an interesting article. They noted what the government was trying to do. They said, “The province argues Belobaba erred in law by finding Bill 5 infringed charter-protected rights of freedom of expression by being introduced in the midst of an ongoing campaign, and that the right to ‘effective representation’ tied to a separate section of the charter is not guaranteed in municipal elections.

“In his ruling, Belobaba wrote: ‘If voting is indeed one of the most important expressive activities in a free and democratic society, then it follows that any judicial analysis of its scope and content under the freedom of expression guarantee should acknowledge and accommodate voting’s core purpose, namely effective representation,’” something that the Supreme Court has ruled is central.

I can’t say with certainty that 47 is the right number of councillors in Toronto. It could be more; it could be less. But I’ve been amazed to hear from so many Conservative MPPs that having a councillor provide service to 100,000 is no problem. Certainly they don’t have that ratio in Ottawa or Belleville or Markham or Vaughan or Brockville. I have to say, it’s not easy being a councillor. I was one in this city, in the old city of Toronto, from 1990 to 1997. Even then, we had smaller wards. It’s a very different job from the one that we have—much more hands-on.

But I have to tell you, Speaker, don’t just take it from me. I will quote another authority, a former councillor, Doug Ford, who was a city councillor from 2010 to 2014. In his book, *Ford Nation*, the Premier writes about his surprise at the sheer volume of work from constituents: the potholes, the garbage, the tree issues. In fact, when he fell

behind, his brother, the mayor, would call him up and rake him over the coals for not keeping up with case work.

The Premier is no dummy. He knows that if you double the number of constituents, the councillors will be cut off from the people.

Citizens deserve to be able to talk to their councillor. With this proposal, it’s clear that very few citizens would be in a position to access their councillor in future. They would be cut off. They would talk to staff, if they could get through to staff. That is a big step backward for democracy.

Even more amazing to me is that the Star reports that in presenting their appeal of the Superior Court’s decision, the province is arguing that its lawyers were not given enough time to adequately respond to the court challenges, calling the schedule followed “aggressive.” Amazing. The judges notes: Come on. You’re in the middle of an election. The government piles on, with no consultation. It changes everything, and then they complain they don’t have enough time to pull together a defence? Seriously? Seriously? Come on. Not enough time? There is a Yiddish word, *chutzpah*, that applies in this case, when you have more nerve than any normal human being should have. That’s the kind of statement that is.

This whole thing was cooked up in a backroom. No one was consulted. He didn’t campaign on this. No one should be surprised at that kind of behaviour by the Premier. He’s not a light-of-day kind of guy. A backroom is much more his natural habitat. It was fascinating to me, a few weeks ago, to watch the Minister of Municipal Affairs and Housing responding to my questions asking when he knew about this initiative. He could have told me it was a month ago. He could have told me it was a week before I asked him the question, a week before the whole thing was introduced, which would be late for a minister, but still he would have been talked to. But he won’t even say he was told the day before it was introduced, which leads me to believe that he learned about it the same way I did, which was a tweet from the Toronto Star. So consultation, even with his cabinet, was probably an afterthought, consistent with his past behaviour.

In Mark Towhey’s book, *Mayor Rob Ford: Uncontrollable*, Towhey, former chief of staff to Mayor Ford, recounts his experiences with Doug Ford. I urge you, Speaker, and everyone in this chamber to—

**The Speaker (Hon. Ted Arnott):** Again, I ask the member to refer to another member by their ministry name, if applicable, or their riding name.

**Mr. Peter Tabuns:** My apologies.

**The Speaker (Hon. Ted Arnott):** The member for Toronto–Danforth.

**Mr. Peter Tabuns:** Mr. Towhey, former chief of staff to former mayor Rob Ford, recounts his experiences with the now-Premier. You should read it. Members of the PC caucus should read it.

**Mrs. Robin Martin:** Is this relevant?

**Mr. Peter Tabuns:** Yes, it is relevant because, frankly, you should understand the way decisions are made and things are carried forward—not necessarily consistent

with what we think of as democratic. But I should just say it's also pretty clear that you, Conservative Party, are not necessarily in the thoughts and prayers of this Premier as he goes forward. He didn't consult his minister, apparently, probably didn't consult his caucus, and, frankly, didn't consult the citizens of this city. There was no consultation. There was no time for public hearings, none whatsoever, which is extraordinary given the level of change. The Premier is ramming this through without consultation. Frankly, Speaker, it's contrary to democracy and it's contrary to the spirit of democracy, and on that basis I would move adjournment of the debate.

**The Speaker (Hon. Ted Arnott):** Mr. Tabuns has moved adjournment of the debate. Is it the pleasure of the House that the motion carry? I heard some noes.

All those in favour of the motion will please say "aye."  
All those opposed will please say "nay."

In my opinion, the nays have it.

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

*The division bells rang from 0213 to 0243.*

**The Deputy Speaker (Mr. Rick Nicholls):** Members, please take your seats. All right, welcome back.

Mr. Tabuns has moved the adjournment of the—

*Interjections.*

**The Deputy Speaker (Mr. Rick Nicholls):** Is it morning? Is it early morning, is that what it is? I'm going to try that again—we'll play back the tapes. Here we go: Mr. Tabuns has moved adjournment of debate.

All those in favour, please rise and remain standing. Thank you. Be seated.

All those opposed, please rise and remain standing.

**The Clerk of the Assembly (Mr. Todd Decker):** The ayes are 24; the nays are 67.

**The Deputy Speaker (Mr. Rick Nicholls):** I declare the motion lost.

Further debate? I recognize the member from Toronto–Danforth.

**Mr. Peter Tabuns:** Yes.

**The Deputy Speaker (Mr. Rick Nicholls):** You're still sharing your time—in due time—correct? Say yes.

**Mr. Peter Tabuns:** Sorry, say that again?

**The Deputy Speaker (Mr. Rick Nicholls):** You're still sharing your time, right?

**Mr. Peter Tabuns:** Yes, I am still sharing my time.

**The Deputy Speaker (Mr. Rick Nicholls):** Thank you.

**Mr. Peter Tabuns:** Thank you for your pointing that out, Speaker.

Toronto had four years of debate and process to decide the size and shape of its council. That four years is being pushed aside by this government. They're ignoring the will of the people. They are not even listening to people. They won't allow committee hearings to go forward. Speaker, the definition of democracy is allowing the will of the people to be expressed and heard by decision-makers. That is something this government is setting aside.

With that, I'll turn my time over to our leader, Andrea Horwath.

**The Deputy Speaker (Mr. Rick Nicholls):** I recognize the leader of the official opposition, Ms. Horwath.

**Ms. Andrea Horwath:** Thank you very much, Mr. Speaker. I appreciate that. I want to thank the member for Toronto–Danforth for his excellent remarks this evening. And I actually want to thank all of the Clerks and the Legislative Assembly staff that are here—the Hansard table, broadcast and communications, the translators, the security folks, the Sergeant-at-Arms. Thank you all for being here.

**Interjection:** The public.

**Ms. Andrea Horwath:** And, of course, the public, who are also still outside at 3 o'clock in the morning trying to fight for their democracy.

It's important for us to speak up about this matter, and I'm proud to be able to rise and do so. Because what we should be doing here is talking about some other things that the people of Ontario are concerned about. But we are here to talk about the important and vital issue about how our democracy works, how it functions, how our country works and how our province works.

We just passed, ironically, a couple of days ago, on September 15, the International Day of Democracy. What a sad time for us to be here in this Legislature, two days after the International Day of Democracy. Today we have a Premier who is refusing to be a steward for all Ontarians, and he's clearly proud of that fact. He is not concerned at all that his actions are ones that are an affront to our democracy. His actions, of course, are not an accident. They are not out of ignorance. He has a plan to serve only those who benefit him and attack those who dare to disagree with him.

It's a slap in the face to the 3.4 million people who voted for someone other than the Premier and his party. After an election, it's very traditional for a Premier to take that magnanimous position and identify that they are a Premier for all of the people. But it's very sad that here in Ontario, we don't have a Premier with that sentiment. It's very, very challenging to sit in a Legislature where our Premier has not risen to that basic level of understanding of his responsibility to represent all of the people. That's another tradition that our Premier has disrespected and thrown in the trash.

*C'est une autre tradition déchirée et jetée.*

The new Progressive Conservative regime seems to have an attitude that you're either with us or you're against us. It's that kind of mentality that this government is governing with. That creates a great deal of division, as you can see on the lawns of our Legislature today. It's an attitude that shows that the Premier of the province has decided to not only attack Ontarians that live in Toronto but Ontarians all across our province with the invocation of the "notwithstanding" clause.

And why did he do that, Speaker? He did that for his own reasons—I think they're pretty obvious, because he stands up and brags about them regularly—but he did so in the middle of a municipal election. He brought forward a bill that changed the game in the middle of the tracks,

and now he's attacking any detractors that are speaking against that and, in fact, removing Ontarians' protection under the Canadian Charter of Rights and Freedoms.

**0250**

Those are the kinds of actions that we would expect from a dictator. We would expect those kinds of actions from someone who was concerned with the centralizing of power and the reducing of opposition. Using the Office of the Premier of Ontario to pursue a personal grudge match against old political foes really is beneath the Premier of our province—apparently not this one, but certainly, it should be.

Not once during this campaign that we've been through—everybody knows it—not once did the Premier of Ontario talk about the Toronto election, the Toronto council.

**Mr. Gilles Bisson:** Not once.

**Ms. Andrea Horwath:** Not once did he bother to mention it.

It's obvious that that decision, that agenda, had been cooked up behind some closed doors with some particular folks—maybe some of the people in this room, although I highly doubt it. No one was consulted. No one in the public was consulted. *Personne n'a été consulté.*

And let's be really clear: This is not about making life better for Ontarians. Ontarians were desperate for a change from the Liberals, who put their interests first, ahead of people. Now we have Doug Ford's interests first, ahead of people. Now we have the Conservatives putting their interests first, ahead of people.

It's shameful, and I'm hearing it everywhere I go. In fact, I went out just now to talk to some of the folks who were outside. One of the people who was right beside me listened to my remarks and then asked me a question, straight up: "Do you think it's right that somebody would change the rules in the middle of the game?" I said, "No, I don't think it's right. I've just said that publicly." And he said, "Well, I'm here to tell you that I'm a Conservative, and I agree with you. I think Doug Ford is doing the wrong thing, and I'm ashamed. Whether you're a New Democrat and I'm a Conservative is irrelevant. We should all be together when it comes to the rights of the people of our province and a proper and fair democracy." Yes, that's what he said.

Backroom deals and personal vendettas are not something that most Conservatives seem to be very supportive of either, but yet it's the priority of this Premier. It's absolutely shameful that the abuse of office is being played out here to interfere with municipal elections only to attack old enemies.

How petty is that? How petty is it? You have a sudden place of power, and now you're going to utilize that power against the people you had a beef with in the past? I mean, really? Let's be adults.

**Mrs. Robin Martin:** Point of order.

**The Deputy Speaker (Mr. Rick Nicholls):** I recognize the member on a point of order.

**Mrs. Robin Martin:** Mr. Speaker, on a point of order, the member opposite is imputing motive, which is not

allowed under section 23(i) of the standing orders. She has done it several times.

**The Deputy Speaker (Mr. Rick Nicholls):** I've been listening closely, and in my opinion—

*Interjections.*

**The Deputy Speaker (Mr. Rick Nicholls):** Order, please. Order. Thank you.

I will allow the leader of the official opposition to continue, please. But just be very careful on—

**Ms. Andrea Horwath:** Thank you very much, Speaker—oh.

**The Deputy Speaker (Mr. Rick Nicholls):** It's all right.

It's just a fine line, but I'd ask that you be very careful.

**Ms. Andrea Horwath:** Thank you very much, Speaker.

This official opposition knows our role in this assembly and this province. It is an honour to serve, and it is a big responsibility. We're here to be the voice of those 3.4 million people who did not vote for this Premier and that party across the way and for many, many, many more who actually voted for this Premier and are shocked and disgusted that the Premier is now abusing the power of his office.

But while we are here to work, it's pretty shameful that the only issue that this government will deal with tonight—or this morning—in this chamber is the Premier's grudge match with the city of Toronto and his old political foes.

The people of Ontario deserve so much better than this. This province has real and growing problems that are, as we speak, going from bad to worse under this government. Painfully long wait-lists continue in our health care system. Lead in the water in drinking fountains at our children's schools: There are kids who can't drink from the water fountains for fear of being poisoned by lead in the water. Over 80,000—81,000—jobs were lost in August under the watch of this particular government and Premier.

Families don't need their rights stripped by a bully Premier; they need a decent Premier to actually take care of the challenges that their families are facing. They need affordable publicly owned hydro. They need repairs to crumbling schools. They need pharmacare so that people don't have to split their drugs in half and can afford to actually fill their prescriptions. They need transit that's efficient and less crowded; highways that are properly maintained and safe to drive on; a plan to address climate change; more affordable housing; dental coverage; health care that's there where and when they need it, without the wait-lists, without the lack of privacy, the lack of dignity that the Liberals left us with in our hospital system.

I want those families to know that New Democrats hear them, even if this Premier doesn't. We've heard them for many years, and we will continue to fight for them.

We know it doesn't have to be this way. Ontarians know it doesn't have to be this way. We can do so, so much better than this, Speaker. For the sake of this generation and the next, we have to do better.

We also know that this Premier's actions set a very, very dangerous precedent. If the Premier gets away with this, how else will he interfere in and attack municipalities? I hear it's coming down the pike. Thanks to comments from the member for Niagara West, we know that the Municipal Affairs Minister is in fact sharpening the knives for councils and regional governments across the province. I hope that the member from Ottawa, who's pretty noisy over there—Nepean, I guess—from Niagara and from North Bay: I hope they're ready to defend the Premier when he tries to meddle in their regions and their cities and their municipalities.

Ontarians were right to be concerned. They were right to be concerned and they were right to protest. They were right to fight when Bill 5 was introduced and unveiled. But little did they know that the worst was yet to come. Following the courtroom defeat of Bill 5, this government leaped immediately to the nuclear option.

Interfering in ongoing elections has a real, serious, chilling effect on our democracy. Undermining the Canadian Charter of Rights and Freedoms because it is inconvenient, because the Premier refuses to be told no: That is chilling. The ease with which the Premier decided to undermine the charter is chilling. It has never been used in Ontario. It has never been used in Ontario because former Premiers actually respected the Charter of Rights and Freedoms and respected the rights of Ontarians no matter where they live in this province. Not using it in Ontario has in fact been a point of pride for real leaders since the charter was created. Now this government has invoked it just weeks into its mandate, not for the good of the people, but for the satisfaction of the Premier and his personal agenda. And do you know what? He has promised to do it again in the future.

Experts—even the people who drafted the charter—agree that this is an abuse of the clause. Jean Chrétien; Roy Romanow; Roy McMurty, Conservative AG; Bill Davis, Conservative Premier; Brian Mulroney, Conservative Prime Minister: All of these people have said this is the wrong thing to do. The Attorney General received a letter that was signed by hundreds of people in the legal profession, saying it's the wrong thing to do.

It is the wrong thing to do. Even kids know that you don't interfere with an ongoing election—for kids it would be a game, perhaps—and change those rules in the middle of it. The fact that this Premier has done so so cavalierly, and has all of his seals clapping behind him, is pretty worrisome.

The independent judiciary, and the independent free media—

**Mr. David Piccini:** Your seals are all asleep.

**Ms. Andrea Horwath:** I don't bother to have seals. I have thinking, thoughtful members here who do their jobs each and every day.

You know what? You folks all have an opportunity to have a free vote in this Legislature, and as those august people have said, this will be a defining moment for each and every one of you. You can actually do the right thing

here or do the wrong thing, and history will judge you by your silence, as they—

*Interjections.*

**Mrs. Robin Martin:** Point of order.

**The Deputy Speaker (Mr. Rick Nicholls):** Order. On a point of order, I now recognize the member once again from Eglinton—Lawrence.

**Mrs. Robin Martin:** The member opposite is using language which is abusive and insulting and of a nature likely to create disorder. She has been doing it, actually, since we convened the House in the summer and again now. The words—I'm writing them down as she said them. She has insulted every member over here by calling us seals—

**Mr. Gilles Bisson:** Speaker, enough.

*Interjections.*

**The Deputy Speaker (Mr. Rick Nicholls):** Thank you. That's enough.

*Interjections.*

**0300**

**The Deputy Speaker (Mr. Rick Nicholls):** Order. Very good. Let's maintain this demeanour—all right?—on both sides of the House.

I will now turn it back to the leader of the official opposition. Again, I would caution your choice of words so that it doesn't come across as being insulting or demeaning in any way. Thank you.

**Ms. Andrea Horwath:** Absolutely.

The independent judiciary and the independent and free media are, in fact, two institutions that play a critical role in protecting our democracy. Those are two of the critical factors that make Canada one of the best nations in the world.

Judges and courts are a crucial check on the power of elected politicians, and it's very disturbing to see a Premier and a government that in fact do not understand that basic tenet of our democracy. These institutions are meant to stop any government that is only interested in serving a tiny minority of the population, and meant to prevent a government from infringing on the rights of the people it is meant to serve.

The judiciary also protects those denied power by politics for too long in this nation: women, and our reproductive rights; Indigenous peoples and First Nations peoples; racialized folks; LGBTQ2+ folks; immigrants; and people living with disabilities. When politicians won't protect these groups, the courts do.

With this Premier, that protection is now undermined. The Premier's only defence has been that he believes he has a right to do it. Winning an election doesn't mean you rewrite decades of tradition, the rule of law and centuries of democratic principle.

A good leader doesn't just ask if he has the right to do it, but whether it's the right thing to do. This leader has failed that test. This Premier has failed that test miserably.

When people speak out against this Premier, when people dare to disagree with him, he slaps them down and insults them, as we've watched these folks do here this morning with the protestors outside and the protestors in

the galleries yet again. He insults the justice of the Superior Court, suggesting that he is biased. In this very assembly, he called for the removal of the people who dare to oppose him.

Ontario was shocked and saddened to see seniors removed from their Legislature in handcuffs, arrested in their own Legislature for standing up for basic democratic principles—not somewhere else in the world, as many of our veterans have done, not somewhere else on the globe, but right here in our own Legislature. They were standing up for basic democratic principles. It was insulting to the people of Ontario. It was insulting to the great democratic traditions that have made Ontario the great place that it is.

We got named that day, but we were proud to stand with those protestors, and we're proud to stand with the ones who were protesting today too. We all know that being named in the chamber is not something that one should take lightly, but doing it in defence of our province's democracy and in defence of people's rights under the Charter of Rights and Freedoms was the right thing to do, so thank you. Thank you for doing that. Thank you.

As I said earlier, the Premier didn't campaign on this. The Conservatives are spinning this story that, somehow, everybody knew it was going to be the case. But everybody knows it wasn't. So you just sound a little bit disingenuous when you pretend that you actually told people you were going to do this. The Premier did not campaign on this. He absolutely did not.

**The Deputy Speaker (Mr. Rick Nicholls):** I would ask the member to withdraw.

**Ms. Andrea Horwath:** Withdraw, Speaker.

*Interjections.*

**Ms. Andrea Horwath:** Oh, look. They don't even want the opposition to have a voice in this Legislature because we don't agree with you. How disgusting is that? How shameful is that?

*Interjections.*

**Ms. Andrea Horwath:** I have the right to be here, and I will be here, and I will proudly be here. And if you don't like to hear my voice, that's too bad for you. Go in the back and get a coffee. Go in the back and get a coffee if you don't want to hear my voice.

Look, the Premier did not campaign on this. The Premier and his government did not consult a single person in the city of Toronto about this move.

Toronto belongs to the Ontarians in Toronto who live here. It's not up to him or me or any person in this assembly to decide who or how many people sit in the Toronto city council. The Premier is not the king; he is not supposed to be a dictator. This decision is not supposed to be made from a throne in Etobicoke, or from his mom's basement, for that matter.

The most recent change, 44 to 47 seats, was subject to serious scrutiny, expert review, public consultation and debate. We can all argue whether that was the right number or the wrong number; that's irrelevant to the discussion. The reality is, this government behaved inappropriately and rammed this change forward without any kind of consultation while the elections were already under

way. Any government, any reasonable person should know better than to try to ram these changes through when an election is already under way.

Look, I want to say this: I've heard from many, many thousands of people at my Queen's Park office. I've heard from thousands of people in my MPP office, and I know my MPPs are hearing from them as well. I'm going to read into the record a letter that was received by the MPP for Oshawa. It's called, "My unanswered letter to Paul Calandra, the member for Markham–Stouffville.

"Dear Sir,

"While many people don't have a problem with reviewing city council numbers, the chaotic way that you are proceeding is very"—all caps—"alarming. This shows great disrespect for the people of Ontario. Democracy doesn't look like this. I am normally Conservative. My family has voted for you repeatedly, but we were gravely concerned this time because of the form of leadership we knew Ford would bring. I am appalled. This is poorly thought out. Time was not of the essence. This is a false crisis, and many Conservative Ontarians see this clearly as a Toronto-based vendetta since no other Ontario city is included in these efficiencies. This doesn't even have the appearance of being an Ontario-wide issue.

"We now worry what is next. How many other groups will be targeted with the Premier's new-found bypass-the-law tool? This household of five Conservative voters is utterly disgusted. You could do so much better."

Speaker, I dare say, there are a lot more like that out there, one of whom I spoke to outside, on the lawn of the Legislature. I would urge the Premier to do the right thing and withdraw this bill right now. Stop spending taxpayer money to appeal the decision of the Superior Court on Bill 5. The city of Toronto was on track to hold a free, fair, democratic election before this Premier derailed it. Stop the attack. Let the city of Toronto hold its election without your interference. And if this Premier won't do what's right and withdraw the bill, it's up to the other members of the PC caucus to do so. You have a free vote ahead of you. I know you've heard from hundreds and thousands of Ontarians calling you out to stop this, many of them Conservatives. We'll be sharing some more of their worries with you over the next couple of hours.

Look, I've worked with many of the incumbent PCs that got re-elected. I've worked with many of you for years. We've worked together on issues that matter to families—several issues that matter to families. And now you have a choice; you have a chance to do what the people of Ontario actually asked you to do: Stop this mistake. Stop this attack on the city. Stop the attack on democracy. Exercise your free vote and stop Bill 31.

No matter what happens in the Legislature over the next couple of hours and days, we're not going to stop standing up for what's right. I heard those people out there, hundreds and hundreds of them. We're hearing thousands of them in our offices. They know that what's happening here is absolutely wrong and shameful. It's actually taking our province to a place that is embarrassing. We're all embarrassed by what you people are doing. People are angry.

They're frustrated. They're worried. They're disgusted. They're ashamed of this government. Congratulations. A couple of weeks in office—really, what, three months in office—and the people in the province are ashamed of you. That's not what they wanted.

They wanted a government that actually took the mess that Kathleen Wynne and the Liberals made and started improving the lives of everyday families. Instead, they got King Vendetta. Really? Is that what people wanted? No, they didn't. That's not what the thousands of people talked to me about during the election campaign. They talked to me about the fact that they can't get their kids' teeth fixed. They talked to me about literally being in tears as they drove away from a dental office, having gotten a checkup done and knowing they don't have enough money in their pockets to get fillings filled in their kids' teeth. That's what they talked about. They talked about the horrifying situation that their parents have in long-term care, where there aren't enough services to provide the kind of dignity and care that our seniors need. Those are the things they talked about, people being lined up on gurneys in hallways—

*Interjections.*

0310

**The Deputy Speaker (Mr. Rick Nicholls):** Order.

**Ms. Andrea Horwath:** Look, you guys used to care about this stuff. I don't know what the heck happened to you. You used to care about this stuff, and now all you care about is your Premier's revenge grudge against Toronto city councillors. I don't understand it, and you know what? Most Ontarians don't understand it. So you can convince each other that you're all going to be fine, but there's a whole hell of a lot of Ontarians out there that aren't feeling very fine about your government and the decisions you're making.

As I said, for us it's really, really clear: The fight is not over. In the Legislature, in our communities, we're going to be working together with all Ontarians to actually plan for a brighter future—not a future that just drags us back into history, not a future that's all about small-mindedness and vindictiveness and pitting people against each other and inciting disagreement instead of bringing people together to solve the real challenges that we face in 2018. What we want to do is fight for a province where we have a government that actually respects democracy and respects the courts. That's exactly what we should have in our province.

That's why Conservatives are walking away from your party in droves, because most Conservatives that I know actually do respect the rule of law, they do respect rules, they do respect proper processes and procedures, and they do respect the principle of having a reasoned debate on issues. That's what the gentleman outside was telling me—all of those things. But instead, you've taken all of that and you've thrown it out the window because of a petulance that our Premier has guiding his decisions.

What we need is a Legislature where families' priorities are reflected, where the government lifts communities up, lifts people up, instead of dividing them and tearing them

down. We will be fighting in this assembly to focus on the things that will help families build a better life. Together, we actually can build a better province, where people can get the health care they need where and when they need it; where people can retire in dignity and safety; where kids can go to clean, safe, well-maintained child care centres and schools; where every family can plan the future and build a great life; where our young people have a chance at a decent future, with less debt and more opportunity.

The New Democrats, our party, the official opposition here in this Legislature, are going to speak out against a Premier who is most interested in favours and backroom deals and personal vendettas, because that will never serve the people of Ontario. We will push for the things that we know will make Ontario better: better health care, schools that are in a better state of repair, a more affordable life for families, more opportunity, more jobs. Those are the things that people care about, not some grudge match with past city councillors.

And I want to say this: I was pretty shocked when the Premier had the gumption to stand up and actually name people that he doesn't like.

**Interjections:** Aww.

**Ms. Andrea Horwath:** Aww. He doesn't like those people, and he doesn't like the fact that they get elected. Well, guess what? It's not the Premier's decision who the people of Toronto elect as their representatives.

That's what's so scary about all of this. It is absolutely frightening and it is chilling that we have a Premier in this province and some of his front bench—which I'm shocked about—that actually think that they have the right to decide not only who gets elected but who even has the wherewithal to run for office.

Speaker, it's a sad day for Ontario. Do the right thing. You will be judged by your silence.

**The Acting Speaker (Mr. Rick Nicholls):** Questions and comments?

**Mr. Paul Calandra:** I've had the good fortune in my time, serving both federally and now provincially, to sit across from some very honourable leaders of the opposition: Jack Layton, Tom Mulcair—these are people who understood what the role of a leader of the opposition was, how important that role was. Unfortunately, today that's not what we heard from this Leader of the Opposition—a speech void of any content whatsoever, full of personal attacks and insults. That's the best that the Leader of the Opposition has for the people of Ontario.

I'll tell the Leader of the Opposition what we're up to. We have:

—an energy minister seized with reducing the cost of hydro for all Ontarians;

—a Premier who, from day one, has said that his number one job is to put people back to work and make life more affordable for all Ontarians, and we're getting the job done;

—a health minister who is seized with making the largest investment in mental health that this province has ever seen, and we're bringing out long-term-care beds;

—an Attorney General who wants to make our court system work better for the people of Ontario;

—a transportation minister who is working to upload transit so that we don't wait any longer for the improvements that we need; and

—a minister of children and family services who is seized every single day with protecting the people of this province and taking that fight to Ottawa when it's needed.

I have no doubt that the member for Toronto–Danforth is very confident and means some of the things that he said, but he himself highlights everything that is bad with Toronto council. As a member of council, he is most noted for leading the board of health to boycott Harvey's. At a time when we needed subways, he talked about boycotting Harvey's.

Well, the people of Markham–Stouffville need subways. We need roads. We don't need \$5 billion sitting in an account 10 years later with no action. That's what the Conservatives here and on that side of the House are seized with. We'll get the job done: That I can guarantee you.

**The Deputy Speaker (Mr. Rick Nicholls):** Further questions and comments?

**Ms. Jessica Bell:** Thank you, member for Toronto–Danforth, and thank you to our leader, for your excellent speeches. I was listening very carefully to what you had to say. So are the many people outside who came down here at this special midnight session and so will many people when they wake up tomorrow morning and see what's happening right here.

You would think that we would be spending this unprecedented midnight session focusing on issues that matter to the people of Toronto and Ontario and that would make life better for the people of Toronto and Ontario, but we're not.

Are we talking about the housing crisis that's happening in Toronto right now—

*Interjections.*

**Ms. Jessica Bell:** No—and how a recent poll came out showing that there are lots of renters in Toronto who are thinking of giving up on living here because they can no longer afford to stay in the city they call home? No, we're not.

Are we talking about the transit crisis that's happening in our city right now, where you get on the subway and it's constantly delayed because the provincial government has refused to properly fund municipal transit operations? No, we're not.

Are we talking about the \$16-billion backlog in our schools that leads to my daughter, when she goes to school, sitting in a room that is 34 degrees because there is no adequate cooling or heating? No, we're not.

What we're talking about today is using the “notwithstanding” clause to violate Toronto's and Ontarians' charter-protected rights and freedoms so that this Premier can slash Toronto's wards from 47 to 25 and interfere with an election while it is still under way.

This is not the way to improve people's lives. This is not the way to make people's lives better. I ask you to work on issues that really matter to people.

**The Deputy Speaker (Mr. Rick Nicholls):** Further questions and comments?

**Ms. Mitzie Hunter:** As the provincial representative for Scarborough–Guildwood, I want to stand today and speak strongly against Bill 31 and the recent procedures in the House that are impacting the Legislative Assembly as well as the people of Toronto. The uncertainty that Toronto residents now have to deal with is unjust. It sets a dangerous precedent. In fact, invoking the “notwithstanding” clause for the first time in Ontario's history trivializes the purpose of the clause and the Charter of Rights and Freedoms that we hold so dear.

The Premier's use of the “notwithstanding” clause for the first time has created unprecedented chaos in our city, in our province and beyond. This week, in fact, the clerk of the city of Toronto expressed that the city was at a tipping point. They are at a place where they're not certain that they can hold a free and fair election in the city of Toronto.

**0320**

Speaker, this isn't right. This is unjust and unfair to all residents in Toronto. This is not what this Premier campaigned on; there was no mention of this during the campaign. Voters should never doubt—here in Toronto, in Ontario, in Canada—the legitimacy of an election. They should never feel as if their democratic rights are being manipulated in order to satisfy a personal agenda.

Mark from my constituency says, “Doug Ford preaches about living in a democracy, but reaches into the tool box of an autocrat.”

Mr. Speaker, I will always stand up for—

**The Deputy Speaker (Mr. Rick Nicholls):** Thank you. Further questions and comments?

**Mr. Dave Smith:** Forty years ago, Canada patriated the Constitution, and one of the concerns that the Premiers of the day had was that there was the potential for an erosion of Parliament's ability to decide what laws should be passed. Section 33 was included to make sure that there wasn't that erosion of Parliament's ability.

For a judge to decide that section 92 of the Constitution isn't valid, that the provincial Legislature doesn't have the ability to make changes to a municipality, is wrong. That erodes the rights of the entire electorate, the people who chose us to be here. That's why we need to invoke section 33—

*Interjection.*

**Mr. Dave Smith:** I write all of my own comments, thank you very much.

We respect the court system, and that's why we're appealing the judge's decision. It's a process that might not be completed, though, prior to the election or soon enough to provide certainty for Toronto. With this bill, we're restoring that accountability. We're suggesting that this is the way things should be—25 councillors. Twenty-five councillors can represent Toronto, but to suggest that 25 couldn't would mean that 25 elected MPPs wouldn't be able to represent Toronto because it wouldn't be enough and 25 elected MPs in Ottawa wouldn't be able to represent Toronto. That is completely false.

It's interesting that the Leader of the Opposition spoke about other priorities, and for that reason we agree wholeheartedly with you. There are a number of things that need

to be reversed because of the damage that the previous Liberal government did, so I urge you to support this bill so that we can move forward and fix the problems in this province, instead of impeding us from doing our jobs.

*Interjections.*

**The Deputy Speaker (Mr. Rick Nicholls):** Please be seated.

I now return to the leader of the official opposition for final comment.

**Ms. Andrea Horwath:** I want to go back to the letter that was sent in. This is the voice of someone who is an everyday Ontarian, who is a Conservative. So all of the things that are being said across the way are actually not just criticizing me; they're criticizing all of the people who have the same beliefs as this person, who I want to remind you wrote this letter to the member for Markham–Stouffville and said, "While many people don't have a problem with reviewing city council numbers, the chaotic way that you are proceeding is very alarming. This shows great disrespect for the people of Ontario. Democracy doesn't look like this." This is a Conservative writing to her MPP, who didn't respond. "I am normally Conservative. My family has voted for you repeatedly, but we were gravely concerned this time because of the form of leadership we knew Ford would bring. I am appalled. This is poorly thought out. Time was not of the essence. This is a false crisis, and many Conservative Ontarians see this clearly as a Toronto-based vendetta since no other Ontario city is included in these efficiencies. This doesn't even have the appearance of being an Ontario-wide issue.

"We now worry what is next. How many other groups will be targeted with the Premier's new-found bypass-the-law tool? This household of five Conservative voters is utterly disgusted. You could do so much better."

I would agree; I would agree. I'm going to actually provide this note to the member, without my writing on it, so that he can have it and maybe find out what his constituents really think because, I'm telling you folks right now, the people of Ontario are very unhappy with what you're doing.

**The Deputy Speaker (Mr. Rick Nicholls):** Thank you very much.

*Interjections.*

**The Deputy Speaker (Mr. Rick Nicholls):** Thank you. Please be seated.

Further debate?

**Hon. Todd Smith:** Here we are at 3:25 or 3:26 in the morning. We've been waiting around to hear what the leader of the official opposition was going to be saying about Bill 31 in the Legislature on this very important debate. I actually wrote at the top of my pad of paper here, "leader of the NDP," and I was going to make points as to all the valid points that she was making. You can see that I have a blank piece of paper in front of me because she spent more time attacking the personality of the Premier than she did making points on why Bill 31 should not proceed through this Legislature. There was no valid argument from the leader of the NDP.

The member from University–Rosedale who spoke, Mr. Speaker, actually made all of our points for us when

she stood to bring remarks on the leader of the NDP's presentation. She said, "You didn't talk about fixing transit." That's exactly why we've introduced Bill 31, because transit isn't being built.

The Leader of the Opposition picked apart this member from Markham–Stouffville, who I thought was excellent the other day when he was talking about the lack of transit that has been built in his region to allow people to get into the city of Toronto. There have been billions of dollars sitting there in a bank account ready to build transit to get people from the northeast section of York region into Toronto, but it has been stuck there in that bank account, Mr. Speaker.

So what we are doing today by bringing forward Bill 31 and invoking section 33 of the charter is to get that transit built so that people who are coming from York region, the northeast part, people who are coming from Scarborough or people who are coming from my region in the Bay of Quinte to get into Toronto don't have to sit in two, three or three and a half hours of traffic one way just to get into Toronto.

Anyway, I just wanted to make those points, Mr. Speaker, because I've been waiting all night to hear what the leader of the official opposition had to say, and she didn't really have much to say about why Bill 31 shouldn't proceed.

Folks, tonight—or early this morning—we are standing on the front porch of history. The 42nd Parliament of the province of Ontario enters into the civic textbooks of the nation on this night. I think it's important that we highlight both the extraordinary and the common natures of this occasion we're all experiencing. This occasion is extraordinary, Speaker, because never in the last 35 years has this province debated section 33. The leader of the NDP didn't touch on it in her presentation.

It's common because, like so many Ontarians across the province do so frequently, tonight Ontario's legislators are working the night shift. If you've ever worked in a plant, you know that 7 to 3 is the day shift, and that's about what the house usually works, with a couple of hours moved from the beginning to the day's end. The afternoon shift is 3 to 11. The House works those a few times a year, usually only when time and circumstances put us under the gun. But 11 to 7 is the night shift for most people who work in a manufacturing facility or work the overnight shift. I suspect that there are thousands of Ontarians, people who have spent the last 15 years increasingly disconnected from a government that disregarded their growing cost of living, who probably think it's about time their legislators earned their wage on a night shift. We were ready to roll up our sleeves and earn our wages here tonight.

When I was first elected, Mr. Speaker, back in 2011, I said to the media that night, "I guess Mr. Smith is going to Queen's Park." It was a corny reference to the classic 1938 Jimmy Stewart movie *Mr. Smith Goes to Washington*, which, incidentally, is playing in the House leader's office right now.

**0330**

But how ironic, Mr. Speaker. The classic scene in that movie is Jimmy Stewart pulling a night shift on the floor

of the US Senate. But whereas that night, Mr. Smith was on his feet to defend the rights of a single member to be heard in his own defence, this night is a little different. Tonight, Mr. Smith rises to defend the rights of this House. That's what we should be doing: defending the rights of this House and the people who sent us here to do this job. It's those rights which compel me, as the government House leader, to rise to speak to Bill 31.

On the question of the substance of the governance of the city of Toronto, I tend to think that adding politicians tends to throw the ratio of "meetings had" to "decisions made" way out of whack.

Having spent seven years here, however, I do get a little animated over the rights that this House enjoys. Members will note that I've brought and defended a few points of privilege in my time on that side of the House. As I stated in my remarks to the House on government notice of motion 5 on Thursday afternoon, I take seriously the fact that I am one of only three members who play a part in the two ceremonies which separate the House from the crown.

This House enjoys rights and privileges. Our privileges are largely written down so the House can know when they're violated. Our rights are conferred on us by the Constitution, or else they have developed over 800 years of parliamentary tradition and convention. That's what we should be trying to protect here: our public institution, our democracy. And so, as government House leader, as an officer of this House, I have to rise to defend what I believe is an unacceptable breach of the rights and privileges enjoyed by this House. It's the breach of those rights which has brought the House to the point where it must—and I want to emphasize that it must—consider section 33.

In paragraph 33—somewhat ironically—of his decision, Justice Belobaba stated the following. Listen closely: "This is not a situation where a provincial law changing the number and size of the city's electoral districts was enacted say six months before the start of the city's election period. Had this happened"—get this—"the law would not have interfered with any candidate's freedom of expression and no candidate could have alleged otherwise." That's the end of paragraph 33.

If you're not a House officer, you might not find that particular passage all that interesting, but here's why I do. The 2000 edition of Marleau and Montpetit, otherwise known as the House of Commons Procedure and Practice manual, says the following, under the privileges enjoyed by the House:

"The exclusive right of the House of Commons to regulate its own internal affairs refers especially to its control of its own agenda and proceedings. For example, courts or other institutions cannot direct the affairs of the Commons, even when it may be in the interests of justice that cases pending before the courts not be discussed in a manner that might prejudice the outcome of such cases."

The Constitution of this country states the following with regard to the creation of the Legislative Assembly of the province of Ontario, in sections 82 and 90:

Section 82: "The Lieutenant Governor of Ontario and of Quebec shall from time to time, in the Queen's name,

by instrument under the great seal of the province, summon and call together the Legislative Assembly of the province."

And under section 90: "The following provisions of this act respecting the Parliament of Canada, namely,—the provisions relating to appropriation and tax bills, the recommendation of money votes, the assent to bills, the disallowance of acts, and the signification of pleasure on bills reserved,—shall extend and apply to the Legislatures of the several provinces as if those provisions were here re-enacted and made applicable in terms to the respective provinces and the Legislatures thereof, with the substitution of the Lieutenant Governor of the province for the Governor General, of the Governor General for the Queen and for a Secretary of State, of one year for two years, and of the province for Canada."

By attempting to dictate both when this House may meet and when it may consider certain questions, it's my belief that a case could be made that the privileges of this House were violated. That being the case, Speaker, the House has two remedies. It can bring a case for a breach of privilege against the individual who sought to breach those privileges; or, in this case, the House enjoys the ability to invoke Section 33 of the charter.

The City of Toronto Act, the Municipal Act, the Municipal Elections Act and the Education Act are all provincial statutes over which this House has jurisdiction, and even Justice Belobaba acknowledged that in his ruling. Therefore, by attempting to dictate when the House might not consider questions under those statutes, the rights of this House have been infringed.

Reasonable people and even reasonable legal minds may state that these attempted limitations are surely sensible. That may be the case, but it's also not the point. The Constitution of this country grants the House the sole authority to govern our own internal affairs. The House enjoys certain rights and privileges, and only the House may limit those same rights and privileges.

Section 5 of the Parliament of Canada Act reads as follows with regard to the privileges of the House: "The privileges, immunities and powers held, enjoyed and exercised in accordance with section 4 are part of the general and public law of Canada and it is not necessary to plead them but they shall, in all courts in Canada, and by and before all judges, be taken notice of judicially."

Those two ceremonies that I discussed earlier—that's the whole point of them. They make the House sovereign. They make us both its masters and its guardians. By trying to state that there are certain months when the House may be meeting but it cannot consider questions, you've tread on the ground which is the sole jurisdiction of the Legislature. For that reason, in this case, Section 33 is not only necessary, it's essential. It is the constitutional means by which the House can protect itself from any actor which has no standing on the floor of this place, but is seeking to determine how the House governs its affairs and when it considers questions. No judge may say that there is a six-month, six-week or even six-minute period under which this House may not consider and initiate any proceedings

that are under its jurisdiction. Only the 124 members—the members who were sent here by the voters in their constituencies, who were sent to this place—get that right, and we enjoy it as a collective.

I know my friends opposite may say that this is a reasonable limitation on the Legislature's ability to govern its own proceedings. I say that you cannot reasonably limit that ability. Once someone beyond the 124 of us enjoys the ability to tell this House when it can meet and what it can discuss when it does, then we cease to be a democracy.

There is no reasonable limitation that can be placed on when this Legislature can meet or what proceedings it may initiate when it meets, unless the House decides on those restrictions. Because if someone outside the Legislature can limit what proceedings we initiate or what questions we're debating in here in circumstances that you do like, then as sure as we're all standing or sitting here in the early-morning hours, a circumstance will arise where we are barred from meeting in a situation that you don't like. That's because you cannot only partially abridge the rights and privileges of this place. And when there is an attempt to, the House must condemn it. It must defend its own rights. We must defend ourselves.

Yet, we have members opposite arguing that we should simply accept that we have been told by someone who enjoys no right to participate in our proceedings when they may occur. I say, through the Chair, to my colleague the member from Timmins that you would never accept that. The member would never accept that.

Last Thursday, the member from Timmins spoke quite eloquently about being a creature of this place. I submit to him that, after spending seven years here, I am as well. I'm sure the member from Waterloo believes that she is as well.

I think that no one could spend seven years sitting with the Speaker, who's been here for a long, long time, or the Minister of Economic Development, who's been here for a long, long time, or the Minister of Agriculture, who's been here for a long, long time—

*Interjection.*

**Hon. Todd Smith:** I know that the member from Timmins is paying attention now.

0340

It's the rights of this place that we should be here defending tonight. Someone who's been here as long as the member from Timmins has should be defending the rights of this place, because they are being infringed on as a result of the ruling that came on Monday morning. It's on those rights that I base my support for Bill 31.

It might be said there have been instances when the court has suggested that it would like to see the Legislature act to create a remedy for an issue. It's part of what pundits and academics call the conversation between the branches of government. But I have never known a conversation to go only one way, and I say to members opposite that this proceeding early this morning and Bill 31 are a part of that conversation. It's a statement by the House that it will not easily surrender its rights to determine its proceedings. To my knowledge—and I'll stand corrected if I am wrong, but

I can't recall a judicial ruling that ever attempted to limit powers granted to the House regarding its proceedings.

Many have stated that in invoking section 33, the government is trampling on charter rights. I'd like to quote University of Toronto constitutional expert Peter Russell: "To defend the 'notwithstanding' clause is not to oppose the charter. After all, it is part of the charter. It was included in the charter for a very good reason: a belief that there should be a parliamentary check on a fallible judiciary's decisions...."

I can't speak to the broader rights questions. Other members are more qualified to address those than I am. But as the House leader for Her Majesty's government, I am qualified to speak to the rights of this House, and the rights of this House have taken offence. For that offence, the House must now seek a remedy. That's what we're doing with Bill 31.

Members opposite talk about democracy. The House—this House, or any parliamentary House—is the nativity scene of democracy.

**Mr. Gilles Bisson:** Actually, it was Greece.

**Hon. Todd Smith:** I'll admit that.

It is a sometimes noisy Eden; there is no question about that, as we've experienced early this morning. If the House's rights can be offended or limited, as was attempted in this case—and it would have succeeded without Bill 31—then we do not have a democracy.

We are the nativity scene not just of democracy, but of rights. The House is where freedom of speech began. It started with our rights, the rights of us, members, to speak and debate and decide freely on matters we deemed to be important, free of outside intrusion or interference. For anyone, much less a presiding officer of a court, to say that there is a six-month period in which this House may not consider a question shakes the foundations of this place. So I say to my honourable colleagues on the other side of the House that I and we can't stand for that.

Section 33 is a rare response, and it should remain a rare response; we all agree with that on this side of the House. We all agree that it should remain a rare response, but it is there for a reason. In this case, a rare response in defence of the rights of this House is called for. It's totally called for.

Winston Churchill was quoted at length the other day by my counterpart, the member from Timmins, and by my good and close-by friend the deputy House leader as well during the debate that we had. If I could, I'd like to leave the House with a quote from Churchill's address when German bombs destroyed the House of Commons back in 1943:

"The House of Commons has lifted our affairs above the mechanical sphere into the human sphere. It thrives on criticism, it is perfectly impervious to newspaper abuse or taunts from any quarter, and it is capable of digesting almost anything or almost any body of gentlemen, whatever be the views with which they arrive. There is no situation to which it cannot address itself with vigour and ingenuity. It is the citadel of British liberty; it is the foundation of our laws; its traditions and its privileges are

as lively today as when it broke the arbitrary power of the crown and substituted that constitutional monarchy under which we have enjoyed so many blessings.” That was Winston Churchill as German bombs were destroying the House of Commons in 1943.

And so, here we gather, on this very warm and humid summer morning—now at 3:45—perched on the front porch of history. I find the front porch to be the ideal place from which to guard this House and the rights of this House. That’s what our government is intending to do with Bill 31 here this morning.

*Interjections.*

**The Deputy Speaker (Mr. Rick Nicholls):** Be seated, please.

Questions and comments?

**Ms. Jill Andrew:** I’m going to speak today on Bill 31, which everyone in Toronto—St. Paul’s sees as a charter-bashing bill. As legislators, we are not above the law. Ramming a bullying, anti-democratic bill down the throats of Ontarians, down the throats of Toronto—St. Paul’s residents, is not democracy.

I have a 16-year-old constituent, a high school student—I know, over here, we don’t care a lot about youth since we have them melting in their schools: “I am a 16-year-old living in St. Paul’s and will be voting in the next election. I do not believe that Doug Ford understands that his job is to serve all” Ontarians.

**Mr. Bill Walker:** Who’s that?

**Ms. Jill Andrew:** This is a young girl by the name of Hayley Giles. “Doug Ford is supposed to be a leader, not a person who uses his power for revenge against the city of Toronto. He claims he is doing ‘what the people want’”—this is not what we want. “Please do the right thing and vote against Bill 31.”

A 16-year-old teenager is fighting for our democratic rights. This person may be outside on the lawn. I don’t know if any of you have gone outside and listened or spoken with the hundreds of people out there who are chanting: “Let me in. We want our rights. We want our democracy.”

We want to deal with the real issues of the day. We want to end hallway medicine. In my riding, we want to fix our schools. That’s the issue. The issue isn’t about our egos, folks. We’re here representing Ontarians, and you’ve kicked them out. Let them in so they can have their voice.

*Interjections.*

**The Deputy Speaker (Mr. Rick Nicholls):** Thank you. Please be seated.

Further questions and comments.

**Mr. Jim McDonell:** It’s a privilege to rise to comment on our government House leader because he so eloquently talked about the importance of this democracy and the rights. I think the party opposite has missed the point here. We have a democracy that’s based on 800 years of parliamentary procedures; we enjoy the rights and we enjoy the benefits of that. Where there is a separation of the crown and Parliament, we don’t want to see that limited in any way.

I hear the member opposite talk about our party emptying the gallery; that was done by the Speaker. This

Parliament has to function in an organized manner. We cannot let outside people come in and disrupt the procedures of this House.

We are sitting here having a debate that’s very important because we have to provide certainty to the people of Toronto, who are expected to have an election on Oct. 22. We’re here tonight to give that answer, and part of that answer was squashed by the courts.

Section 33 of the Constitution was put there by the Premiers when they signed the contract to protect the provinces from acts like we see going on here. We have to make sure that this Parliament retains all the rights and privileges it has. Limiting them in any way is no way to go.

**0350**

I drove in tonight. The Don Valley Parkway is a mess. The 401 is a mess. Getting around here—it’s gridlock. It’s difficult. I’m five hours away from here, the last hour around Toronto.

It’s time a government stood up to fix this. We promised in our election campaign that we would fix the problems with transit, schools and health care. We will be doing that.

**The Deputy Speaker (Mr. Rick Nicholls):** Further questions and comments?

**Mr. Faisal Hassan:** Mr. Speaker, we are talking about Bill 31 and the rights of the people of Toronto. Hundreds of them are outside tonight wanting to be included in this process, making sure that their rights are protected under the Charter of Rights and Freedoms.

Also, changing the rules of democracy in the middle of the election was a violation of our freedom of expression, and now the courts have agreed.

But instead of accepting the court’s decision, the government headed by the member for Etobicoke North created a constitutional crisis by threatening to invoke the “notwithstanding” clause to overturn the rights of the people of Toronto. Instead of talking about the important issues for the people of Toronto, now we are taking away the rights of the people of Toronto.

Why don’t we talk about postal code discrimination when it comes to auto insurance? Let’s talk about that. Let’s talk about banning carding and street checks. Let’s talk about that. It affects many thousands of Torontonians. Let’s talk about fixing our schools. Why don’t we talk about that? Let’s talk about hallway medicine, transit, child care and important issues to the people.

Yes, let’s talk about the rights of the people of Toronto, and when we talk about this House—no one is arguing that this House doesn’t have the right to enact legislation, but we are talking about the rights of the people of Toronto. Let us include them in the process. Let them be part of making decisions that affect—

**The Deputy Speaker (Mr. Rick Nicholls):** Thank you. Further questions and comments?

**Mr. Kaleed Rasheed:** Mr. Speaker, the Canadian Constitution makes it clear that the province has exclusive responsibility over municipalities. This includes Toronto, as well.

We have a great deal of respect for our judicial system, but law-making power is given by the people to Ontario's elected representatives.

I know that the respected members opposite love to read emails, so I started looking for emails myself too. I say, let's have an email competition back and forth.

This email is from Chris, and it states:

"As a Torontonians for 42 years, I have seen with my own two eyes the dysfunctional nature of Toronto city council. A city cannot be dysfunctional. It has to be a city that runs smoothly and efficiently while being respectful of taxpayers' money.

"Cutting city council will make city council more efficient and will be more respectful of taxpayers. I urge you to support Premier Ford in his efforts to shrink Toronto city council to 25 wards."

I know I only have eight seconds left but, Mr. Speaker, this is about the future of not just this generation but of the generations to follow.

*Interjections.*

**The Deputy Speaker (Mr. Rick Nicholls):** Please be seated.

Now I return to the House leader for final comments.

**Hon. Todd Smith:** Thanks to the members from Stormont–Dundas–South Glengarry and Mississauga East–Cooksville for their thoughtful remarks. And thank you to the members from St. Paul's and York South–Weston for reciting their talking points that they were handed here early this morning on this issue.

Look, this is a divisive issue; there's no question about it. I can tell you that when I was driving in to do a radio show on Monday morning, I was talking to the radio host prior to the show. He said, "Well, there's no way that the judge is going to overturn Bill 5. Everybody out there is saying that Bill 5 is constitutional." All constitutional experts that we talked to said that Bill 5 was certainly within our rights under section 92 of the Constitution. It was within our rights. All of our constitutional experts have said that. The media were all in agreement that it was going to go ahead; we were going to be able to have this election in Toronto with 25 wards.

Everybody on Monday morning, including the members of the official opposition, was shocked to find out that this judge had made that decision. And here we are now, right? There has been a can of worms that has been opened up; there's no question about it. However, we maintain that we are still within our rights, and that's why we're appealing the decision of the judge. But in the meantime, there's an election looming on October 22, and we're using every tool at our disposal, employing Elections Ontario, to help the city of Toronto get this election off without any further delay so that we can have a streamlined, effective government in the city of Toronto to work with our provincial government and our federal counterparts to get things done in Toronto.

*Interjections.*

**The Deputy Speaker (Mr. Rick Nicholls):** Please be seated.

I'd like to thank the government House leader. And now, for further debate, I'm going to recognize the member from Niagara Centre.

**Mr. Jeff Burch:** It's my privilege to rise and debate this bill tonight at almost 4 o'clock in the morning. I listened to the government House leader speaking. First of all, he doesn't remind me anything at all of Jimmy Stewart. Secondly, his entire 20 minutes can be refuted—

**Hon. Todd Smith:** More like Richard Gere.

**Mr. Jeff Burch:** Not Richard Gere either. I don't want to say who you remind me of. It would be impolite.

The entire 20 minutes can be summed up or refuted with one sentence: That's what an appeal is for. As my leader and esteemed colleagues have mentioned, Bill 31 is substantially the same, almost identical to Bill 5, even with the addition of the "notwithstanding" clause, which is a cheap trick to pass the same bill twice even though it violated human rights the first time. The issue that makes this bill significant and absurd is the use of the "notwithstanding" clause. To shine a light on the severity of this action, here are the rights that can be suspended with the "notwithstanding" clause: freedom of conscience, of religion, of thought and expression; freedom of the press; freedom of peaceful assembly and association; the right to life, liberty and security of the person; protections against unreasonable search and seizure; the right not to arbitrarily be imprisoned or detained; the right to counsel and habeas corpus; the right to a fair trial and the presumption of innocence; the right not to be subjected to cruel or unusual punishment; protection against self-incrimination; the right to an interpreter at trial; and the right to equity under the law without discrimination based on race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability.

Speaker, this Premier has stated that he "won't be shy" to use the "notwithstanding" clause in the future if a court finds that his government has violated the charter, has violated the charter, has violated these rights. Let that sink in for a moment: This Premier, as he himself attests, is showing a blatant disregard for our fundamental freedoms.

**0400**

It's worth noting, Speaker, how this legislation and its predecessor impact other regions. I'm going to talk for a moment about Niagara, the region I am most familiar with. It's a cautionary tale as well. Niagara has been no stranger to cabals, corruption and controversy. We've already seen what happens when a political party joins forces with developer money and takes over a local government. It is for this reason that the people of Niagara were excited to elect their regional chair and bring more accountability, transparency and responsiveness to the region and its people. There have been over 20 scandals in the past few years that led to numerous integrity commissioner complaints and no less than nine investigations by the integrity commissioner, two investigations by the Ombudsman and investigations into the Niagara Peninsula Conservation Authority by the Auditor General.

Various complaints and investigations have been due to the following issues: racism, homophobia, Islamophobia,

misuse of reach in property, misuse of reach in finances, partisan appointments to and mismanagement of the conservation authority, a number of patronage appointments and mistreatment of members of the press resulting in a recent chastising by the Ontario Ombudsman. This local government and its agencies have even undertaken lawsuits against private citizens, councillors and front-line staff. This is what happens when a political party and developers get together and when people are in government for the wrong reasons—not to promote conservation and good governance, but to fulfill personal agendas.

The government led by this Premier attests that Toronto is dysfunctional. Nonsense; I have just described what dysfunction looks like. These issues cannot be solved by giving less people more power. They can be solved by upholding the pillars of democracy, by allowing people to participate in their elections and by having true representation and accountability. The cancelling of regional chair elections does nothing to solve these problems, just as reducing councillors in Toronto will not result in better government. The government line to explaining the reasoning behind the cancelling of the chair elections was they're eliminating "another layer of elected politicians imposed by the previous Liberals on the region."

As many have pointed out, whether the chair is elected or appointed has no impact on the size of council, the number of politicians or the role that the chair fulfills. Simply put, there is no extra layer.

A member of this government recently told a reporter with the St. Catharines Standard in an interview that the whole reason behind this change was removing that extra layer, an extra layer of bureaucracy. Where is this layer? The council is the same size; the clerk is administering that election; there is no additional staff needed. This extra layer does not exist. In fact, a short time later, the Minister of Municipal Affairs admitted as much.

Why is this government so confused about its own bill? One moment they're only aiming at Toronto; the next minute they're including Ottawa. Then they're no longer including Ottawa. Now a member has said that Niagara will be next; then the minister is confused by the statements of that member. Is this the way this government intends to conduct itself? When its own members can't understand the orders coming from the top, one minute chastising judges for being appointed and not elected, the next minute cancelling elections to make more appointed positions. This minister has no idea, as we saw today, that the region voted for an elected chair. Most of the 12 municipalities in Niagara voted and passed motions for an elected chair, yet the minister is not even aware of this basic information needed to do his job relevant to this bill.

Mr. Speaker, there is a wider impact of Bill 31, and the use of the "notwithstanding" clause cannot be understated. This is not an issue of partisanship; this is an issue of convention, best practices and respect for our democracy and the pillars that uphold it. We have a government that, instead of using surgical precision, careful thought and consultation, chooses to take a blunt mallet to laws and conventions that don't suit its purposes. When we say that

this is an action that undermines democracy, this government accuses us of being inflammatory or exaggerated. In my opinion, Speaker, it's quite the opposite.

As I touched on earlier, Bill 31 outlines that the city of Toronto is no longer required to hold an advance poll but the clerk may decide to do so. Quite frankly, the timeline that this government has used puts this clerk at a significant disadvantage in facilitating a fair election. The clerk, as regulated by provincial law, is under a legal obligation to hold a fair election. This clerk, who has weathered many crises at city hall and has facilitated five elections, has retained outside counsel.

In order to exemplify just how significant this is, Ulli Watkiss, the current clerk, was there when the former mayor, Rob Ford, came under scrutiny for meddling in the civic appointment process. She was there with the chaos surrounding the MFP contract. She was there in the rare decision to remove Mayor Ford of his powers following the surfacing of the video. She has seen many controversies rock the city of Toronto. Not once has she retained private counsel, until now. This exemplifies just how rushed this bill is.

The person responsible for fair elections in the city of Toronto seems to indicate that this election cannot possibly be fair. It is up to her whether advance polls are realistic. If the general election is not realistic, how can an advance poll be realistic?

For context, advance municipal polls in Niagara begin on September 29, just 12 days from today, as they do in many other jurisdictions. Advance polls play a vital role in elections. Life and politics are intertwined, but frequently life gets in the way of politics. Without an advance poll, voters are left with significantly less options when casting their vote.

We know that the city of Toronto suffers, like the rest of Ontario, with the issue of precarious work. If you are a precarious worker, what are the chances you're going to be able to get to the polls from 10 a.m. to 8 p.m.? If you have a family and work a 9-to-5 shift, what are the chances that you're able to find a sitter to cast your ballot?

This legislation fails to acknowledge the complexities that the people in the city of Toronto face. It continues to fail the city of Toronto by not consulting the city of Toronto, by slashing their representation, and by reducing their ability to contribute to their democracy.

This government says that they are for better and fairer local government, with the caveat that it be done on their agenda and on their timeline. The impact of this legislation is that it is neither better nor fair.

Mr. Speaker, I was talking to my son the other day, and—as many of us have had to explain what's going on to our children—he asked me about what this government was doing. He's 10 years old. He asked me, "Is this the first time the government has used this 'notwithstanding' clause?" I said, "Yes, it's the first time in Ontario." He asked, "Is this the first time the government has tried to change an election after it had already started?" I said, "Yes, it is the first time." He asked, "Is this the first time the government has had the House meet in the middle of

the night?" I said, "As far as I know it is, yes." He said, "Why?" I said, "Well, they believe"—I was being charitable—"that they're right." His response was, "Well, Dad, if they think they're right, why do they have to cheat so much?" Aren't children incredible? That's very perceptive: "If they think what they're doing is fair, if they think what they're doing is right, why do they have to cheat so much?"

It seems people agree. We've all received emails. I've received over 200 emails—not two—from people across the province. As many of them inform me, they have not heard back from their government members. I thought I would read a few of their letters to you today. The first one is from Chris from Hamilton: "As an Ontario resident, I am strongly against the use of section 33 to enable passage of Bill 5—the Ontario Superior Court ruling that it is unconstitutional.

**0410**

"I believe that the resulting interference in an ongoing election process is wrong, and suspending voters' rights and the rights of the candidates is an egregious abuse of power. If the government of Ontario feels this so significantly, to change the structure of Toronto city council, then the government should wait until the current election is completed and then move forward to take this action in time for the 2022 election. Please do the right thing and vote against the passage of Bill 5 during this election process."

Lynn from Welland—the great town of Welland: "It's my understanding that this Wednesday the Legislature will be recalled in an emergency session to debate the unprecedented use of the 'notwithstanding' clause. I am emailing you today to ask you to vote against this outrageous and needless attack on the rule of law.

"The 'notwithstanding' clause has never been used in Ontario and for good reason. It's a tool that is undemocratic and opens the door to unprecedented power that can be brought to bear against citizens. Most concerning is that Ford has explicitly promised to use it again if his agenda violates the charter. If this passes, it will send a message that Doug Ford feels he can violate the charter whenever he desires.

"To maintain the integrity of the rule of law and our democratic institutions, I ask that on Wednesday, you and your colleagues vote against the use of the 'notwithstanding' clause."

Alexandrina from Thorold writes: "Premier Ford proposes to override the court's decision and to reintroduce the act, notwithstanding the judge's finding that the operation of the act substantially interferes with constitutionally guaranteed freedoms of citizens of Ontario.

"You were voted to the Legislature to provide reasonable representation to your constituents. All of the citizens of Ontario have a right to a voice in government. Please use the authority of your position in Parliament to stand up for all citizens of this province, including the nearly 60% of voters who did not vote for Progressive Conservative MPPs.

"Please respect the rights and freedoms of the people of Ontario. Please defend our section 2 fundamental freedoms guaranteed by the charter and uphold its role in protecting our entitlements as citizens and as voters."

Lindsay from Orillia writes: "Doug Ford's move to change the rules of democracy in the middle of the election was a violation of our freedom of expression, and now the courts have agreed. But instead of accepting the court's decision, he is creating a constitutional crisis by threatening to invoke the 'notwithstanding' clause to overturn our rights. This is the kind of behaviour we expect from dictators and bullies, not the Premier of Ontario.

"This kind of unprecedented attack on democracy must be stopped at once. You must vote against any attempt to use the 'notwithstanding' clause to overturn our charter rights."

Mr. Speaker, we've received hundreds—hundreds—of these emails. All of the members of the opposition are struggling to return them, but we are, unlike the government side.

We have a letter from 80 Canadian law professors. I know that the House leader for the government thinks he's a law professor, but these are actual law professors.

They say: "In 36 years, the notwithstanding clause has rarely been used. Liberal governments, NDP governments and Conservative governments at the federal and provincial levels have all been extremely reluctant to use the notwithstanding clause. Faced with judicial decisions declaring legislation unconstitutional, governments in Canada have sought alternative ways of bringing their laws into compliance with the charter.

"This is precisely what the framers of the Constitution had hoped and predicted. The notwithstanding clause was only to be used in the most exceptional circumstances.

"Given this history, and the essential role of the charter in reflecting and reinforcing our constitutional democracy in Canada, your decision to invoke of the notwithstanding clause is deeply troubling. The question of the size of Toronto's municipal government is a matter on which there is reasonable political disagreement. While the Superior Court of Ontario has declared the law unconstitutional, Justice Belobaba's ruling on Bill 5 involves a challenging and novel balancing of charter rights and government objectives. We take no position on Bill 5's political desirability or its constitutionality. Rather, our concern is with the immediate move to invoke the notwithstanding clause; the reasons given to justify it; and the suggestion that you will not hesitate to invoke section 33 in future."

It ends by saying, "Your government's unprecedented move to invoke the notwithstanding clause goes well beyond the question of the size of Toronto's city council. It is a dangerous precedent that strikes at the heart of our constitutional democracy.

"We recognize that it is entirely within your government's power to invoke the notwithstanding clause. But it should never be the first resort—it should be the last. The notwithstanding clause must be the exception—not the rule."

Mr. Speaker, Ontario belongs to the people. Toronto city hall belongs to the people. This House is the people's House: They pay for it, and they pay us to represent them. Yet we've seen the people dragged out of this House in handcuffs. We now see the people locked out of viewing this House due to the peculiar hours of this session.

If this truly was a long-term plan to save the taxpayer money and make things more efficient, wouldn't it be accompanied by careful thought? As the PC government states, "There is only one taxpayer." This taxpayer is now funding a lawsuit from the city of Toronto against the provincial government. Is that not absurd? The taxpayer is paying for both sides of this lawsuit.

This government insists that, due to the fact that they are democratically elected, it is their duty to push forward this legislation. Did the city of Toronto not elect their councillors to represent them? A majority of councillors voted to legally challenge this government because of this legislation.

While the councillors were elected to represent the people of Toronto in their municipal interests, the electorate did not vote for this government with the knowledge that this government would take massive municipal restructuring action. It is preposterous and dishonest to say that they knew simply because the platform included something like "making government more efficient."

I am appalled. Bill Davis is appalled. Jean Chrétien, whom this government has been touting as an ally, condemns this government. Amnesty International has described this casual invocation of the "notwithstanding" clause as "contemptuous" of human rights. Former PC Prime Minister Brian Mulroney discussed the "notwithstanding" clause, saying, "It was not designed to be used by governments as a convenience or as a means to circumvent proper process...."

"That was clear at the time, and it has been clear ever since. That is one reason it has never been used—even once over the last 37 years—by the Ontario Legislature, a point of pride with the people of Ontario."

**The Deputy Speaker (Mr. Rick Nicholls):** Questions and comments?

**Mr. Ross Romano:** I'm honestly very proud to stand up and speak to this bill at this time.

I want to start off by saying that, in the days when this was originally brought up, I heard comments from the other side of the floor saying, "You know what, Ross? You're a lawyer; you know better. You know better because you're a lawyer. Where do you stand on this?" I can say wholeheartedly, fully, 100%, that as a lawyer, I have reviewed the decision of Justice Belobaba, and I believe he erred. I believe there were significant errors in the judgment that make it very open to appeal. I don't have a crystal ball, so I don't know what the results will be, but I believe that the judge made critical mistakes that go outside of his authority. Because of that, I believe that there's only one other alternative.

When we look at the provisions in the charter itself—section 33—it's something that admittedly has never been used in Ontario and very seldom used by all of the

provinces, but it exists for a reason. It's built into the charter for a reason. In fact, we wouldn't even have a charter but for the "notwithstanding" clause.

But I can appreciate the opposition saying no. I can appreciate the voices saying no to the "notwithstanding" clause. It's easy to say no. It's easy to disregard it. The reality of the situation is that leadership, if you stand for what you believe in, requires you to invoke it, requires you to recognize that it is in times like these where leadership requires you to do the hard thing, not the easy thing.

0420

**The Deputy Speaker (Mr. Rick Nicholls):** Thank you very much. Further questions and comments?

**Ms. Jennifer K. French:** I'm glad to be able to stand and offer a few hopefully thoughtful remarks to the excellent reasoned address by my colleague from Niagara Centre. I appreciated, of course, his thoughtful comments, but also the impassioned pleas from folks across the province who have been sending us letters. I appreciated that he was able to share those on this topic tonight.

As he talks about the heart of our democracy, it's interesting. Standing here in this building at 20 after 4 o'clock in the morning, the heart of democracy is still beating, except that right now it's beating on the doors. It's beating on the doors and it's yelling, "Whose House? Our House!" "Notwithstanding, we're here standing" is what they're chanting outside at 20 after 4 in the morning.

Try as they might, this government is going to have a lot of folks that they're going to have to deal with at some point. Try as they might to maybe turn a blind eye or encourage them out of the building, they are still there. The member said that Toronto belongs to its people. Ontario belongs to its people. They are here and they will keep coming.

I have many letters that I'm looking forward to getting on the record. I have one for each of the Conservative members, almost. Hopefully we have time, Speaker.

**Mr. Bill Walker:** All of us?

**Ms. Jennifer K. French:** No, not all of you, I will admit. Not all of you. In 30 seconds, I may not have—okay, I won't read that one; I'll read this one.

"To all Ontario PC MPPs. You need to stop being party to and abetting the abuses of power of the Doug Ford government. Your actions are enabling the erosion of the charter rights of Ontario citizens of all party allegiances...."

"Do not toe the party line. Vote with your conscience. Act in the best interests of all of the constituents that you represent and not just the consolidation of Doug Ford's personal power and the entrenchment of the PC Party with disregard to the freedoms and rights violations that you are inflicting on all future Ontario voters...."

"Do the right thing. You are responsible for upholding the principle of democracy as well as representing and protecting all Ontarians...."

"Sincerely,

"Peter Hug

"(a concerned citizen)"

Thank you.

**The Deputy Speaker (Mr. Rick Nicholls):** Further questions and comments?

**Mrs. Amy Fee:** As the member for Niagara Centre pointed out, who was kind of claiming in his speech, in his remarks, that the Toronto city council is not dysfunctional—that is something that our Premier has certainly noticed and it is something that I have noticed. When council meetings are going on for days and essentially stuck in gridlock, I would say that city council is dysfunctional. That is exactly what Bill 31 is working toward: to make sure that we can have a functional city council for the people of Toronto.

That is why we are here now at this time in the morning: to work toward that, to make sure that we have respect for the people of Toronto and have respect for taxpayers' dollars.

When I was campaigning in Kitchener South—Hespeler, one of the biggest reasons—in fact, I'd say the number one reason I heard at the door—that people were supporting me was because they were sick of the 15 years of Liberal waste of taxpayers' money. This is one of those things that we are doing with Bill 31, is specifically to save taxpayers money. We are looking at it from that standpoint of \$25 million over four years, to save the people of Toronto money and to make sure that we can get their city council functioning again.

While I certainly have a great deal of respect for our judges and our judicial system, I also have a ton of respect for former BC Premier Christy Clark. I just want to read for you a little bit of what she has said on what is going on here in Ontario. She has spoken about her support of the use of section 33 and has said, "The highest court in the land in our system is not the Supreme Court; it is the elected Parliament." Section 33 is there "so that elected Parliaments who are accountable can, when ... necessary, be a check on the courts, and that's what section 33 is all about."

We are here today to respect taxpayers and we are here today to respect the people of Toronto and make sure that we can get their city council working again.

**The Deputy Speaker (Mr. Rick Nicholls):** Further questions and comments?

**Mrs. Jennifer (Jennie) Stevens:** Mr. Speaker, people across St. Catharines and Niagara have been fed up with the behaviour they have seen by the regional government over the past four years. First, the Ombudsman found that the Niagara region infringed on the rights of a local journalist by seizing a laptop and ejecting him from the council meeting.

Then on August 30, the Ombudsman announced yet another investigation into alleged wrongdoing by the Niagara region, this time over a backroom deal that led to the hiring of Niagara's highest-paid civil servant.

Despite scandal after scandal, apology after apology, this government has taken away the rights of the people in Niagara to have a say in the election of their regional chair. On one hand, this government claims that councils are a place of gridlock, where good decisions are seldom made.

On the other hand, they are placing their trust in councilors to appoint—with no direct input by our citizens—who ought to run the largest government in Niagara. This decision removes no layer of government, there are no tax savings, and there is no removal of bureaucracy; there is only a removal of democracy. It is shameful that this government has chosen to roll back the democratic rights of Niagarans with no just cause or justification, just it has done to Peel, Muskoka and York region.

The blatant misinformation and the lies told to the people of Niagara on the cancellation of their chair's election shows that this government has no plan. We understand that this government will make decisions that we in the opposition disagree with, as is their right as government, but the people of Niagara deserve to hear one single reason—just one—as to why their regional chair elections are being ripped away from them.

**The Deputy Speaker (Mr. Rick Nicholls):** I return to the member from Niagara Centre for final comments.

**Mr. Jeff Burch:** Following up from my colleague from St. Catharines: With all respect to the member on the government side, these accusations that there's gridlock at Toronto city council are never proven by the government.

I heard the minister stand up and say, "It took 15 hours to pass the Toronto budget." Well, it's a \$15-billion budget. That's \$1 billion an hour.

So where is your proof? Whether you take a framer's intent or a living-tree approach to the charter, it seems neither is on the government's side.

Mr. Speaker, history will not be kind to the members of this government. History will judge those who choose partisanship over people. I urge the members of this government to consider the gravity of their decision and the slippery slope we are going down by allowing this Premier to suspend the people's fundamental freedoms. History will judge you by your silence, as our leader has said. You can spew all the misinformation you want. It comes down, at the end of the day, to what my son said when he asked me why this was happening: If they're right, why do they have to cheat so much? Why are we here in the middle of the night? Why are people handcuffed and dragged out of the House? Why are the rules of procedure changed—cheating after cheating after cheating—to pass the legislation that you want to pass?

*Interjections.*

**The Deputy Speaker (Mr. Rick Nicholls):** Excuse me. Order, please.

I'm going to ask the member to withdraw.

**Mr. Jeff Burch:** Which part, Mr. Speaker?

**The Deputy Speaker (Mr. Rick Nicholls):** Again, I'll ask the member to withdraw.

**Mr. Jeff Burch:** Withdraw.

History will judge you by your silence, as our leader has said.

**The Deputy Speaker (Mr. Rick Nicholls):** Further debate?

**Hon. Victor Fedeli:** Speaker, our government ran on a platform to restore accountability and trust in government.

We promised to reduce the size and cost of government and end the culture of waste and mismanagement.

On June 7, the people of Ontario had a choice: continue with the tax-and-spend policies of the Liberals, who were backed by the NDP, or turn the page and elect a government truly for the people. Premier Ford and our caucus were honoured to achieve an overwhelming majority, a mandate to implement the change our province so desperately needs. And we've hit the ground running.

**0430**

Speaker, we talked about our plan for the people that was rooted in five core commitments. Everything that we do continues to focus towards these five commitments. We talked about putting more money in the pockets of people, and everything we've been working on is geared towards that. We talked about cleaning up the mess at hydro and we talked about creating and protecting our jobs, and we've seen our caucus, our cabinet and our Premier do exactly that. We talked about restoring accountability and trust, and soon, through the work we've done on the commission of inquiry and the line-by-line, we're going to see a little bit more about why we need to restore accountability and trust. Speaker, we promised that we would cut hospital wait times, and there's more towards that coming.

We've hit the ground running. We've taken swift action to bring relief to families. Premier Ford gave every single one of us in his caucus a plaque for our desks. It has three words on it, and it says, "For the people." And everything—everything—that we do is for the people. I put my plaque, as many others have, right between my computer and my telephone, so that before you type an email or hit the send button: Is it for the people, what we're doing? Before you pick up the phone and make a call and make a commitment, that sign is staring you in the face. Is what you're about to say, is what you're about to do, for the people? And all of these things, Speaker, everything that Premier Ford has asked of us, and that we're doing, is for the people.

He talks about bringing relief for families, and that's, again, what we're doing. Every decision that we're making, we're making for the people. We're making these decisions to bring relief for families. We were under the Liberal rule for 15 years, where we saw nobody—nobody—paying attention to families; only attention to the party. And, sadly, in 97% of the votes, the NDP backed the Liberals—97% of the time. So here we are now, Speaker, bringing relief for families. We're making everything we do for the people.

When I look at the Minister of Economic Development, Job Creation and Trade looking at the issues with NAFTA, heading to Washington and working in the government down there, this was unprecedented, was one of the first times that that occurred. Why? Because we have such concern for the people. We're trying to bring prosperity back to the people of Ontario, back to the businesses in Ontario. It was ignored for so long. Everything that was happening was hurting families, hurting seniors, hurting students, hurting business. So we've focused our

attention—and I'll say that the Premier has a laser-like focus—on bringing relief to families. The Premier has said that we want to make Ontario open for business, and everything that we will be doing—I'm going to talk about that in a moment—every single thing that we're doing is all about making Ontario open for business, so that we can bring relief to families and so that we can do everything we do for the people. This is what we need, Speaker.

We talked about the fact that we hit the ground running. Premier Ford, our caucus, our cabinet: We've taken swift action. Just look at some of the things that we've done very, very early in the game. We cancelled the contracts to bring hydro relief to families. In fact, Minister Rickford was very proud to stand up and announce that 758 of the renewable contracts that made energy that we no longer need in Ontario, sadly—hopefully, Speaker, there will be a return to prosperity in Ontario where we do indeed need that power. But in the meantime, we've cancelled 758 of these wind and solar contracts for a net saving of \$790 million. Why? Because that will bring relief for the people. It's relief for families and it's relief for the people.

That's helping us get on our way to reducing our hydro rates by 12%. That's not just for families and for seniors, but it's also for the business community. It's for the farmers, it's for the small businesses—

**Hon. Greg Rickford:** Job creators.

**Hon. Victor Fedeli:** It's for the job creators. Exactly.

This is part of a bigger plan to reduce hydro rates by 12%. That's one of the first things that Premier Ford and our government tackled.

We brought in legislation to end the cap-and-trade carbon tax. This is also for the people. It's bringing relief for families, \$258 per family per year, and it's on its way to reducing gas by 10 cents a litre. This is what we're doing. We're returning prosperity. We're making Ontario open for business.

These are the kinds of changes—our natural gas will fall \$80 per family, and shortly there will be propane as well.

Speaker, our Minister of Transportation froze drivers' fees. Again, it's done for the people.

Some of the things that we're doing are big in scope—\$790 million in hydro savings—and some are smaller in scope, but all equally important. On the drivers' fees, these were scheduled under the Liberals to go up on September 1, but they're not going ahead. Premier Ford has said, "Enough. We've had enough of fees. Let's give the families a break." So, in a move for the people, these fees are frozen. An example: The new driver's licence won't be going to \$97; it's going to stay at \$90. Not big amounts like the others, but all of these things—individually, they're all good, but cumulatively, this is what families want from us. They want the relief that Premier Ford has promised.

**Interjection:** They're getting it.

**Hon. Victor Fedeli:** And they are getting it. We're becoming open for business and doing things in a businesslike way.

We also have brought the strike to an end at York University. Thank you to our Minister of Education for a great job on that file.

One of the first things that we did, thanks to the Minister of Health, was making OHIP+ more cost-effective. The Premier talks about efficiencies all the time, and I know that the members of the NDP are afraid of the word “efficiencies” and they fear-monger and come up with all kinds of things of what that means. But when I saw the changes that were made to OHIP+, this is the most perfect example of what an efficiency is. We now have plans that are going to be covered by the insurers first, where the province becomes the second insurer. It doesn't sound like a major change, but it will save us more than \$100 million. Every single person under the age of 25 still has exactly the same insurance that they had the day before, except we've saved \$100 million. Nobody lost a job. That's what an efficiency is.

Don't be afraid of looking for these efficiencies. Join us in looking for these efficiencies. The same coverage, no job loss and hundreds of millions of dollars saved: That's what we're talking about.

**0440**

So when we talk about our five core commitments, our plan for the people, everything that we've done is aimed to put more money back in the pockets of people, clean up the hydro mess, create and protect jobs, restore accountability and trust, and cut hospital wait times. Every single thing we do is for the people—that plaque that I talked about that sits on our desk.

One of the things that we have done as well is introduce Bill 5. This would reduce the number of Toronto councillors to 25 and save Toronto taxpayers at least \$25 million over four years. We believe in better local government so that decisions can be made quickly while services can be delivered more efficiently and more effectively. We can't be afraid of this.

Now, of course, we all know why we're here. The Superior Court of Justice released their decision. Our position is that at the time the Better Local Government Act is a valid exercise of our province's jurisdiction over municipal institutions. Our position is that there are errors in that judgment.

Look, we've said this before: Everything that we intend to do we intend to do for the people. There are many things that I've outlined and there are still more things coming. We want you to join us in the understanding of these things and in the sharing of the prosperity throughout Ontario. We're about to reduce corporate taxes from 11.5% to 10.5%. We want you to join us. Join us in celebrating that. That is going to help put people back to work. It is going to be for the people. We're going to reduce the small business tax rate by 8.75% to encourage businesses to hire more people. That is what this is all about. We're looking at a 20% tax cut for the middle class. That is certainly for the people. It's to return relief for families—long relief that they've been without for so many years. That's the relief that our families are looking for.

Our Speaker has given me some leeway, so I'll go back to the bill and talk about the purpose of section 33. Section 33 was to allow democratically elected governments to declare that legislation applies notwithstanding certain sections of the charter. In doing so, we are able to ensure our democratically elected government can pass legislation that reflects the will of the people. These are exceptional circumstances that require swift and bold action, and that's exactly what we were elected to do. Everything that we've done has been done swiftly and boldly, just like this. This is another swift and bold action.

All of the items that I've talked about—I'm just so absolutely proud of every single member of our caucus and the hard work that they've done. We really are truly looking forward to your line-by-line. I know it's going to be incredibly revealing and I know, like our Premier is taking swift and bold action in this, your plan will be to take swift and bold action to bring relief to families through the line-by-line as well. Each and every member of our caucus and each and every member of our cabinet—investing \$25 million, Minister Tibollo, into our guns and gangs. These are the moves that will bring true relief to families. We want people to know that Ontario is open for business, that help not only is on the way, but help is here. Help is here. Join us in helping families. Join us in making Ontario open for business. Join us in returning prosperity. We are here to restore accountability and trust. That's what we're here to do. That is one of the many items that we said, and we promised to reduce the size and cost of government. Join us in that: ending the culture of waste and mismanagement. We're talking action to ensure that governments can operate more efficiently and more effectively.

Look at that example of an efficiency I gave you a minute ago. Think about that. Think about that OHIP+ example. Everybody has exactly the same coverage they had the day before. We've saved \$100 million. Nobody lost a job. That's an efficiency. Join us in looking for these efficiencies. Bring your ideas. Bring the ideas to help return prosperity. Don't fight these ideas; join us with the ideas. Bring relief to families. That's what we want.

**Hon. Peter Bethlenfalvy:** Fill out the survey.

**Hon. Victor Fedeli:** Fill out the survey. Go online. Talk to us individually. We can do this together. Ontario needs your help. Ontario needs every single one of us. We were left with a severe deficiency. Don't be part of that.

Now, I'm going to tell you as well, in terms of the emails—I have my share of emails as well and, unfortunately, I won't be able to read them, because they're on my BlackBerry and I didn't print them, Speaker, and I know you won't let me read from my BlackBerry. But many people have publicly supported our government's decision in this matter, Speaker. We've heard earlier some of the examples; I'll just cite a couple of them again. Former BC Premier Christy Clark said, “I support the use of the ‘notwithstanding’ clause.” She said, “The highest court in the land, in our system is not the Supreme Court, it is the elected Parliament.” That's what we're here to do. We are elected. If you want to make laws, run for office.

The former BC Premier also said, “I actually think it’s a good thing for Canada because we are in a moment where Canadians are looking around and saying, ‘Hey, why can’t anything get done?’” She says, “Well, Premier Ford has shown there is a way ... to get things done in spectacular fashion,” and, “I think he did the right thing.” Well, I think so too, Speaker, and I think we all here think that as well.

Let’s remember that the question at hand is efficient local government. This bill will allow Toronto to make important decisions more quickly, effectively and efficiently. Former Quebec Premier Jean Charest said, “For years we have heard how difficult it’s been to manage the city of Toronto. Premier Ford is making a real judgment call in regards to how firm he wants to be in sending a signal that he wants change at city council.” Well, that’s a bold statement. Charest also said, “If there’s one thing that’s clear when you’re the Premier of a province and you’re head of a provincial government, it is the provincial governments who have full control over the way municipalities are organized.” That’s the way our system works, Speaker.

Former Saskatchewan Premier Brad Wall defended the use of section 33. He said, “Let’s be very clear. Section 33 is part of the Constitution. And so, the availability” of that clause “to Premiers is very much a part of the rule of law.” Wall used the “notwithstanding” clause himself just last year, because he “wanted to ensure that parents had choice for their kids in terms of separate and public” schools.

Speaker, I want to wrap up, because we ran on a promise to reduce the size and cost of government, and that’s exactly what the people of Ontario have elected us to do. You’ve heard the Premier say it before: Nobody in Ontario thinks we don’t have enough politicians. In fact, the opposite is true. We have hit the ground running. We’ve taken very swift and very bold action. I know that everyone in our government is deeply proud of the work that has been done.

The comments that we receive—I was in my home town of North Bay at a couple of local functions yesterday, including one at the Legion, where the people continued to say, “Keep it up. Tell Premier Ford, keep it up. We’re proud of you. We love the work you’re doing. We love the speed at which you’re doing things. Keep it up. Bring it on. Keep more coming.” They love the things that we’re doing, because they can feel it in their pocketbook. The business community knows—

**Hon. Greg Rickford:** Who are we doing it for?

**Hon. Victor Fedeli:** We’re doing it for the people.

The business community knows that relief is on the way. Families know that relief is on the way.

*Interjections.*

**Hon. Victor Fedeli:** You can mock me all you want. I can take that. I’ve been here for seven years. I’ve listened to your nonsense and your mocking for many years. You just aren’t happy with the fact that you’ve finally got somebody here who is bringing real relief for families.

**The Acting Speaker (Ms. Jennifer K. French):** Questions and comments?

*Interjections.*

**The Acting Speaker (Ms. Jennifer K. French):** Order. All members will come to order.

Questions and comments?

**Mr. Tom Rakocevic:** In the election previous to this one, people across the province were shocked that just weeks after the Liberal government took hold, they all of a sudden privatized hydro—or they began those steps—and they said that the answers to this were somewhere buried obscurely in their platform.

**0450**

This is exactly what is happening once again. If this government wanted to do something so ridiculous as to take away the rights of Torontonians for self-governance, it should have been in their platform. In fact, it’s the same rationale as if one day we showed up and found that Queen’s Park had a big sold sign on it, and that we were now meeting over Skype because they were reducing the size and cost of government. It is exactly the same thing.

They want answers? They’re not interested in what the courts have to say. But of course, when it suits them and they’re opposing the feds, they’re very happy to pursue the court system. But when the court rules against them, they’re against it.

I can’t help but think that, had one of the other leadership candidates won, we would not be here tonight. We would not have been taking away the rights of Torontonians for self-governance. We would not be opposing the will of a judge and meeting here at midnight. It’s really ridiculous.

I don’t blame the members on the other side, because their Premier has put them into this big power struggle. That’s what’s happened. Most of the people here know nothing about the city of Toronto. I worked at city council. We’ve got multiple multi-billion-dollar transit projects happening as we speak. We have a massive, multi-hundreds-of-millions-of-dollars project to improve storm sewer systems there, but they don’t know it; they’re just doing whatever this Premier says. They’ll regret it in the future.

**The Acting Speaker (Ms. Jennifer K. French):** Questions and comments?

**Ms. Andrea Khanjin:** I wanted to thank our Minister of Finance for giving such an apropos speech in this House. I wanted to add to his comments about what the debate means for the next generation.

Ontario is the largest economy in Canada, yet we have the largest sub-sovereign national debt. We need to do better. We need to have time to do better. This piece of legislation is a step toward that, a step toward doing things for the people, bringing us back to the days of surpluses and not running deficits. Thinking about our future—that’s what this is about.

Let me quote constitutional expert Peter Russell, who has been quoted at length tonight. He says, “But the real intelligence that is needed is the constitutional wisdom that led to including the notwithstanding clause in the Charter—sufficient respect for parliamentary democracy not to let the judiciary always have the last word on rights

and freedoms. Let us hope that the next generation of political leaders in Canada will eschew the simplistic thinking” of previous leaders and stand up to using the “notwithstanding” clause. And, Madam Speaker, we’ve made history today by standing up for the next generation and using the “notwithstanding” clause.

I have to say that what he wrote was a policy paper, back in 2007, and it’s taken us this long to get to this point.

**The Acting Speaker (Ms. Jennifer K. French):** Questions and comments?

**Ms. Doly Begum:** It’s really strange how the Minister of Finance stood here and told us about how great it is for business to have all the things that this government has done. But I don’t know what kind of business ethics this government is following, because cancelling mass contracts is not good for any business. That’s what this government has done. They’ve cancelled so many contracts, they have scared off people and businesses—big and small businesses. So I don’t know what kind of ethics they’re following.

Throughout the night we’ve been listening to a lot of the speeches from the government side. I just want to remind them that you have a majority government, which is why I’m here. You made me come here, at, what, 4 or 5 in the morning. You have a lot of power. You’re absolutely right: You have a lot of power. But you know what? With great power comes great responsibility. Do you know what the sad part is? Today, we’re here right now fighting for our rights because this government is after a vindictive agenda.

With the power you have, imagine what you could accomplish. In my riding, I have the highest amount of child poverty. Imagine, with this majority government, with the power that you have, what you could accomplish. Imagine how many children you could send to school, and imagine how good they could be inside a nicely air-conditioned classroom. Imagine how you could do that. Imagine how many seniors you could send to long-term care, because you have the power to do that. Imagine how many families you could help—

**The Acting Speaker (Ms. Jennifer K. French):** Thank you.

*Interjections.*

**The Acting Speaker (Ms. Jennifer K. French):** Sit down.

Further questions and comments? I recognize the member for Ottawa–Vanier.

**Mrs. Marie-France Lalonde:** Ottawa–Orléans.

**La Présidente suppléante (M<sup>me</sup> Jennifer K. French):** Ottawa–Orléans. Je m’excuse.

**M<sup>me</sup> Marie-France Lalonde:** Aucun problème. Merci beaucoup, madame la Présidente. Écoutez, je suis ici ce soir depuis minuit avec vous tous, et j’aimerais apporter mon point de vue.

Madam Speaker, an Ontario Superior Court judge ruled that the Premier and his government’s actions to change the rules in the middle of an election were premature, not well thought out and contrary to the Charter of Rights and Freedoms. The Premier, after, announced that he would

use the “notwithstanding” clause of the charter to override that decision of the court.

We’ve been debating for, I would say, a fair amount of hours at this time. What I want to ask is, why couldn’t the Premier not think of any other solution before he picked this hammer and bashed the charter? Why not let the ongoing appeal process play out before he imposed legislation that explicitly denies charter rights?

I was in my riding, Madam Speaker, and I want to share something, because this young man asked me a question. He said, “I know something is happening now, and I think it’s wrong, but can you put it in a perspective where I can understand better?”

I’ll share with the House what I shared with this young man. Any hockey fans here tonight? Well, this morning, actually.

I said that this young person asked me, and I said, “Let’s say you’re watching the Stanley Cup final, your team is winning, and the referee, during the game, changes the rules. After the team loses, it brings the referee to court and the court says that your team is right.”

Do you know what I told this young man, Madam Speaker? That, unfortunately, the referee did have power to change that decision and what happened then is exactly why we’re here today. We are debating on a subject. Do you know what this young man said? “That is wrong, to change the rules in the middle of an election.”

**The Acting Speaker (Ms. Jennifer K. French):** I return to the Minister of Finance for his comments.

**Hon. Victor Fedeli:** I’ll see if I can get through this without being mocked by the NDP this time.

Speaker, we ran on a platform to restore accountability and trust in government. I told you earlier, when I started my speech, that we shared with the people that Premier Ford gave each and every one of us a plaque. It says, “For the People.” It sits on our desks. Mine sits between my computer and my phone so that nothing can happen without thinking about the people of Ontario. That phone call that you’re going to make, that email that you’re going to send—is it for the people?

I’ve summarized all the things that we’ve done so far, and each and every one of them is putting money back in the pockets of the people of Ontario: They’ve been cleaning up the mess left at Hydro. They’re either to create or to protect existing jobs. It’s about restoring accountability and trust back into the government of Ontario and cutting hospital wait times. Those are the five key core commitments. Everything that we’ve done so far, every single thing, is for the people.

We’re returning Ontario to prosperity; we’re making Ontario open for business. This, what we are doing today, tonight and tomorrow—this week—is all about that same action. It’s about making Ontario open for business, and in this particular case, through making a streamlined city council in Toronto, enabling them to make decisions quicker, better, more efficiently and more effectively.

**0500**

**The Acting Speaker (Ms. Jennifer K. French):** Further debate?

**Ms. Peggy Sattler:** I will be sharing my time with the member for Beaches–East York.

Speaker, shortly after midnight, we opened this session of the Legislature with the singing of O Canada. Many of us, as we sang those words and we looked at our flag, thought about what defines us as Canadians. Certainly, our national anthem and our flag are big parts of our Canadian identity. But even more than the flag, even more than the anthem, is our Charter of Rights. The Charter of Rights is a profound part of our Canadian identity. It is our national bedrock. It is the thing that we are exporting to nations around the world who want to be like Canada, who want to have a Charter of Rights like Canada has.

We've heard the members on the other side of this House kind of slough off their override of the Charter of Rights, this precious document that defines us as Canadians. It's just another tool in the tool box. It's in the Constitution because it's supposed to be used. It's just something that is there—the “notwithstanding” clause is there—because we're supposed to be regularly overriding our charter-protected rights.

Well, Speaker, that is not why the “notwithstanding” clause was written into the Constitution. That is agreed to by Brian Mulroney, Bill Davis, Roy McMurtry, Roy Romanow, Jean Chrétien, 80 law professors who signed a letter that's circulating today, and more than 500 members of the legal community who also are gathering signatures on an online letter. Everyone agrees that the “notwithstanding” clause is to be used sparingly. It's to be used only in extraordinary circumstances. It's not to be used on a regular basis at the whim of a Premier, to override our constitutionally protected rights and freedoms.

Speaker, the members on this side of the House may think that this is just another day on the job when they bring in a “notwithstanding” clause, but we don't agree, and the people of Ontario don't agree either.

Earlier today, I heard the members over there talk about what a historic moment this is in Ontario. Well, you know why it's also historic? Because, for the first time ever in their history, Amnesty International has had to condemn a level of government in this nation, because this PC government under Doug Ford has decided to invoke the “notwithstanding” clause. Amnesty International has condemned this “contemptuous” step of disregard for the Charter of Rights that this government's use of the “notwithstanding” clause displays.

I rise today as the member for London West. I want to say this is what has got the people in London West so concerned about Bill 31 and the actions that this government has taken. I want to read some emails that I have received from constituents in London West, who really don't have a stake in the size of Toronto's council, because this isn't about the size of Toronto's council.

Here is one email I received: “While he may have ‘won’ the election, he certainly does not have the mandate to change the very fabric of our political system, nor our Constitution! Once this Pandora's box is opened, there will be no going back!”

Another email says, “Doug Ford is attempting to establish a very dangerous precedent, and we must make every effort to let him and his government know that this is simply not acceptable.”

Another constituent writes, “This Conservative government seems to regard the charter as only a threat to its agenda and defines democracy to only consist of majority governments unfettered by courts, constitutions or charters.”

Another constituent: “I am astonished at the behaviour of our Premier and his irresponsible decision to invoke the ‘notwithstanding’ clause as it is an affront to our charter rights, and a waste of public money and government resources.”

I want to read the final email because it does reflect another feeling that people in London West have as they watch the antics of this government. This constituent writes, “I do not want to have the ‘notwithstanding’ clause invoked because of Toronto's size of city council. This matter does not affect other parts of Ontario and should not take up time that could be spent on more important matters.”

Speaker, we all learned about the government's decision to invoke this clause last Monday, on World Suicide Prevention Day. I was at an event in my riding, and I suspect other MPPs were at events that day. I listened to dozens of people at this event read the names of their loved ones who had been lost to suicide. We're living in a province where we have 12,000 young people on wait-lists for access for mental health services. Many of them are waiting over 18 months. We have people dying of suicide on a regular basis. We have a crisis of mental health. And instead of taking action to address these issues, this government is wasting precious legislative time by pursuing this Premier's petty revenge plot against Toronto city council.

Speaker, before I was elected, I was a policy researcher, so I have been struggling to try to understand the policy goals that this government thinks it's going to achieve with Bill 31. We hear all the time the members on the other side talking about reducing the size and cost of government. Well, if the rule is that there should only be the same number of councillors as MPPs, then are we talking about, in London we're going to have only four councillors in our municipal government because there are four MPPs? Are we talking about, in St. Thomas we're going to have one councillor because there's only one MPP, and in Woodstock, one councillor because there's one MPP? Strathroy-Caradoc, same thing: one councillor, one MPP? Sarnia: one councillor, one MPP? I don't think we're talking about that, but that's what this government's action implies.

Are we saying that there should only be a maximum of 25 politicians; that that's the absolute maximum in order to ensure efficient decision-making? Well, Speaker, in my neck of the woods, in southwestern Ontario, we have a number of two-tier governments that the city of London works closely with. In Oxford county, there are 48 elected politicians. In Middlesex county, there are 50 elected politicians. In Elgin county, there are 39 elected politicians.

In Lambton county, there are 67 elected politicians. So is this government saying that we need to reduce the size and cost of those local governments in order to save government money?

I don't know if that's actually the hidden agenda of this government, but I do know that people in southwestern Ontario are concerned that it might be. They've heard comments that have been made—

*Interjections.*

**The Acting Speaker (Ms. Jennifer K. French):** The side conversations are getting to be quite distracting. Recognizing that it has been a long night/morning, if you're interested in having side conversations perhaps you'd be interested in relocating. To both sides of the room, please.

The member will continue.

**Ms. Peggy Sattler:** We've heard comments that have been made in the media through the Premier, who went on the radio and said he has been getting calls from all over the province with concerns about the size of government. We heard him talk about holding local governments accountable so that they can maximize their budgets and respect the taxpayers. So I think that people who live in small and rural communities across this province are right to be concerned about what's next from this government.

In particular, we heard the member for Niagara West, in an interview with his local paper, acknowledge that the size of regional government is part of an ongoing municipal government review by the Tories. He talked again about the importance of reducing the cost and size of government.

0510

You know, Speaker, I want to quickly conclude with some words of warning from our local media. Our local media is not like the Toronto Star. The ownership structure is much different. However, our local media, in an editorial last week, said, "Ford endlessly reminds us that everything he does is 'for the people,' but for the people who live outside of Toronto, the size of that city's council is less relevant than the price of cod. His fixation on a purely local Toronto matter creates the uneasy feeling that this government is going to be all about Toronto, just like the last one.

"PC supporters are the ones who should be most concerned about how their guy has gotten off the rails."

Another editorial states, "By pursuing Bill 5 to the bitter end, Ford is revealing the same kind of narrow ideological determination for which Premier Kathleen Wynne became known."

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*Interjections.*

**The Acting Speaker (Ms. Jennifer K. French):** Order.

I recognize the member for Beaches–East York.

**Ms. Rima Berns-McGown:** Thank you, Speaker. There are indeed many, many urgent matters that warrant our being here debating in the middle of the night. They include poverty, homelessness, the state of our kids' public schools, the intersection of poverty and systemic

racism, the root causes of gun violence, the urgent need for greater mental health supports, the urgent need for increased levels of social assistance and the urgent need for more, not fewer, overdose prevention sites.

We should indeed begin with that most pressing concern: the question of reconciliation and why it is that Indigenous adults and children experience the conditions of poverty and homelessness that they do. We should talk about the conditions of homes and schools and health care in First Nations.

We should talk about the condition of health care in Ontario, the overcrowding of hospitals and the people who get treated in hallways, the lack of long-term care, the conditions in long-term-care facilities: so many topics, Madam Speaker, and all of them urgent.

We should talk about climate change and what the government's strategy is now that it has eliminated the cap-and-trade program. This week in my riding alone, I heard from a constituent that Gledhill school had to be closed because there was no water—none. Another constituent told me that his daughter developed a bladder condition because the bathrooms at Kew Beach were so despicable that she refused to use them. Secord Public School is bursting at the seams, and the portables can no longer be repaired because they've been repaired so often. Children freeze in the winter and broil in the summer. You can't learn under those conditions, Speaker; no one can. Yet this government has slashed the \$100 million that had been delegated to fix Ontario's crumbling public schools.

There are the questions of poverty that are a reality for millions of Ontarians, and yet this government has decided not to raise the minimum wage to \$15. I have a letter here, which I don't have time to read, from a constituent of the member for Nipissing about challenging him to live on the minimum wage as it currently is because, this constituent of his argues, it can't be done.

I could go on and on, but we are not talking about any of those urgent matters. We are not talking in the middle of the night about anything that really needs to get done. Instead, the government is attempting to have a debate occur on Bill 31 in the middle of the night, perhaps in the hope that Ontarians, fast asleep, will not notice that it is abrogating their charter rights, will not think about the implications of that.

I want to make the point to my colleagues that the very opposite is occurring. I don't know if you can hear it across the aisle, but the noise of people protesting, as they have been all night outside the chamber, is very loud, and I can hear it from here. The attempt to hurry up debate in the dead of night is drawing more, not less, attention to it.

You need to know that my office alone received over 1,000 emails, and the phone was ringing off the hook this past week. Almost without exception, each of those messages was to decry the Premier's use of the "notwithstanding" clause to pass Bill 31, whose purpose is to slash Toronto's wards in half and change the rules in the middle of an election, something that in any other country would be called election rigging.

I want to read again into the record the words of the three men who negotiated the "notwithstanding" clause:

“The clause was designed to be invoked by Legislatures in exceptional situations, and only as a last resort after careful consideration. It was not designed to be used by governments as a convenience or as a means to circumvent proper process....

“We agree with former Ontario Premier Bill Davis, who played such a vital role in patriating the constitution, and providing Canadians with a Charter of Rights: Doug Ford’s use of the notwithstanding clause does not meet this criteria.

“We condemn his actions and call on those in his cabinet and caucus to stand up to him. History will judge them by their silence.”

That was the Right Honourable Jean Chrétien, the Honourable Roy McMurtry and the Honourable Roy Romanow.

And I want you to hear what my constituents have been saying. Here is one letter out of over 1,000:

“Hi Rima,

“I’m ... writing as a constituent to provide a letter” to you.

“Through Bill 5 and now its charter-overriding carbon copy Bill 31, Premier Doug Ford has been attempting to change the rules of an election that’s already in progress.

“This is a literally unprecedented abuse of power.

“If a higher level of government is allowed to step into any election of any lower level of government at any time during the course of that election, at will, and arbitrarily change the number and boundaries of wards or ridings, then we no longer have free and fair elections and cannot be considered to be a democratic nation.

“It’s as simple as that.

“If Premier Doug Ford is allowed to prevail and his reckless anti-democratic behaviour becomes an established precedent, then any provincial government that sees a municipal election unfolding in a way that it doesn’t like will be able to step in and change the rules ... on the fly to guarantee an outcome more to its liking.

“That isn’t democracy. That is not freedom. That is not Canada.”

It is so important that members of the government caucus understand that it is not only New Democrats or progressives or leftist activists who are distressed over this. I want to read you an email sent by somebody I have known for 30 years. This man is a Conservative. He’s a member of that business community that the Minister of Finance was talking about, and when I met him, he was working for a Conservative cabinet minister in the Mulroney government. He has had a long and successful career on Bay Street, and he is the opposite of a social justice activist.

“Dear Rima,

“DoFo is not a Progressive Conservative. He is”—and I can’t read what he said because it would be out of order.

*Interjections.*

**The Acting Speaker (Ms. Jennifer K. French):** Stop the clock. Yelling over top doesn’t encourage debate. She has the floor. You will have your turn in questions and

comments in about a minute and 58 seconds. I would encourage you to wait for that.

I will return to the member. Please continue.

**Ms. Rima Berns-McGown:** “Populism can be a good thing. The CCF was a populist movement. That said, judges, like a cabinet, are appointed. Judges are a vital check on the unfettered power of a majority government and are essential in a first-past-the-post regime. That the Premier of Ontario is so ignorant that he does not know who appoints judges is deeply disturbing. Fight, and fight hard, my friend.

“P.S. Edward Belobaba is a superb judge. He has towering intellect and believes with every fibre of his being in fairness. And as for being an elite, he was born in a displaced persons’ camp.”

It is really, really important that the cabinet and the government caucus hear this and take it seriously. When Conservatives are outraged and speaking in the way my friend is speaking, when the framers of the “notwithstanding” clause are joining earlier Conservative Premiers and Prime Ministers in condemning the current Premier’s use of the clause, when Ontarians of all political stripes and from all walks of life are speaking out, we have a problem. You have a problem. I urge cabinet ministers and caucus members who have a spine to use it and to speak out against this abrogation of our rights, and your moral duty to represent all of the people of Ontario.

**0520**

You keep talking about the fact that you are “for the people,” but the Premier specifically talked only of the 2.3 million Ontarians who voted for him. I need to remind you that there are almost 14 million Ontarians and you are here to represent all of them. What you’re doing isn’t that. Please reconsider.

**The Acting Speaker (Ms. Jennifer K. French):** Before I recognize the member for questions and comments, I would like to remind all members that when they’re sharing the words of Ontarians through their impassioned letters, we still cannot say indirectly what we cannot say directly, that we refer to all members by their title or their riding, and that we direct all remarks to and through the Chair, please.

Now I recognize the member for Willowdale.

**Mr. Stan Cho:** First of all, good morning to all the members of this House and to you, Speaker. It’s 5 o’clock somewhere, and it just so happens it’s right here.

I just want to chat briefly about the side that seems to be ignored here in this discussion, and that’s the side that is in support of Bill 31.

Earlier this morning, a gentleman by the name of Sam Moini visited us from my riding of Willowdale. He happens to be running as a candidate for city council there in the upcoming election. I had the opportunity to just chat with Mr. Moini in the lobby a little bit earlier. He was telling me that the doors he has knocked on—and he is out there knocking on doors eight or nine hours a day. He has seen more people in support of Bill 31 than those opposed. Louder doesn’t make it right, and that’s what we’re

missing in this discussion. There are a lot of people out there who know we are doing the right thing.

I was born in Etobicoke, I was raised in North York, and I love my city. This is my home. I know that this is the best place in the world. But even since I was a little kid growing up, I know that we had some major challenges that didn't make sense. Why, in a city of our size, do we have a Mickey Mouse subway line that is a joke when you compare it to the rest of the world and other cities our size? Why is our traffic so bad? I live eight kilometres from here, and the other day it took me one hour to get here. The subway is often not an option because to get down here on Line 1, it takes just as long. In fact, sometimes I have to ride north to Finch to take it back down south to get a seat on the train.

Toronto has some major challenges. We need those challenges fixed, and we've had decades at city council to get it done. I am not discounting the hard work that goes on there, but the game is broken. That's why the rules need to be changed. It's stuck and needs a reset.

**The Acting Speaker (Ms. Jennifer K. French):** Questions and comments?

**Mr. Jamie West:** I would like to echo the member from Willowdale's comments that it is a good morning. I would like to welcome everybody in the Legislature at about 5:30 in the morning.

It reminds me of my old days at the smelter. I'd like to take the time right now to say good morning to the members of shift 1 who are ending their shift. Shift 4 is coming in. These were the shifts that taught me to work with molten metal and taught me to represent workers and stand up for them. I'm always grateful to them.

The Premier, very often during question period, is fond of saying, "Of the thousands and thousands of doors" that he knocked on. I believe that, because we've all knocked on doors. But if he knocked on thousands and thousands of doors in, say, my riding of Sudbury, this was never discussed, because when I knocked on doors—and I knocked on thousands as well—the number one topic at the door had to do with hallway medicine and overcrowding in our hospitals. It was the number one topic. It didn't matter if you voted blue, red, green, orange or anything else; that was the most important thing to every single person in Sudbury.

The Premier also was quoted during the debate as saying, "I love nurses. I love teachers. Not a single person will lose their job." The Sudbury Star on September 14 reported that 64 full-time nurse positions are being cut, that the breast health program is being cut, and that discharge nurses are being cancelled.

A final quote from the Star is: "The public needs to reach out to the politicians in our area and at Queen's Park and make" the Premier "uphold the promises that he made—that there'd be no cuts to health care."

Now, I don't mind coming in at midnight because I worked shift work for more than a decade. I'm actually wide awake right now. I have no problem sleeping during the day. But if we're going to have emergency sessions during the summer—and this is the second one that we've

come back to—the size of the 416 city council is not a priority. The priority is saving jobs in the city of Sudbury and restoring the funding so that nurses aren't cut.

**The Acting Speaker (Ms. Jennifer K. French):** Further questions and comments?

**Ms. Christine Hogarth:** I'm happy to join in on this debate today. First, when I drove into the city this morning—14 kilometres from Etobicoke. It took me 20 minutes to get here. On a regular day, it takes an hour—14 kilometres, one hour. If you leave between 3 o'clock and 6 o'clock, or maybe even 7 o'clock, it's over an hour. That is time wasted. That's money wasted. That's time away from your family, time away from your children, and time that you can't get home and make dinner. We need to do something about that. We need a government that is efficient and effective.

I listened to the comments from the member from London West and the member from Beaches–East York. I just want to say to the member for Beaches–East York: We are both Toronto MPPs, and we do share emails. I received emails from your residents, so I know when you pick and choose the emails that you want to share today. I want to let you know that I got ones from your riding that said, "Keep it up. Keep it up, Doug Ford. Keep it up. We can't afford this any longer." I know you're allowed to pick and choose what you want to read, but just so you know, we did get letters of our own.

Further, Speaker, I just want to let you know what I've been hearing. I've knocked on doors in my riding. I have sat on the phone and picked up calls and listened to the constituents. I want to say that what the members of the opposition are doing: They are confusing people. I want to let people know that they will get a vote on October 22. There will be a government, and the sun will rise on October 23; there will just be 22 less politicians at the table.

I have been at the Taste of the Kingsway, and people lined up at the Taste of the Kingsway to say, "Keep it up, Doug Ford. Tell Doug to keep it up. Your party is doing the right thing for the people."

When I was at the Ukrainian fest and Polish fest this weekend, when I got off of the stage, people said, "Keep it up." They ran—

**The Acting Speaker (Ms. Jennifer K. French):** Thank you.

*Interjections.*

**The Acting Speaker (Ms. Jennifer K. French):** Order.

Further questions and comments?

**Mr. Gilles Bisson:** I want to thank my colleagues for their comments and those who have commented since.

What bothers me about this whole debate is simply this: Nobody in this Legislature argues that we, as a Legislature, are not a power unto ourselves. We understand and, as the government House leader would, know what the rules of the House are. We are able to make our own rules. We are able to make laws. But what people are not clueing into, or choose not to clue into—we're a constitutional democracy. That means to say that, yes, the Legislature

passes laws, but it's up to the courts to decide if a law has been broken, and if so, you have to follow the judgment of the court.

There's an argument here that is broken on the part of the government that says, "Well, you know, we can make the laws. If the courts happen to say, 'You broke the law,' well, we're above the law. We don't have to follow the law." There is nobody in this nation who is above the law.

What's happening now is, the government is saying, "In order for us to get around this little problem of the judge saying that we are in violation of the law"—because you've changed the rules of the election halfway through the campaign—these guys are now saying, "We're going to fix that. We're going to use the 'notwithstanding' clause." You have the right to use the "notwithstanding" clause, but it's like anybody else: If you have—

*Interjections.*

**Mr. Gilles Bisson:** No, no, no.

The point is, because you have a power doesn't mean to say that you need to use it. That's what everybody is saying to you. The "notwithstanding" clause is an extraordinary power that has never been used in the province of Ontario's history, and you've got the Prime Minister, the father of the Attorney General of this province, saying you shouldn't use it. The problem here is that we live in a constitutional democracy and you—

**The Acting Speaker (Ms. Jennifer K. French):** Thank you.

I return to the member for London West for her remarks.

0530

**Ms. Peggy Sattler:** Thank you very much, Speaker. I'd like to thank the members for Willowdale and Etobicoke–Lakeshore and my colleagues the member for Sudbury and the member for Timmins for their comments.

First of all, I want to say to the member for Sudbury, thank you for reminding us of the reality that shift workers in this province live on a daily basis. These are the kinds of issues that we should be talking about. We should be talking about the quality of jobs. We should be talking about the reality of precarious work. That is the future for so many young people in this province—the only future they can look forward to. We should be talking about hallway medicine, which was the number one issue, I think, for all of us across this province when we went knocking on doors.

I want to say to the member for Willowdale that this side of the Legislature is missing the point. It is not the number of politicians that makes government more efficient. It's not the number of politicians that is going to improve decision-making. It's how decisions are made. We look at what this government has done with the process of Bill 5 and now the process of Bill 31 and all of the bills they have brought in since they were elected. It's the total disdain for the public, for getting any kind of expert input and being transparent and talking about what you're going to do before you're elected. Maybe put it in your platform when you're running for office instead of bringing this forward out of the blue and then ramming it

through and undermining the democratic rights of the people in this province. We have a constitutional democracy. As the member for Timmins pointed out, it is not majoritarian rule; it is not a dictatorship. We live in a democracy in this province.

**The Acting Speaker (Ms. Jennifer K. French):** Further debate?

**M<sup>me</sup> Nathalie Des Rosiers:** Il me fait plaisir de participer au débat sur le projet de loi 31.

My position is that the use of section 33, the "notwithstanding" clause, is ill-advised in this case. It's not that it's illegal to use it; it's just that you should not use it. It's not because you can that you should.

I think I'm going to go on and try to explain in three points why you should not do it because it threatens the equilibrium between the different branches of government and eventually it would weaken our culture of rights. I think it is very serious what's going on. I appreciate the dilemma over the timing, but this dilemma over the timing was created by the introduction of Bill 5 in the middle of a municipal election. I'll come back to that.

My three points will be this:

Number one, what has the charter given us? Why are people concerned? Why is it that we care and that people are banging on the doors and that people want to be heard on this issue?

Number two, why is it that in a mature democracy like Canada, pretty much all governments decide not to use the "notwithstanding" clause? Indeed, the first time that it was used was mostly at the beginning of the charter, before we achieved this certain level of maturity. I'll be speaking a little bit about that, the Saskatchewan example being one that needs to be taken care of.

Finally, my third point is about the risks and the cost in proceeding as the government wants to do.

First of all, what did the charter give us? I think what I want to say is that it gave a lot of rights to our constituents who are all across different political stripes. I spent my time a little bit rereading the good old cases that I used to teach. In 1986, in the Jones case, the Supreme Court of Canada recognized the right to home-school children as being based in the protection of freedom of religion. And anybody who would have come to Canada as a refugee since 1985 benefited from the Singh case, which clarified that there should be some process, and some due process, in the way in which the assessment of refugee claimants should be done. So everyone, all of our constituents who actually have been impacted by this, should know that it came from this. The governments were not in favour of this. They could have decided to use the "notwithstanding" clause for this, and we would not have these rights right now.

After that came other decisions. Hearing-impaired persons' access to medical services: Governments didn't want that. They could have used the "notwithstanding" clause because it was costing money. They decided to obey it. They decided to actually uphold the right.

Any parent who has a disabled child would not have access to regular school programs but for the charter.

Challenges to fitness requirements that prevented women and people of Asian descent from accessing jobs as police officers: That also comes from the charter.

Protections for pro-life groups to protest: That comes from the charter.

Protections for Jehovah's Witnesses: That comes from the charter.

Protections for older workers from mandatory retirement: That comes from the charter.

All of this—and certainly for same-sex couples as well.

Actually, my point is we all have constituents who have benefited from these charter rights. Many of us probably have benefited from these charter rights. So why are we concerned here about the precedent that's being set?

In all these cases, the government had a rationale to deny the people the consideration and they decided not to, because eventually what came up in Canada is that it was better for government to work within the system of the charter. They would wait all the way to the Supreme Court, then the Supreme Court would recommend changes, and then the government sometimes would adopt the changes, or not—or, indeed, the court would adapt their ruling. We have evolved, as a mature democracy, to a way in which we respect the charter as being good policy. It enhances our good policy-making.

It also is very good for people, because people can go and challenge government in front of the court. When you use section 33, the “notwithstanding” clause, you deny people the right to challenge a government's policy in front of the court, and that's wrong, what you want. It's good for people to be able to challenge the government and be told why their rights are being violated. That's what's happening in our charter.

No right is absolute in Canada. The government can always explain why it thought that it was necessary to violate a charter right. Over time, I think it's good for people to have the ability to challenge us and know why it happened to them. The sense of injustice that people felt is vindicated, and then they can be told exactly what has happened.

It's also good for the government, because when they win a case—and governments win often—then there is a sense of peace, of social peace. You had your chance to go to court; you had your day in court. The government explained what happened. Then you should move on. That's the reason why, up to now, governments have validated this and have continued to pursue this.

In my view, I think what we're doing here is threatening a little bit this equilibrium that has evolved. In a way, section 1 in the charter has given us a right to rationality, a right to know why rights are being violated and to challenge government on this. It is good that it comes from an objective, independent observer—that is, somebody who's not a politician, someone who is appointed and not elected—because it gives a different perspective. That's what people are seeking.

I would also say that it has provided a lot of discipline to the government process. We have better policy because all of us know that indeed, if there's the possibility of a

citizen going to court and challenging a government decision, then we would have to explain why, indeed, their rights have been violated, and whether we had attempted to violate their rights as little as possible, which is our duty under section 1 of the charter.

**0540**

Essentially, I think my point is this: In Canada, we have evolved towards this little equilibrium between the executive, the legislative and the judiciary, and this has worked well for us. It has turned out to be a beautiful thing for all of us that, indeed, we have continued to be in that place. It has allowed social peace and resolution of differences, and we should be proud of the way in which we have achieved that.

My only point here is that we're threatening this, because this is too low a bar to use the “notwithstanding” clause. The way it was invented, the way it was created, certainly at the beginning of the charter, was to recognize that people were very anxious about the way in which the courts were going to use the charter. But every time it has been used, it has been after a Supreme Court of Canada decision, not in the middle of the judicial process. That's a problem. I think that's another issue that should be gone.

The Attorney General was right when she quoted from the book that I had the honour of editing, where we say that more should be talked about with the “notwithstanding” clause—not to say that it should be used more often, but in fact there's a large discussion about whether it is still necessary, in light of the fact that most governments have decided not to use it, or whether there should be parameters about when and how—

*Interjections.*

**The Acting Speaker (Ms. Jennifer K. French):**

Again, encouraging the members—our House leader and the Premier—that the crosstalk isn't helpful.

I'll return to the member, please.

**M<sup>me</sup> Nathalie Des Rosiers:** I just wanted to say that, indeed, I think, in this case, what has been raised—and I think the Attorney General raised the question—is about whether this was solely a political issue—that is, the size of the Toronto city council.

In Canadian constitutional law, there's no such thing as a political issue if you can find a right that has been violated. In this case, I think, once you are going to interfere in an election, it raises the question as to whether you want to maintain, as a constitutional right, the integrity of the democratic process. That's one of the issues that are in front of us today.

I also want to say that I was surprised to find that the Fraser Institute had commented on this issue, and commented that, indeed, there was very little evidence that changing the number of city councillors would actually reduce the cost. There's an entire analysis of this, saying that this is not going to happen. So it's normal for citizens who are asking, “Why are my rights being violated?” to want to know, and see that the Fraser Institute says, “Well, no, the evidence is not there that there's a good justification.”

Let me just move quickly to the issue that I want to end with, briefly, which is the risks and the cost.

In my view, and, I think, most people who are speaking, it's because of the value of the precedent here. Next time, not this government but maybe a government of a different stripe could decide that, "Well, we were elected and we want to ban pro-life protests, because we feel we have the duty to do so," or, "We want to ban protests on the Legislature grounds." Just by inserting the "notwithstanding" clause in that act, they would immediately prevent anybody from challenging this.

Many of our constituents, people that have voted for the Conservative Party, would not want to have pro-life supporters, for example, being prevented from ever expressing their viewpoint.

Other risks: I think it is quite clear that Bill 31 will be challenged in court, because even this use of the "notwithstanding" clause, and the context in which it was used, raises some issues. Already, people are talking about whether there is an element of retroactivity that is incorrect—maybe not—or whether it violates international law, which would be another reason why the "notwithstanding" clause could be challenged.

I've said before, and I am also very concerned about it, that even if we used the "notwithstanding" clause here, it may not solve all the problems. The appeal may be lost by the government. We don't know. You obviously thought you were not going to lose that first instance. But the appeal could be lost. One of the arguments that is in front of the court is an argument that the integrity of the democratic process was violated, and therefore, it's not a violation of the charter. It's a violation of the unwritten principle of the Constitution that is the democratic principle. That violation cannot be cured by the "notwithstanding" clause.

My fear is that even after all this work, we could end up with a declaration by the Supreme Court that Bill 5, now Bill 31, is unconstitutional and we have an unconstitutional Toronto city council sitting. That will be a problem, I think, for everyone.

The other part is, I think: People have talked a lot about the cost. It's not only the cost of litigation that will be ongoing but also the cost to the legitimacy of this election, the cost to have people who are being elected in an election that will continue to be fraught with difficulty. There will be a deficit of legitimacy when you are the "notwithstanding council" that was elected when there was a recognition that there was a violation of freedom of expression. It's dangerous, and that's my point. It's dangerous to go this route when there is an alternative.

En conclusion, je vous implore—I have to say, in conclusion, I urge you to rethink this. Our reputation as legislators is on the line here. You will be the first one to vote for the "notwithstanding" clause; this is serious. This will have an impact not only now but it will have an impact on the culture of rights for years to come.

And when there will be a new government that uses the "notwithstanding" clause in ways that actually do not

protect your constituents, I think you may have some—*comptes à rendre*—you may have to actually give account.

So, I urge you to think about the charter rights that many of your constituents benefit from. When a constituent of yours—or when you—are charged inappropriately, they need the charter. When their privacy is violated, they need the charter. When they experience discrimination, they need the charter. When their free speech, on campus and elsewhere, is violated, they need the charter. When they have some exposure to when they're part of a religious minority, they definitely need the charter.

Je vous demande de réfléchir sérieusement à ce que vous êtes en train de faire, parce que tout ce qui se passe ici va avoir un impact sur l'avenir de la capacité des gouvernements d'utiliser cette clause de façon plus facile.

That's what people are afraid of here: that because you are doing it today, you open the door to another government doing it again and again. And if it becomes a routine procedure, we do not have rights in Canada anymore. The rights will be presumed to always be under the "notwithstanding" clause, and no challenges will be allowed. That's a difficulty and that's a problem.

I have to say, I spent a little bit of time looking over the big ambitions of the charter and how it has changed. The way in which—

*Interjections.*

**M<sup>me</sup> Nathalie Des Rosiers:** It's interesting to see people laughing on the other side about that. I feel very passionate about this. I spent a lot of my years as the general counsel to the Canadian Civil Liberties Association. I've defended many people who probably would never vote for me, people who actually had opinions that I did not respect. But at the end of the day, at least I was able to defend their right to free speech. I think this is what I'm talking about.

I think the danger in which we are treading here is to create a precedent that will haunt us in the future. So, this is all of our responsibility to evaluate not only the precedent and the value of the precedent but also the risk of unconstitutionality, the risk of uncertainty that will exist because this bill will be challenged in court.

**0550**

And we haven't talked about the costs—the cost of litigation, the cost of all of us staying here and being called a second time, the cost on the city council in Toronto to have to still wait to decide which kind of ballots.

There is an obvious solution: Let it go. It's time to just accept—47 seats is okay. You can start a big consultation after October and make sure that it's done right, that the people of Toronto are not threatened and that the legitimacy of the election is not at stake. I think that will continue to be a more efficient governance.

**The Acting Speaker (Ms. Jennifer K. French):** Questions and comments?

**Mrs. Gila Martow:** I'm proud of all my colleagues who are still awake. It's now 10 to 6. We've been here since midnight for second reading of Bill 31. It's the Better Local Government Act. We introduced it to reduce the size

and costs of Toronto's municipal government while improving decision-making.

Let me tell you, people in Thornhill and York region think we need a lot of improvement in decision-making. When they see York region build a bike lane starting at Steeles going north and there are no bike lanes at Steeles going south, they know that there is a problem. When they see that there are HOV lanes south on Yonge Street and there are no HOV lanes north of Steeles on Yonge Street, they know there's a problem. When they see their taxes going up and their parks are a mess and they're having issues and they're just paying and paying and they don't know what they're paying for, they're very concerned. They think they need a proper Toronto city government that they can work with, that York region can work with and that the province of Ontario can work with.

At 5:05, Carrie Liddy, who is running in my colleague's riding of Vaughan–Woodbridge—she's running for the city of Vaughan, for local council—sent me a message:

"I'm 100% behind Premier Ford. I support the use of the notwithstanding clause to protect the right of our government to make laws and particularly laws that reduce government spending.

"We need to stop the runaway spending of municipal governments. They have been left unchecked and it's time someone stood up for the ratepayers of this province.

"I can only hope the Premier doesn't stop with Toronto. The city of Vaughan has a bloated government. Taxes and fast-escalating utility bills are forcing seniors to sell their homes they worked all their lives for. Thank you for sticking up for the people! Don't stop."

**The Acting Speaker (Ms. Jennifer K. French):** Further questions and comments?

**Mr. Terence Kernaghan:** Ever since I've gotten here, I've been considering how the magician works and how with sleight of hand will distract someone with one hand while doing something with another.

We should be here discussing hydro rates. We should be here discussing health care, long-term care, the opioid crisis, mental health, education and other important things.

The member from Ottawa–Vanier discussed how we are hearing people still knocking on the door despite the fact that it is nearly 6 in the morning. They are very worried about what is happening to their democracy. Quite frankly, here on this side of the floor, we are concerned as well.

In the throne speech, we heard such terms as "lifestyle," and we've seen the rollback of the health and physical education curriculum. These are things that are gravely concerning.

The government seems to be using the "notwithstanding" clause in a way that it was never intended, almost as if to kill a fly with a baseball bat. As the member from Ottawa–Vanier points out, the "notwithstanding" clause has only ever been used after a Supreme Court ruling. So, again, it seems to be out of order and it seems to be overkill.

Interfering in an election is not what people in Ontario voted for. The member from Bay of Quinte even

mentioned that enacting the "notwithstanding" clause was like opening up a can of worms. Anyone who has ever had their human rights threatened has now been put on notice by this Conservative government. People have fought and people have died to achieve human rights, and you have threatened them.

I'd like to share with you an email that I received that was also sent to the Attorney General. This individual and constituent asks, "Will the 'notwithstanding' clause be used again in the case of the repeal of the 2015 curriculum if the government is found to be"—

**The Acting Speaker (Ms. Jennifer K. French):** Thank you.

Further questions and comments?

**Mr. Mike Schreiner:** It's almost 6 a.m. and we've been here all night, and it is worth it to be here all night to stand up for people's charter rights, to protect our local democracy and to stand with the people of Ontario.

*Interjections.*

**The Acting Speaker (Ms. Jennifer K. French):** Order.

**Mr. Mike Schreiner:** So the members—

**The Acting Speaker (Ms. Jennifer K. French):** Stop the clock. The House will come to order. I realize that it might be almost 6 o'clock and we've been here a long time, but the member has the right to make comments and the rest of us have the right to sit quietly and give him the opportunity.

I return to the member.

**Mr. Mike Schreiner:** I wish the members opposite would have the same passion for people's charter rights as we have just heard from the member for Ottawa–Vanier. We just heard a passionate defense of people's charter rights. I am deeply concerned about the words and the actions I've heard from the Premier and I heard from the House leader earlier tonight—or this morning, I should say. They essentially are saying that they believe the members of this House can act with impunity—a majority government which, I remind you, was only elected by 40% of the electors and only 23% of eligible voters. And they suggest that they can act with impunity and are above the rule of law. We live in a constitutional democracy, where laws are respected, where courts are respected, and that is the thin line between a functioning democracy and chaos and dysfunction. It's the Premier's actions that have led to the dysfunction that we are now seeing in the Toronto election and that are leading to questions around the very legitimacy of Toronto's election. I would like to know how many tax dollars are going to be wasted litigating all of the actions of this Premier.

**The Acting Speaker (Ms. Jennifer K. French):** Further questions and comments?

**Hon. Lisa MacLeod:** It's my pleasure to rise today in debate and to congratulate my colleague and seatmate, the Attorney General, as well as my other colleague and seatmate, the Minister of Municipal Affairs, for their steadfast devotion to democracy in this province and in this country.

Let me be perfectly clear: The member opposite spoke about section 33. She has changed her position in a 180-degree angle. She wrote, “By invoking the power that is section 33, provincial legislators can temporarily give priority to local and provincial interests that conflict with judicial interpretation of the charter.”

We believe, in the Progressive Conservative Party of Ontario, in the supremacy of Parliament. We believe that we should be able to use the Charter of Rights and Freedoms to protect Canada’s Constitution. That is why we are here this morning, to stand in the supremacy of Parliament.

I want to reserve my final comments for the leader of the official opposition. She had an opportunity tonight to rise above, to have a debate on Canada’s Constitution, to have a debate on the Charter of Rights and Freedoms, to have a debate on the “notwithstanding” clause, yet she stood in her place for almost 20 minutes throwing attacks at the Premier of Ontario and the people of the Progressive Conservative government. That is unparliamentary, Speaker, in my opinion. I think that she had an opportunity to wax philosophic on what unites us Canadians underneath our Charter of Rights and Freedoms, underneath our Constitution; instead, she chose just to throw personal attacks, which I think was beneath her and beneath everyone here.

I stand in the last 10 seconds I have behind the Premier of Ontario, behind Jean Charest, behind Christy Clark, behind Brad Wall and behind Brian Peckford in standing up for the Constitution of Canada.

0600

*Interjections.*

**The Acting Speaker (Ms. Jennifer K. French):** Order.

I return to the member for Ottawa–Vanier for her finishing remarks.

**M<sup>me</sup> Nathalie Des Rosiers:** I want to thank the member from Guelph, I want to thank the member for Nepean, and I want to thank my colleagues all around.

I think it’s an important decision, and I do hope that you’re paying attention to the impact of this precedent for the future of rights in Canada. I think that was my concern. I am absolutely clear that this is too low a threshold for the invocation of the “notwithstanding” clause. You did not go all the way to the Supreme Court.

The last time that this—in Saskatchewan, the only invocation was to preserve the status quo. Here, we’re not preserving the status quo; we’re changing it by imposing a new act. There is danger here, and I suspect that you should take this into consideration in deciding how you’re going to vote on this bill.

**The Acting Speaker (Ms. Jennifer K. French):** Further debate?

**Mr. Bill Walker:** I’ll start by saying that I’m going to be sharing my time with the Premier. It’s truly a privilege to speak to this bill.

Many of the members on the opposite side have talked tonight about how early we are, how late we are, that we had to come in on a special weekend. You know what?

The price of democracy should make us all realize that we should be here every minute of every day that is needed for democracy. I’m honoured to be here, and I’m honoured to be here with all of my colleagues and everyone who was given the privilege to be elected, to make sure that we make this province better for the people of Ontario.

One of the members in the opposition just said that the “notwithstanding” clause was never intended to be used. He used the word “overkill.” I can’t imagine that protecting the tenets of democracy is ever going to be thought of as overkill in a great province like Ontario.

I want to acknowledge the House leader, the member from Bay of Quinte, who spoke about the rights and privileges of the 124 of us who were elected to come here, as we have followed our forefathers and our leaders before us, to set the laws of our land. The laws of our province are what we are brought here every single day to do, and to make our province better.

I have the absolute, utmost, respect and regard for the judges and judiciary. But in my view, we are the law-makers; they are the here to uphold the law. They are here to ensure the laws that we, the democratically elected people, make. I think that, at the end of the day, that’s one of the big things that is getting lost in this debate because there’s a lot of emotion. There are a lot of things that are being said without coming back to what the real reality is going to be when this is all said and done, and that’s to make our province much better for the people of Ontario—the everyday people of Ontario.

I want to acknowledge the Attorney General, the member from York–Simcoe, for all of her efforts. I want to also acknowledge the Minister of Municipal Affairs, the member from Leeds–Grenville–Thousand Islands and Rideau Lakes—for all of their efforts and to make sure that they stand on conviction, because they know that what they’re doing is right and it’s why we are here. We campaigned on reducing the size of government and the cost of government, and this is one effort to be able to do that.

At the end of the day, \$25 million will be saved by this initiative. That will go to the front lines, so I can’t believe that particularly the official opposition—but the independents as well, who are possibly going to vote against this—would say that \$25 million that could go to housing, could go to health care, could go to seniors, could go to youth, transit—the gridlock in downtown Toronto and the GTA is horrendous—mental health, and the list goes on and on. I can’t believe that they’re actually going to stand there and say that this isn’t a good thing.

If they want to wait, when are we going to start? At the end of the day, the official opposition has voted 97% of the time to prop up the former Liberal government. Madam Speaker, \$335 billion of debt: None of that money is going to the frontlines of the people that they purport to care about. They’re not going to be bringing any of that. So if we delay this and bring out another bill next week and they want to delay that, when are we ever going to actually stand up for the people of Ontario and make their lives better?

We’ve heard members from the opposite side, the official opposition, and particularly the leader of the

opposition—I was so disappointed that she stood here for her whole time and I didn't hear one idea put out. I didn't hear one thought process. I've never seen her actually reach across, send a note across or even look like she wants to work with our Premier, Doug Ford, to make sure that it is, again, a better province for Ontario. I've not seen one call except for divisive and derogatory name-calling, which actually stokes the anger out there in our province.

We need people who are going to work together, Madam Speaker. We need a party over there that's actually going to step up. I sat there for seven years so I know full well that our job at that point was to hold the government to account, and I respect everybody who does that. But you can't do that job without also reaching across and saying, "How can I work with you? How can I make this better?" And at the end of the day, I saw nothing in there that would actually do that.

I actually saw more of them encouraging dissent. Her speech, in the seven or eight weeks we've been here, has been encouraging dissent by people. She has been making sure that she's stoking anger out there, as opposed to making sure that we actually can find solutions for the people of Ontario. What I've sadly seen here a lot is a whole lot of theatrics to try to get the media to jump on board and to get the public that are against us on board rather than saying, "How can we work together?"

I like and get along with a lot of the members, particularly the former members who I know better, and I know many of them must be challenged as well when they are not seeing their leader step up and say, "We want to reach across the aisle and we want to work with you."

I've heard arguments that they need more councillors down there. Why 47 councillors, Madam Speaker? If you can have 25 MPPs and 25 MPs, why do you need 47 city councillors? At the end of the day, that \$25 million that will be saved, as I said earlier, will go back to front-line care and services.

I want to make sure that we understand what we're talking about from the perspective of numbers. Why can Los Angeles, a city of four million people, have 15 councillors? They seem to be working. In fact, the Liberal government that was here for 15 years thought that California was the best thing since sliced bread. Everything they did, they said California did it first. And who stood up and supported them 90% of the time? The official opposition.

**Interjection:** California dreaming.

**Mr. Bill Walker:** California dreaming. But today we can't go there. No, no, no. They have 15; we want three times that because we need that here. That's going to be better. Madam Speaker, I just don't know how they can defend that.

The member from London West—I don't normally go after or speak about one individual, but she used, and I'm going to quote her words, the "disdain," the lack of consulting experts. At the end of the day, Madam Speaker, 97% of the time, her government, with her sitting in that chair, supported the former Liberal government over their years in here. They supported the highest energy rates on

the continent. They supported the Green Energy Act. They supported the demise of horse racing. They supported every budget that the Liberals put into this Legislature. At the end of the day, they are complicit, Madam Speaker, in doubling, almost tripling, the debt to \$335 billion.

**Hon. Todd Smith:** Billion with a "B", Billy.

**Mr. Bill Walker:** Billion with a billion dollars, as I think someone used to say in this House many years ago.

Madam Speaker, a billion dollars a month goes to our interest payments at these historically low interest rates, and that party, again, was complicit in making sure that that happened and propped them up a couple of times through there when we could have gotten out of that. I don't know how they are going to go out—they've talked all night about the people on the lawn, the people we are representing—or not representing, they're trying to allege. How are they going to go out and explain to them those who are going without, those who are less fortunate, the seniors, those with accessibility issues, those with mental health issues, those with long-term-care issues, and the wait-lists? I worked on that for two and a half years, and those wait-lists continued to climb under that government that they supported, and yet they want to talk about disdain for lack of consulting experts. Why won't they reach out to us and be part of the expert solution that we want to find so that we can make sure that we have a better place for all Ontarians and a better world for our kids and grandkids to grow up in?

We haven't talked a whole lot in my time about the whole timing, but the reality here is there is going to be a legal challenge, and many of the legal people I've talked to and the constitutional experts are saying they believe that ruling will be overturned. We don't have the luxury of time to wait because we need for Toronto to get on its feet and move forward the way they need to, with the short time to get it done and have that election on October 22.

They talked about timing and not having enough time to run the campaign. I've campaigned on a 28-day campaign. They're going to have that equal amount. If they really want to do the job as a councillor, respective of everyone who wants to run, I believe they can do it.

I've heard some talk about rural Ontario not being represented enough and it's all about Toronto. Well, do you know what? We all have to recognize that rural Ontario is certainly a big player and a partner, but the Toronto downtown, the GTA, is the economic engine of Canada, and it has to be running if all of us are going to prosper. So at the end of the day, this is about rural Ontario as well because this is fundamental to democracy. If every time we bring up some piece of new legislation, somebody can go and find a judge to overrule and find a way to block that, we will never move this province forward. We all know that that's what we have to do, or there wouldn't have been a change of government.

**0610**

Some of the members are saying that we're going against democracy, that we're using the "notwithstanding" clause in the wrong way. It was put in there as a tool. It's a constitutional tool that can be used—

*Interjections.*

**Mr. Bill Walker:** You can all have your opinions on when it should or could be used, but the reality is that it is legal to use it in the manner we are, and it's for the benefit of the people of Ontario. We will continue to move forward and do that.

Madam Speaker, it has been a pleasure to sit here, whatever time of day or night, because as I started off by saying—and I'm going to say it again; I'm going to go right back to it—at the end of the day, 124 people are given the privilege, the honour and the right to represent the people that we have. We will never, ever back away from doing the right thing at the right time, day or night, to truly protect democracy and ensure that we make this province better for the people.

**The Acting Speaker (Ms. Jennifer K. French):** I recognize the Premier.

**Hon. Doug Ford:** Through you, Madam Speaker, I want to begin by saying thank you—thank you to the Speakers, thank you to the Clerks and the ushers and all the staff who worked tonight through this debate.

By being here tonight, by working overnight on behalf of the people, we are sending an important message to the people that we are proving why we are here. We are proving that we are here for the people, that we will do whatever it takes to get the job done. We will do whatever it takes to deliver better transit, to fix housing, to make sure that we don't have a housing crisis and to make sure we take care of the crumbling infrastructure right underneath our feet.

Tonight, we stood up to those who told us this couldn't be done. We stood up for the people against the naysayers and the critics, and we didn't listen to them. Do you know who we did listen to? We listened to the people.

We are the only ones listening to the people—not the disruptors, not the professional activists that we've seen over the last few days. When you stand up for the people, the people will stand with you.

The people are behind us. I can tell you, my friends, we will never, ever back down—unlike the NDP, who have done everything in their power to delay this important bill. The same ones who say that we need to provide Toronto with certainty are the same ones who are trying to hold up this bill.

We came here yesterday ready to pass Bill 31 and move on to other important items of business, but the NDP played their political games, played their delay tactics. My friends, the NDP might have stopped us from being able to get this done yesterday, but they won't stop us from delivering better municipal government. They won't be able to stop us from delivering transit, housing and infrastructure.

Last week, I told the people of Ontario that our government will do whatever it takes to get this legislation passed as quickly as possible. Throughout this weekend and all through this night, every single member of our caucus has delivered on that promise. Just like so many other people out there, the shift workers and the small business owners, folks who have worked long hours and people who don't get to work the 9-to-5 shift, who have to

work the afternoon shift or the midnight shift, we came into the Legislature this weekend with a big goal: to cut through the political games and the delay tactics from the NDP.

We did this so that we could get this bill passed as soon as possible. That's what the Toronto taxpayers expect. I can tell you, my friends, that exact action—they expect us to keep our word. That is what will allow the city to finally move forward with this election and, most importantly, move on from the grandstanding and political games, and move forward on the real priorities of Toronto families and businesses: building housing, building transit and building infrastructure.

We're going to fix the current dysfunction and the political gridlock that has crippled Toronto city hall for decades. Our plan would replace a broken city hall, one where meetings can last for days and days and nothing gets done, where housing and transit and infrastructure can't get built—a system that isn't working—with a more efficient council, a streamlined government that can take action to get to work on the issues that really matter to the people.

We're focusing on issues that people face every day. When it takes them an hour and a half to get downtown to work, an hour and a half back, that's costing our economy billions and billions of dollars. Our plan would align Toronto's ward boundaries with what we see federally and provincially. As you've heard my colleagues say, there are 25 MPs, 25 MPPs. Why not 25 councillors?

I'll tell you, when I go to events, like a lot of you go to, and I go to the Tim Hortons or I go to a sandwich shop, I can tell you what I hear, my friends. I hear everyone say, "Keep going. Don't give up." People tell me that they're tired of all the hearings, all the grandstanding and all the talk at the city council level. They're tired of seeing nothing get done. The people cannot afford to wait four more years to finally get things done. That is why we are doing everything possible to get this bill passed this week.

Today we're all a little bit tired, but we're stronger than ever. No matter how many games the opposition plays, we will follow through on our commitments to the people. You have my word.

My friends, during the election I said we have an all-star team, and we have an all-star team right here. But do you know who is even a better all-star team than at Queen's Park? The people outside Queen's Park, the people who are driving to work right now, who are going to be working in the back of the factories, who are working in the restaurants, who are barely putting food on their table because their hydro rates are too high, the gas prices are too high and the personal income tax is too high; I can assure those people that you aren't working for nothing because help is here. Help is here for the people. We can assure them that they will have a more efficient and effective government at city hall. We're going to make sure that transit is finally getting built.

My friends out in Scarborough—and I have a lot of friends out in Scarborough—I can assure you we will have the three-stop subway.

The Scarborough subway has been voted on eight times—back and forth, back and forth; defer, defer, defer. That's what happens at city hall.

**0620**

I can assure you, those days are done. We will be blazing a new trail—a new trail of opportunity and growth the likes this province has never seen before. We will make sure that we build proper transit, not only for Toronto and the GTA, but the folks out in Niagara, people out in Hamilton. Right across this great province, they will finally be able to get from point A to point B in a rapid fashion.

We will make sure that we end, as we always said during the campaign, hallway health care. The days of four- and five-hour waits are going to be done.

The days of being gouged by the government, they're done, because we believe in empowering the people, not empowering the government. We will make sure we put more money in your pocket instead of the government's pocket.

I thank you and, again, a new day has dawned in Ontario.

**The Acting Speaker (Ms. Jennifer K. French):** Questions and comments?

**Mr. Gilles Bisson:** It was an interesting discussion we just heard. I just have to say, first of all, the Premier and others through the evening said, "We're here for the people." How can you be here for the people when the people outside are banging to get into this building and not able to get into the building as a result of your actions? You can't make that argument with a straight face.

The other part is, everybody understands that the Ontario Legislature has certain powers. Nobody is disputing that. What you're failing—

**Hon. Lisa MacLeod:** Yes, you are. You're disputing that.

**Mr. Gilles Bisson:** Boy, you guys are just something else over there. Anyway, my point—

*Interjections.*

**The Acting Speaker (Ms. Jennifer K. French):** Stop the clock. Order. We are on the home stretch. We have questions and comments to get through.

The member may continue.

**Mr. Gilles Bisson:** The point is, Madam Speaker, that the Legislature has authority to be able to pass laws. It is the job of the courts to decide if those laws, if they're challenged, if they're—

**Hon. Lisa MacLeod:** You're pretzeling yourself there, Gilles.

**Mr. Gilles Bisson:** You know, in my 28 years I've never seen the lack of respect from the other side of the bench that I'm seeing right now. That is quite something.

*Interjections.*

**The Acting Speaker (Ms. Jennifer K. French):** Order.

*Interjections.*

**The Acting Speaker (Ms. Jennifer K. French):** I'm just going to wait for a second. I'm happy to stop the clock every second if we need to, but we are going to get through

questions and comments, and I need to be able to hear the speaker.

Please continue.

**Mr. Gilles Bisson:** Madam Speaker, the point I'm making is this: The Legislature has the authority to pass laws. Nobody disputes that. But the courts have a responsibility to interpret the law if somebody says it's been broken. In this particular case, the judge has said that what you've done by changing the rules in the middle of an election is unconstitutional, so therefore, you're putting this Legislature in a situation, by using the "notwithstanding" clause in a pre-emptive way, that is going to cause real problems into the future. If you don't understand what you're doing here when it comes to the danger of your action, I think this province is in deep trouble.

**The Acting Speaker (Ms. Jennifer K. French):** Further questions and comments?

**Ms. Mitzie Hunter:** Madam Speaker, we've spent all night here debating about people's civil liberties and the rule of law and the people's right to a fair and free election. Unfortunately, the Premier and his Conservatives are attempting to divide our great city. I feel that this is damaging; I feel that it is wrong. What I'm hearing from the people of Scarborough is that their trust has been broken. The Conservatives are attempting to divide our city. Maybe it is for a settling of scores or personal vendettas, but the fact of the matter is that it is impacting the people of this city and the province. We will not be silent about this.

It must be stated once again that the Premier did not campaign on this. There was no mention of this in the election. There was no mention of this in the throne speech. There simply was an action taken that was ruled unconstitutional by the courts.

The Premier has doubled down on a bad decision by invoking the "notwithstanding" clause and really, frankly, trivializing the Charter of Rights and Freedoms that guarantees civil liberties in this country. How far is this going to go? We don't know. We know that this is a slippery slope when you start messing with people's individual rights.

The size of Toronto government might need to be debated, but this process is flawed. These actions are flawed. Each and every one of us has an opportunity to say no to Bill 31—

**The Acting Speaker (Ms. Jennifer K. French):** Thank you.

Further questions and comments?

**Ms. Jane McKenna:** The member from Timmins: I'd first like to say that the people outside aren't locked out. They were here and they were totally disrespectful in this House, and they're out for that reason.

The Premier: It is a privilege and an honour to be part of your team. You give this province hope again so that we will be a "have" province again. With your leadership and with the good people of Ontario, we're going to make this province exactly what it deserves to be.

One thing I'll say is, when we work alone, we make progress; when we work together, we make history. We're darned tootin' going to make history here today.

The member from Bruce–Grey–Owen Sound: Your speech was passionate. It was an honour to sit here with you today and tonight, with all my caucus members here. As you said, we will make things better for the people of Ontario. Thank you so much for what you said.

The government House leader said that this is a divisive issue. Everyone, including the media, was shocked the judge made this decision. We maintain that we are within our rights, so we needed to appeal. We also needed to make sure that the election was in place for October 22.

The Speaker ruled that the difference between the two bills is that this one invokes section 33. That is what the debate that we are having is about so that we can have an orderly election on October 22. We have to guard the rights of this Legislature. We can't let the courts diminish the rights we have inherited of 800 years of parliamentary democracy. Where we separate the crown and the Legislature, the Legislature is supreme. We don't have the luxury of time. We want to make sure this gets—

**The Acting Speaker (Ms. Jennifer K. French):** Thank you.

*Interjections.*

**The Acting Speaker (Ms. Jennifer K. French):** Order.

Further questions and comments?

**Mr. Sol Mamakwa:** Good morning, Madam Speaker. With regard to the debate on Bill 31, one of the things I have found out and learned is that legislation, policies and programs that happened in the Ontario government never work for the people of Kiiwetinoong.

Staying throughout the night reminds me—I have no problem staying here all night. It reminds me of a crisis that happens in our communities. When communities respond to a suicide crisis, when 11-year-old girls and young boys commit suicide, we take shifts to look after the families. I don't have a problem staying here to discuss this.

0630

The reason I share that is that sometimes it's just so—I heard the member from Nipissing say, "Ontario needs your help." We are part of Ontario. We need your help. We have a housing crisis. We need a school at Kashechewan. We have gridlock in the health care system in the north. We have long-term-care issues—a 450-day waiting list in Sioux Lookout. We have a suicide crisis, a mental health crisis for our youth. We need better ServiceOntario services in our communities. The highways in the north are affecting our people. Even the airports, the lifelines for our people—those are issues.

I hear people talk about better transit. It takes me four hours to get to Thunder Bay and then two hours to fly down here. When we talk about transit, we need your help.

To talk about this bill, we need change.

**The Acting Speaker (Ms. Jennifer K. French):** I return to the member from Bruce–Grey–Owen Sound.

**Mr. Bill Walker:** To the other members that spoke today—I'll start, obviously, with the member for Timmins. He shared something that I believe is right: The legislators are here to pass the laws, and the judiciary is

there. But one thing he said is "the courts." This is one court and one judge. As I say, I believe, as the Attorney General says, we're well within our rights to appeal that, because we believe it will be overturned, and we will be able to move forward.

I would challenge him, as well as the member from Kiiwetinoong, to work with us. Work with us to help your people. If we work together, we'll have the money and the ability and the resources to make it a better province for your people and every person in Ontario. I challenge both of you, and I challenge, most importantly, your leader, to reach out and show—you used the word "respect," member from Timmins. I wish your leader would reach out and show some respect to our leader, to the Premier of Ontario.

The member from Scarborough–Guildwood said that somebody has lost touch, that there was no mention of this in the election. To you, I say two words: Hydro One. You talked about rights, and that people don't have rights. I say to you three words: the Green Energy Act, which your government rammed down the throats of every Ontarian.

I finish on a positive note, because I believe the member from Burlington stood and spoke with passion and the right belief that when we work together, we can make history. We can ensure that we do things like lowering taxes, lowering the price of gas, improving transit, building housing, making sure we have the health care that we deserve, the long-term care that we deserve but haven't had for 15 years. We're not adding more money to a deficit and a debt that is going to nothing but paying bills, as opposed to front-line care and services, which is what we've fought for the whole time we've been here, certainly in my seven years.

At the end of the day, if we work together, if we reach across the aisle and say that we will work for the collective good of the people of Ontario rather than sowing the seeds of hatred, we'll be a better province.

*Interjections.*

**The Acting Speaker (Ms. Jennifer K. French):** Order.

Further debate?

**Mr. John Vanthof:** It's always an honour to stand in this House, even at this early hour. It's an incredible honour for me to be in the presence of the Premier of Ontario, of the ministers of the crown, of a constitutional expert this evening. It's an incredible honour.

So many things have been discussed tonight. First of all, it's good that we have to pull an all-nighter once in a while so that we know what the rest of the people—because as a farmer, I've pulled a few all-nighters. Farmers across the province might be pulling an all-nighter as we speak, because in the harvest season—a little farming fact; I always like to put a farming fact in—when there's no dew, you go all night, and you keep going until it rains, because you're going to get rain when there's no dew. I'm happy we're going all night tonight, because with the Ford government, it might never stop raining.

I listened very closely to the debate tonight, to all the debate. I learned a lot. I listened to the government House

leader about how we were on the front porch of history, in his opinion. What I'm worried about, and what our party is worried about, is that nobody gets pushed off the front porch. They don't really seem to be worried about that.

The government House leader made a reasoned argument, which I totally disagree with—totally disagree with—and I'm going to try to bring that argument down into language that I understand. Does the government have the right to make legislation? Yes. What was challenged in this legislation was that this legislation changed the rules for an election that was in midstream.

In common language, it's like if you have a hockey league, the board of governors sets out the rules and the teams play. Then you're in the playoffs—which is the election—and in game 3, you decide to change the rules. You say, "The tournament can continue, because the players are still there." "Oh, well, no. Actually, some of the players have moved because of the rule changes." "But everything is going to work out in the end."

No. You're potentially impacting the outcome of the decision, because not only are the wards changing; everything is changing. So now, some of the players contest and they appeal, and the referee agrees. The board of governors, which is the government, overrules the referee, which is the Charter of Rights, and says that everything is fine. But you know what's really wrong—and what the member from Ottawa—

**Ms. Peggy Sattler:** Vanier.

**Mr. John Vanthof:**—Ottawa–Vanier pointed out very succinctly: You lose faith in the league, because if you're worried that every time something doesn't go the way they like, they just overrule the referee's call, slowly your league falls apart. And our league is the faith—we all talk about democracy and we talk about trust, but you are playing with the trust of the people.

Also during this debate, the Minister of Economic Development said, "Well, you go to court. These things are appealed all the time." Right, and that's great. Legislation isn't appealed that much, but that's the proper procedure. But what you're doing isn't the appeal process. What you're doing is, you're overruling the whole process.

**Hon. Jim Wilson:** No, we're not.

**Mr. John Vanthof:** Yes, you are. The Charter of Rights is in the Constitution, but it's not meant to be used willy-nilly at the whim.

*Interjections.*

**Mr. John Vanthof:** There are certain things—

**The Acting Speaker (Ms. Jennifer K. French):** The member is right. There are certain things, and among them is that all remarks should be directed to and through the Chair. The crosstalk can perhaps cease. You'll have an opportunity for questions and comments, I'm sure.

The member may continue.

**Mr. John Vanthof:** Thank you, Speaker.

I think it's commonly understood by the people who are much more qualified than I am who have put their opinions forward, including former Prime Minister Mulroney, former Prime Minister Jean Chrétien—one of the authors

of the "notwithstanding" clause—that it shouldn't be used at the whim of—when the Premier says he wouldn't be afraid to use it again, that is why the people outside are still there. That is why there are so many people weighing in, including, I believe, I don't know how many—100 hundred—legal professors—

**Interjection:** Four hundred.

**Mr. John Vanthof:** Four hundred—who are weighing in on this issue. That hasn't happened here before. I've been here since 2011, very proud to be here; sometimes surprised that I'm still here. But this hasn't happened before. People in their hearts know that something is changing here.

When you think about what other things the government could use the "notwithstanding" clause for—once you open that door, it's a Pandora's box. It has never been used in this province. It's very rarely used in the country. The member from Ottawa–Vanier mentioned that it has never been used before the case got to the Supreme Court. Yet the government discounts that because they have to move so quickly, knowing full well that they could do—we disagree with what they're doing, but they could get what they want to get done through normal channels, and it would take a bit longer.

**0640**

When I drive through Toronto to get here, I don't see a city that's falling apart. I see parts of northern Ontario that are falling apart, and a lot of people haven't seemed to notice for a long time. But I don't see a city that's falling apart, as some people here are describing.

There are much bigger issues that we need to tackle. One of the issues that we definitely—and this evening, it's the main focus of this debate: If you're willing to supersede people's rights on this issue because you want to hurry up the mandate of an election, then what else are you willing to supersede the rights of Ontarians for? That's the crux of the matter, and we need to look at that very carefully, because we are on the front porch of history. If it's done, the front porch might fall off the house and crush a few people. It's our job to make sure that doesn't happen.

I implore the members on the other side to take a cold, sober look at what they're doing, if that couple of months that they are trying to change the size of city council—if it's worth it to take that chance with the future rights of Ontarians.

With that, Speaker, I'd like to share my time with the member for Davenport.

**The Acting Speaker (Ms. Jennifer K. French):** I recognize the member for Davenport.

**Ms. Marit Stiles:** Thank you to the member from Timiskaming–Cochrane for allowing me a few minutes to speak today.

It's a real honour for me to be here in this House as the representative of the great riding of Davenport, as I've said before, and to bring their voices to this debate. I'm really happy and honoured. There has been a lot said tonight about how difficult it is to spend the evening—I'm quite honoured to be here. I think this is what we did sign up for, and I'm quite happy to be here.

But I am very sad that many of my own constituents can't be here tonight, given that we're sitting in the middle of the night and given that the galleries have been cleared and closed again. The responsibility to make their voices heard here is, I think, even more pressing. At this hour, these folks won't be able to bear witness to this important debate, a debate on a bill that will fundamentally alter how they are represented in their own municipal government. Yes, it's on TV, but many people are sleeping because they have to work the next day and they have small children they have to wake up with etc., as we all do.

A bill that was ruled unconstitutional by a Superior Court judge just one week ago is what we're debating here today. While Ontarians sleep, under cover of darkness this place will be deciding whether or not to suspend their charter rights in order to ram through a new set of rules for an election that is already under way. Even without the court ruling, it's plain to see what's going on here, and it is not right.

I can tell the House, through you, Madam Speaker, that my constituents are overwhelmingly opposed to the measures included in Bill 31, just as they opposed Bill 5. People are rightfully opposed to the Premier's meddling in their municipal election. They're not even sure what ward they are in or who their candidates are going to be in an election that is just six weeks away. They're worried that, regardless of what happens in this place, the election itself might not be legitimate, given all the variables. But above all, they're deeply concerned that this government is willing to suspend their fundamental rights in order to force these changes through. These residents—and I've had emails from over 700 people in my riding alone, on top of the many, many emails I have received from people from across the province—emailed me to voice their opposition to the measures included in this bill and the suspension of their charter rights with the “notwithstanding” clause. I have a big pile of those emails here, which I don't think I'm going to have time to read, sadly, but I'm happy to share them with all of those across the way.

In between sittings this weekend, I was fortunate, living as I do in Toronto, where the House sits, to hear first-hand from many of them as I visited community events like the Delaware Street Festival and car-free days on Havelock Street and Concord Avenue. As usual, these are events that are just full of people meeting and children playing. It was a beautiful weekend. People had the sprinklers going on in the streets as they were closed off to cars. And people were talking. What were they talking about? They were talking about this. I could not move, I couldn't walk five feet, without somebody stopping me to express their concern and begging me to stand up for their rights.

The interesting thing about street fairs, I might add, is that people come from all over the province. There are the grandparents who come in from outside, or the cousins or relatives who come in to be here for this beautiful weekend and to celebrate this street festival. They're coming from all over, and they are telling me the same thing. They're saying, “This goes beyond the city of Toronto.” People across this province are so deeply concerned. They

expressed their frustration with the fact that, with all of the urgent issues facing our province right now, the government's sole priority has been satisfying this Premier's unhealthy obsession with his old job at city hall. I cannot help but agree, Madam Speaker.

The priorities of the people, not just in my riding but across this province, are not being addressed by this Legislature. I'd like to run through just a few examples of that—priorities like looking after our seniors in long-term care. Too many haven't been getting the care they need or the attention they deserve, residents being left in bed for 18 hours at a time and facing lengthy waits for help to bathe and change clothes. It has gone on too long.

*Interjection.*

**Ms. Marit Stiles:** It has gone on too long, yes, and we should be getting to work together to do that, but instead here we are dealing with the Premier's unhealthy obsession. Instead of working to improve long-term care, this government is focused on these old grudges at Toronto city hall.

Instead of dealing with priorities like helping those in our community who need mental health care or are struggling with addiction, instead of taking action to overhaul our mental health system and put an end to the opioid emergency, this government is focused on settling, again, old scores in Toronto's municipal politics. Really? I think this is actually a very sad moment for Ontario's political history.

Parents in my riding and across the province are worried about the future of their kids' education. Consecutive Liberal and Conservative governments have undermined the quality of education and put barriers in front of students. Crowded classrooms, inadequate support for kids with special needs, and chronic underfunding have all made it harder for our children to learn. I tell you, I have had email after email from parents saying, “Please tell this government it is time to stop focusing on these ridiculous issues and start actually dealing with the fact that the special-needs kids in our classrooms are not getting the support they need.” Why are you not focusing on the issues that matter to Ontarians? Madam Speaker, we have a \$16-billion backlog in school repairs that is not being addressed because this government is focused solely on their destructive plan to govern Toronto from the Premier's office.

Growing numbers of people in our city and across this province, again, are finding it hard to keep a roof over their heads. I know that this is not only a Toronto issue. This is an issue across this province. The member from Timmins shared with me that one of the number one issues in his community is the lack of affordable housing. This government could be making life more affordable by protecting tenants and building more affordable housing. They could overhaul inclusionary zoning regulations and crack down on housing speculators who are driving up housing costs. But no. Instead, they're running roughshod over our constitutional rights under the cover of darkness. Make no mistake: I really believe this is what this is about. This is about letting the developers in Toronto go higher, build fewer affordable units, Madam Speaker—

**Mrs. Robin Martin:** Point of order.

**The Acting Speaker (Ms. Jennifer K. French):** I recognize the member from Eglinton–Lawrence on a point of order.

0650

**Mrs. Robin Martin:** The member for Davenport is imputing motive that this is somehow tied to developers and letting the prices get higher, which is prohibited under rule 23(i).

**The Acting Speaker (Ms. Jennifer K. French):** Thank you for your point of order. I will encourage all members, including the one giving her address, to bear in mind that we are not to impute motive, and to carry on with her remarks.

**Ms. Marit Stiles:** I think perhaps I could put it a different way: The effect of what this government is doing in watering down city council, in reducing the number of city council seats, will be to empower developers to build higher, to build more unaffordable units. It will take away the power of the many city councillors who have done us so proud across party lines to represent their constituents in the conversations with developers that are so essential in our very fast-growing city. But instead, this government is again running roughshod over constitutional rights under cover of darkness.

My constituents and people across this province are concerned about the future we're leaving behind by our inaction on climate change. Other than the hundreds and hundreds of letters I received opposing Bill 5 and Bill 31 and the use of the "notwithstanding" clause, by far the largest number of emails I've received are calling for action from this government on climate change. People in my community and across this province expect their provincial government to acknowledge the climate crisis and to take meaningful action to mitigate its impacts. They want our economy to be prepared for the low-carbon future that's already on its way. Instead, we've got a government that has scrapped the province's climate plan and replaced it with nothing. Instead of the urgent action that science tells us is needed, this government is focused on one thing, and we all know what that is: It's ramming through this unconstitutional, undemocratic bill in order to derail Toronto's elections.

I want to finally mention the struggles that people are having in this economy. It is not working for them. We lost 80,000 jobs in August alone under this government. People in Davenport and people across Ontario are feeling the effects of an economy where most of the wealth is concentrated in a few hands and good jobs are getting harder to come by. And what is this government focused on? It's focused on the Premier, who is fixated on one thing: dismantling Toronto city council. Yes, folks, that's what they're focused on.

Like the name suggests, New Democrats respect democracy. We respect the Charter of Rights and Freedoms, and we respect the right of Torontonians to choose how they will govern themselves. We're proud to be here in these early morning hours to stand up for democracy and the fundamental rights that define us as Canadians.

Madam Speaker, by attempting to discredit the judicial system and by immediately moving to revoke constitutional rights in order to reshape Toronto city council, this Premier is sending a chilling message. That is why so many of the people have been sitting outside all night, people who are going to have to get up in the morning and go to work or go to school. Because the Premier actually said that he would be willing to suspend the rights of Ontarians any time the courts try to put a check on his power.

It's chilling, Madam Speaker. I'm proud to be here tonight to oppose it.

**The Acting Speaker (Ms. Jennifer K. French):** Questions and comments?

**Mr. Roman Baber:** I'm honoured to be here at 7 a.m.—what a privilege. But I hear so much offensive and at times dangerous rhetoric from the opposition. In fact, we hear criticism and we hear fearmongering. But what we don't hear enough of, what we don't hear at all, is anything about the city of Toronto. For too long, Toronto has been neglected. For too long, we have accepted the status quo in Toronto and at city hall.

Let's look at transit: We're not building transit. We voted on the Scarborough subway eight times, maybe 10 times, depending on how you count. Nothing gets done.

Let's look at infrastructure: We've been talking about the Gardiner for six or seven years now. The costs ballooned by about a billion, and yet the Gardiner is still crumbling.

Bike TO is a disaster, crime is up, longest commute in North America, a housing crisis, but all city council wants to do is to build bicycle lanes. That's it. And not a word about this from the official opposition.

Well, this government is different. This government and this Premier are committed to Toronto, and we will sit here every night for the next four years if we have to to get Toronto back on track.

**The Acting Speaker (Ms. Jennifer K. French):** Further questions and comments?

**M<sup>me</sup> France Gélinas:** Ça me fait plaisir d'ajouter quelques notes sur le projet de loi numéro 31, qui va changer le nombre de conseillers et conseillères à Toronto pour le diminuer de 47 à 25.

C'est vrai que le gouvernement a le droit de faire ça, mais il n'a pas le droit de faire ça au milieu d'une élection. C'est aussi simple que ça. Les tribunaux se sent penchés sur la question, et ils nous ont dit, « Oui, vous avez le droit, mais pas au milieu d'une élection. Faites-le pour la prochaine élection, et puis personne ne va rien dire. »

Malheureusement, le gouvernement a décidé d'ignorer les tribunaux et de demander la clause nonobstant. Ça, c'est un précédent qui n'avait jamais eu lieu en Ontario—jamais. C'est quelque chose qui a été mis dans notre Constitution pour des exceptions de grande importance. L'exception de grande importance, en ce moment, elle n'est pas là. Il y a des élections municipales qui auront lieu dans toutes les municipalités de l'Ontario. Elles auront lieu le 22 octobre. De dire, aujourd'hui, quand nous sommes à un mois vraiment d'une élection, qu'on ne sait toujours

pas combien de conseillers municipaux et conseillères municipales il y aura à la ville de Toronto, ce n'est pas une bonne façon d'aller de l'avant.

Pourquoi est-ce qu'on s'obstine à essayer de changer les choses au milieu d'une élection quand on a des tribunaux qui nous disent clairement qu'on n'a pas le droit de faire ça, que c'est contre notre Constitution? Ça vient avec tellement de responsabilité. Oui, on est tous ici avec des responsabilités. Il faut les prendre de façon sérieuse, et en ce moment, ce n'est pas ça. Si on était sérieux qu'on veut changer les choses, on respecterait les lois, on respecterait les règlements en place et on n'essaierait pas la théorie du « bulldozer » qu'on est capable de tout faire changer.

Je demanderais au gouvernement et à M. Ford de prendre ça en considération.

**The Acting Speaker (Ms. Jennifer K. French):** Further questions and comments?

**Mr. Robert Bailey:** It's a pleasure to rise at this early hour. I've spent many nights doing debates, but not this late. Anyway, I guess it's morning now.

**Interjection:** It's early now.

**Mr. Robert Bailey:** It's early now; it's early. Anyway, I just want to cover a few of the talking points that have been raised here and rehashed, and restate some of the issues that have been talked about.

I remember when the former government brought in the Green Energy Act. They didn't worry about consultation. They just brought it in. They implemented it. It caused all kinds of concerns in southwestern Ontario, where I live, in my riding and in my colleague's riding and many other ridings as well.

*Interjection.*

**Mr. Robert Bailey:** In Stormont–Dundas–South Glengarry as well. So I think I can speak for everybody in the House—probably a number of members on that side as well.

I've watched and I've read a number of articles—more than I want to—over the last few days about section 33. I'm old enough that I remember the original debate on the Constitution when it was repatriated. From everything I've read about it, we wouldn't have section 33 and we wouldn't have a repatriated Constitution if the Premiers at that time had not taken into consideration the four western Premiers, especially, who were concerned, almost 36, 38 years ago now—if somebody will do the math for me; I think it was 36-some years ago—because western Premiers at that time were concerned that judges would someday overrule their legislative authority.

I don't know whether it's been restated during the debate, but if we didn't have the Constitution repatriated with section 33, the “notwithstanding” clause, in it, there wouldn't be a Charter of Rights and Freedoms. We'd have the original BNA Act. Under that, Parliament was supreme. We wouldn't be debating this issue today if we went by that original debate. So I think—

**The Acting Speaker (Ms. Jennifer K. French):** Thank you.

Further questions and comments? I recognize the member for Brampton Centre.

**0700**

**Ms. Sara Singh:** Thank you very much, Mrs. Speaker, I guess, and good morning to all. It's a wonderful day to be here, and I am really proud to rise today as the member for Brampton Centre. We're heard from members from across the province raising concerns about the use of the “notwithstanding” clause, and I just wanted to contribute to the conversation.

I know that our member from Bruce–Grey–Owen Sound mentioned the importance of privilege, honour and the right for us to be here. I think it's important to reiterate that it is a privilege, it is a right and it is really an honour to be here. With that comes great responsibility. We have a duty to make sure that we are upholding the laws, respecting them and not abusing the power that has been given to us.

I know we've received many emails from across the province, many from my own constituents and many from others outside of my riding, but I want to share with you an open letter that was written by the World Sikh Organization and their executive director, sounding the alarm bells at the use of the “notwithstanding” clause.

I'd also like to point out that the executive director is a former campaign manager for one of our members here as well.

“WSO Executive director Jaskaran Singh Sandhu said, “We are deeply concerned by the invoking of the notwithstanding clause by the Ontario government. This is the first time the notwithstanding clause has been used in Ontario's history. Charter rights are fundamental to our free and democratic society and also ensure that minorities are protected. Overriding charter protections through the notwithstanding clause is an extreme measure that must never be taken lightly.

“The Sikh community and many other minority groups in Canada have relied on the protections of the charter to exercise their right to freely practice ... their beliefs. Confidence and faith in the judiciary is also paramount to our democracy. While the Ontario government may disagree with the court on the striking down of Bill 31, the solution should be to appeal the decision and not to circumvent the protection of” these rights.

**The Acting Speaker (Ms. Jennifer K. French):** Thank you.

I return to the member for Davenport for her comments.

**Ms. Marit Stiles:** Thank you, Madam Speaker. I appreciate the opportunity to come back to some of my earlier comments and to respond to the comments of members in this House.

I thought I would start by quoting again—and I know it has been quoted before—a letter that came out yesterday—what's today? Sunday—from 80 distinguished law professors across the province, who said the following: “Your government's unprecedented move to invoke the notwithstanding clause goes well beyond the question of the size of Toronto's city council. It is a dangerous

precedent that strikes at the heart of our constitutional democracy.”

That’s why Ontarians of all political stripes are coming forward now to say no to this erosion of our democracy before it’s too late. That’s the message that I am here today to send, and it’s one that comes directly from the people that I represent, but I know, increasingly, it comes from people all across the province.

I suspect that, actually, if this government had just simply addressed the issue of the city council, maybe people across the province wouldn’t have noticed so much. Maybe they wouldn’t even have cared. I don’t know. But, boy, do they care now, because the implications of this are so broad and so chilling.

I was just reflecting with my colleague here, the member from Sudbury, on a comment that I believe the Premier and others have made today that I just want to correct. There have been a couple of comments about “professional activists.” Those are people. Those are people who are not paid professional activists. Those are people who are just mad at this government for what they’re doing. I think it’s important that somebody responds to that kind of blight on our democracy.

Madam Speaker, in closing, I want to encourage the members across the way to exercise their conscience, to bring their focus away from this fixation of the Premier’s on city hall, and put it where it belongs: on the real issues facing our province.

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

The debate is therefore adjourned.

*Second reading debate deemed adjourned.*

**The Acting Speaker (Ms. Jennifer K. French):** Orders of the day.

**Hon. Todd Smith:** No further business, Speaker.

**The Acting Speaker (Ms. Jennifer K. French):** There being no further business, this House is recessed until 10:30 a.m. for question period.

*The House recessed from 0705 to 1030.*

*Late morning meeting reported in volume B.*







**LEGISLATIVE ASSEMBLY OF ONTARIO**  
**ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO**

Lieutenant Governor / Lieutenante-gouverneure: Hon. / L'hon. Elizabeth Dowdeswell, OC, OOnt.  
Speaker / Président: Hon. / L'hon. Ted Arnott  
Clerk / Greffier: Todd Decker  
Deputy Clerk / Sous-greffier: Trevor Day  
Clerks-at-the-Table / Greffiers parlementaires: Tonia Grannum, Valerie Quioc Lim, William Short  
Sergeant-at-Arms / Sergente d'armes: Jacquelyn Gordon

Member and Party / Député(e) et parti	Constituency / Circonscription	Other responsibilities / Autres responsabilités
Anand, Deepak (PC)	Mississauga—Malton	
Andrew, Jill (NDP)	Toronto—St. Paul's	
Armstrong, Teresa J. (NDP)	London—Fanshawe	Deputy Opposition House Leader / Leader parlementaire adjointe de l'opposition officielle
<b>Arnott, Hon. / L'hon. Ted (PC)</b>	Wellington—Halton Hills	Speaker / Président de l'Assemblée législative
Arthur, Ian (NDP)	Kingston and the Islands / Kingston et les Îles	
Baber, Roman (PC)	York Centre / York-Centre	
Babikian, Aris (PC)	Scarborough—Agincourt	
Bailey, Robert (PC)	Sarnia—Lambton	
Barrett, Toby (PC)	Haldimand—Norfolk	
Begum, Doly (NDP)	Scarborough Southwest / Scarborough-Sud-Ouest	
Bell, Jessica (NDP)	University—Rosedale	
Berns-McGown, Rima (NDP)	Beaches—East York / Beaches—East York	
<b>Bethlenfalvy, Hon. / L'hon. Peter (PC)</b>	Pickering—Uxbridge	President of the Treasury Board / Président du Conseil du Trésor
Bisson, Gilles (NDP)	Timmins	Opposition House Leader / Leader parlementaire de l'opposition officielle
Bouma, Will (PC)	Brantford—Brant	
Bourgouin, Guy (NDP)	Mushkegowuk—James Bay / Mushkegowuk—Baie James	
Burch, Jeff (NDP)	Niagara Centre / Niagara-Centre	
Calandra, Paul (PC)	Markham—Stouffville	
<b>Cho, Hon. / L'hon. Raymond Sung Joon (PC)</b>	Scarborough North / Scarborough-Nord	Minister for Seniors and Accessibility / Ministre des Services aux aînés et de l'Accessibilité
Cho, Stan (PC)	Willowdale	
<b>Clark, Hon. / L'hon. Steve (PC)</b>	Leeds—Grenville—Thousand Islands and Rideau Lakes / Leeds—Grenville—Thousand Islands et Rideau Lakes	Minister of Municipal Affairs and Housing / Ministre des Affaires municipales et du Logement
Coe, Lorne (PC)	Whitby	
Coteau, Michael (LIB)	Don Valley East / Don Valley-Est	
Crawford, Stephen (PC)	Oakville	
Cuzzetto, Rudy (PC)	Mississauga—Lakeshore	
Des Rosiers, Nathalie (LIB)	Ottawa—Vanier	
Downey, Doug (PC)	Barrie—Springwater—Oro-Medonte	
Dunlop, Jill (PC)	Simcoe North / Simcoe-Nord	
<b>Elliott, Hon. / L'hon. Christine (PC)</b>	Newmarket—Aurora	Deputy Premier / Vice-première ministre Minister of Health and Long-Term Care / Ministre de la Santé et des Soins de longue durée
<b>Fedeli, Hon. / L'hon. Victor (PC)</b>	Nipissing	Chair of Cabinet / Président du Conseil des ministres Minister of Finance / Ministre des Finances
Fee, Amy (PC)	Kitchener South—Hespeler / Kitchener-Sud—Hespeler	
Fife, Catherine (NDP)	Waterloo	
<b>Ford, Hon. / L'hon. Doug (PC)</b>	Etobicoke North / Etobicoke-Nord	Minister of Intergovernmental Affairs / Ministre des Affaires intergouvernementales Premier / Premier ministre
Fraser, John (LIB)	Ottawa South / Ottawa-Sud	
<b>French, Jennifer K. (NDP)</b>	Oshawa	Third Deputy Chair of the Committee of the Whole House / Troisième vice-présidente du comité plénier de l'Assemblée législative

<b>Member and Party / Député(e) et parti</b>	<b>Constituency / Circonscription</b>	<b>Other responsibilities / Autres responsabilités</b>
<b>Fullerton, Hon. / L'hon. Merrilee (PC)</b>	Kanata—Carleton	Minister of Training, Colleges and Universities / Ministre de la Formation et des Collèges et Universités
Gates, Wayne (NDP)	Niagara Falls	
Gélinas, France (NDP)	Nickel Belt	
Ghamari, Goldie (PC)	Carleton	
Gill, Parm (PC)	Milton	
Glover, Chris (NDP)	Spadina—Fort York	
Gravelle, Michael (LIB)	Thunder Bay—Superior North / Thunder Bay—Supérieur-Nord	
<b>Gretzky, Lisa (NDP)</b>	Windsor West / Windsor-Ouest	First Deputy Chair of the Committee of the Whole House / Première vice-présidente du comité plénier de l'Assemblée
<b>Hardeman, Hon. / L'hon. Ernie (PC)</b>	Oxford	Minister of Agriculture, Food and Rural Affairs / Ministre de l'Agriculture, de l'Alimentation et des Affaires rurales
Harden, Joel (NDP)	Ottawa Centre / Ottawa-Centre	
Harris, Mike (PC)	Kitchener—Conestoga	
Hassan, Faisal (NDP)	York South—Weston / York-Sud— Weston	
<b>Hatfield, Percy (NDP)</b>	Windsor—Tecumseh	Second Deputy Chair of the Committee of the Whole House / Deuxième vice-président du comité plénier de l'Assemblée législative
Hillier, Randy (PC)	Lanark—Frontenac—Kingston	
Hogarth, Christine (PC)	Etobicoke—Lakeshore	
Horwath, Andrea (NDP)	Hamilton Centre / Hamilton-Centre	Leader, Official Opposition / Chef de l'opposition officielle
Hunter, Mitzie (LIB)	Scarborough—Guildwood	
<b>Jones, Hon. / L'hon. Sylvia (PC)</b>	Dufferin—Caledon	Minister of Tourism, Culture and Sport / Ministre du Tourisme, de la Culture et du Sport
Kanapathi, Logan (PC)	Markham—Thornhill	
Karahalios, Belinda (PC)	Cambridge	
Karpoche, Bhutla (NDP)	Parkdale—High Park	
Ke, Vincent (PC)	Don Valley North / Don Valley-Nord	
Kernaghan, Terence (NDP)	London North Centre / London- Centre-Nord	
Khanjin, Andrea (PC)	Barrie—Innisfil	
Kramp, Daryl (PC)	Hastings—Lennox and Addington	
Kusendova, Natalia (PC)	Mississauga Centre / Mississauga- Centre	
Lalonde, Marie-France (LIB)	Orléans	
Lecce, Stephen (PC)	King—Vaughan	Deputy Government House Leader / Leader parlementaire adjoint du gouvernement
Lindo, Laura Mae (NDP)	Kitchener Centre / Kitchener-Centre	
<b>MacLeod, Hon. / L'hon. Lisa (PC)</b>	Nepean	Minister of Children, Community and Social Services / Ministre des Services à l'enfance et des Services sociaux et communautaires Minister Responsible for Women's Issues / Ministre déléguée à la Condition féminine
Mamakwa, Sol (NDP)	Kiiwetinoong	
Mantha, Michael (NDP)	Algoma—Manitoulin	
Martin, Robin (PC)	Eglinton—Lawrence	
Martow, Gila (PC)	Thornhill	
McDonell, Jim (PC)	Stormont—Dundas—South Glengarry	
McKenna, Jane (PC)	Burlington	
<b>McNaughton, Hon. / L'hon. Monte (PC)</b>	Lambton—Kent—Middlesex	Minister of Infrastructure / Ministre de l'Infrastructure
Miller, Norman (PC)	Parry Sound—Muskoka	
Miller, Paul (NDP)	Hamilton East—Stoney Creek / Hamilton-Est—Stoney Creek	
Mitas, Christina Maria (PC)	Scarborough Centre / Scarborough- Centre	
Monteith-Farrell, Judith (NDP)	Thunder Bay—Atikokan	
Morrison, Suze (NDP)	Toronto Centre / Toronto-Centre	
<b>Mulroney, Hon. / L'hon. Caroline (PC)</b>	York—Simcoe	Attorney General / Procureure générale Minister Responsible for Francophone Affairs / Ministre déléguée aux Affaires francophones
Natyshak, Taras (NDP)	Essex	

Member and Party / Député(e) et parti	Constituency / Circonscription	Other responsibilities / Autres responsabilités
<b>Nicholls, Rick (PC)</b>	Chatham-Kent—Leamington	Chair of the Committee of the Whole House / Président du comité plénier de l'Assemblée Deputy Speaker / Vice-président
Oosterhoff, Sam (PC)	Niagara West / Niagara-Ouest	
Pang, Billy (PC)	Markham—Unionville	
Park, Lindsey (PC)	Durham	
Parsa, Michael (PC)	Aurora—Oak Ridges—Richmond Hill	
Pettapiece, Randy (PC)	Perth—Wellington	
<b>Phillips, Hon. / L'hon. Rod (PC)</b>	Ajax	Minister of the Environment, Conservation and Parks / Ministre de l'Environnement, de la Protection de la nature et des Parcs
Piccini, David (PC)	Northumberland—Peterborough South / Northumberland—Peterborough-Sud	
Rakocevic, Tom (NDP)	Humber River—Black Creek	
Rasheed, Kaleed (PC)	Mississauga East—Cooksville / Mississauga-Est—Cooksville	
<b>Rickford, Hon. / L'hon. Greg (PC)</b>	Kenora—Rainy River	Minister of Energy, Northern Development and Mines / Ministre de l'Énergie, du Développement du Nord et des Mines Minister of Indigenous Affairs / Ministre des Affaires autochtones
Roberts, Jeremy (PC)	Ottawa West—Nepean / Ottawa-Ouest—Nepean	
Romano, Ross (PC)	Sault Ste. Marie	
Sabawy, Sheref (PC)	Mississauga—Erin Mills	
Sandhu, Amarjot (PC)	Brampton West / Brampton-Ouest	
Sarkaria, Prabmeet Singh (PC)	Brampton South / Brampton-Sud	
Sattler, Peggy (NDP)	London West / London-Ouest	
Schreiner, Mike (GRN)	Guelph	
<b>Scott, Hon. / L'hon. Laurie (PC)</b>	Haliburton—Kawartha Lakes—Brock	Minister of Labour / Ministre du Travail
Shaw, Sandy (NDP)	Hamilton West—Ancaster—Dundas / Hamilton-Ouest—Ancaster—Dundas	
Simard, Amanda (PC)	Glengarry—Prescott—Russell	
Singh, Gurratan (NDP)	Brampton East / Brampton-Est	
Singh, Sara (NDP)	Brampton Centre / Brampton-Centre	Deputy Leader, Official Opposition / Chef adjointe de l'opposition officielle
Skelly, Donna (PC)	Flamborough—Glanbrook	
Smith, Dave (PC)	Peterborough—Kawartha	
<b>Smith, Hon. / L'hon. Todd (PC)</b>	Bay of Quinte / Baie de Quinte	Minister of Government and Consumer Services / Ministre des Services gouvernementaux et des Services aux consommateurs Government House Leader / Leader parlementaire du gouvernement
Stevens, Jennifer (Jennie) (NDP)	St. Catharines	
Stiles, Marit (NDP)	Davenport	
Surma, Kinga (PC)	Etobicoke Centre / Etobicoke-Centre	
Tabuns, Peter (NDP)	Toronto—Danforth	
Tangri, Nina (PC)	Mississauga—Streetsville	
Taylor, Monique (NDP)	Hamilton Mountain	
Thanigasalam, Vijay (PC)	Scarborough—Rouge Park	
<b>Thompson, Hon. / L'hon. Lisa M. (PC)</b>	Huron—Bruce	Minister of Education / Ministre de l'Éducation
<b>Tibollo, Hon. / L'hon. Michael A. (PC)</b>	Vaughan—Woodbridge	Minister of Community Safety and Correctional Services / Ministre de la Sécurité communautaire et des Services correctionnels
Triantafilopoulos, Effie J. (PC)	Oakville North—Burlington / Oakville-Nord—Burlington	
Vanthof, John (NDP)	Timiskaming—Cochrane	Deputy Leader, Official Opposition / Chef adjoint de l'opposition officielle
Wai, Daisy (PC)	Richmond Hill	
Walker, Bill (PC)	Bruce—Grey—Owen Sound	
West, Jamie (NDP)	Sudbury	
<b>Wilson, Jim (PC)</b>	Simcoe—Grey	Minister of Economic Development, Job Creation and Trade / Ministre du Développement économique, de la Création d'emplois et du Commerce
Wynne, Kathleen O. (LIB)	Don Valley West / Don Valley-Ouest	
<b>Yakubski, Hon. / L'hon. John (PC)</b>	Renfrew—Nipissing—Pembroke	Minister of Transportation / Ministre des Transports
Yarde, Kevin (NDP)	Brampton North / Brampton-Nord	
<b>Yurek, Hon. / L'hon. Jeff (PC)</b>	Elgin—Middlesex—London	Minister of Natural Resources and Forestry / Ministre des Richesses naturelles et des Forêts

**STANDING COMMITTEES OF THE LEGISLATIVE ASSEMBLY  
COMITÉS PERMANENTS DE L'ASSEMBLÉE LÉGISLATIVE**

**Standing Committee on Estimates / Comité permanent des budgets des dépenses**

Chair / Président: Peter Tabuns  
Vice-Chair / Vice-président: Wayne Gates  
Stan Cho, Jill Dunlop  
John Fraser, Wayne Gates  
Stephen Lecce, Gila Martow  
Jane McKenna, Judith Monteith-Farrell  
Lindsey Park, Randy Pettapiece  
Peter Tabuns  
Committee Clerk / Greffier: Timothy Bryan

**Standing Committee on Finance and Economic Affairs /  
Comité permanent des finances et des affaires économiques**

Chair / Président: Stephen Crawford  
Vice-Chair / Vice-président: Jeremy Roberts  
Ian Arthur, Stan Cho  
Stephen Crawford, Doug Downey  
Sol Mamakwa, David Piccini  
Jeremy Roberts, Sandy Shaw  
Donna Skelly  
Committee Clerk / Greffier: Timothy Bryan

**Standing Committee on General Government / Comité  
permanent des affaires gouvernementales**

Chair / Président: Dave Smith  
Vice-Chair / Vice-présidente: Natalia Kusendova  
Jessica Bell, Lorne Coe  
Chris Glover, Christine Hogarth  
Logan Kanapathi, Daryl Kramp  
Natalia Kusendova, Amarjot Sandhu  
Mike Schreiner, Dave Smith  
Jennifer (Jennie) Stevens  
Committee Clerk / Greffier: William Short

**Standing Committee on Government Agencies / Comité  
permanent des organismes gouvernementaux**

Chair / Président: John Vanthof  
Vice-Chair / Vice-président: Taras Natyshak  
Roman Baber, Rudy Cuzzetto  
Amy Fee, Vincent Ke  
Andrea Khanjin, Marie-France Lalonde  
Taras Natyshak, Rick Nicholls  
Jeremy Roberts, Marit Stiles  
John Vanthof  
Committee Clerk / Greffière: Jocelyn McCauley

**Standing Committee on Justice Policy / Comité permanent de  
la justice**

Chair / Président: Parm Gill  
Vice-Chair / Vice-président: Aris Babikian  
Roman Baber, Aris Babikian  
Nathalie Des Rosiers, Jill Dunlop  
Parm Gill, Lindsey Park  
Ross Romano, Prabmeet Singh Sarkaria  
Sara Singh, Monique Taylor  
Kevin Yarde  
Committee Clerk / Greffière: Jocelyn McCauley

**Standing Committee on the Legislative Assembly / Comité  
permanent de l'Assemblée législative**

Chair / Présidente: Jane McKenna  
Vice-Chair / Vice-président: Vijay Thanigasalam  
Robert Bailey, Rima Berns-McGown  
Michael Coteau, Mike Harris  
Faisal Hassan, Jane McKenna  
Christina Maria Mitas, Sam Oosterhoff  
Amanda Simard, Gurratan Singh  
Vijay Thanigasalam  
Committee Clerk / Greffière: Valerie Quioc Lim

**Standing Committee on Public Accounts / Comité permanent  
des comptes publics**

Chair / Présidente: Catherine Fife  
Vice-Chair / Vice-présidente: Peggy Sattler  
Catherine Fife, Goldie Ghamari  
Jim McDonnell, Norman Miller  
Suze Morrison, Michael Parsa  
Peggy Sattler, Kinga Surma  
Daisy Wai  
Committee Clerk / Greffier: Christopher Tyrell

**Standing Committee on Regulations and Private Bills / Comité  
permanent des règlements et des projets de loi d'intérêt privé**

Chair / Président: Randy Hillier  
Vice-Chair / Vice-président: Kaleed Rasheed  
Toby Barrett, Will Bouma  
Mike Harris, Randy Hillier  
Mitzie Hunter, Laura Mae Lindo  
Paul Miller, Billy Pang  
Kaleed Rasheed, Amarjot Sandhu  
Jamie West  
Committee Clerk / Greffier: Eric Rennie

**Standing Committee on Social Policy / Comité permanent de  
la politique sociale**

Chair / Présidente: Nina Tangri  
Vice-Chair / Vice-président: Deepak Anand  
Deepak Anand, Doly Begum  
Jeff Burch, Amy Fee  
Michael Gravelle, Joel Harden  
Belinda Karahalios, Robin Martin  
Sheref Sabawy, Nina Tangri  
Effie J. Triantafilopoulos  
Committee Clerk / Greffier: Eric Rennie