

Legislative  
Assembly  
of Ontario



Assemblée  
législative  
de l'Ontario

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**Official Report  
of Debates  
(Hansard)**

T-16

**Journal  
des débats  
(Hansard)**

T-16

**Standing Committee on  
Regulations and Private Bills**

**Comité permanent des  
règlements et des projets  
de loi d'intérêt privé**

1<sup>st</sup> Session  
42<sup>nd</sup> Parliament

Wednesday 14 October 2020

1<sup>re</sup> session  
42<sup>e</sup> législature

Mercredi 14 octobre 2020

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Chair: Deepak Anand  
Clerk: Isaiah Thorning

Président : Deepak Anand  
Greffier : Isaiah Thorning

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House Publications and Language Services  
Room 500, West Wing, Legislative Building  
111 Wellesley Street West, Queen's Park  
Toronto ON M7A 1A2  
Telephone 416-325-7400; fax 416-325-7430  
Published by the Legislative Assembly of Ontario



Service linguistique et des publications parlementaires  
Salle 500, aile ouest, Édifice du Parlement  
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Toronto ON M7A 1A2  
Téléphone, 416-325-7400; télécopieur, 416-325-7430  
Publié par l'Assemblée législative de l'Ontario

ISSN 1180-4319

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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE  
ON REGULATIONS  
AND PRIVATE BILLS**

**COMITÉ PERMANENT DES  
RÈGLEMENTS ET DES PROJETS  
DE LOI D'INTÉRÊT PRIVÉ**

Wednesday 14 October 2020

Mercredi 14 octobre 2020

*The committee met at 0900 in committee room 1 and by video conference.*

**The Chair (Mr. Deepak Anand):** Good morning, everyone. It's 9 a.m., and I'll call the meeting to order. As you know, we are meeting today for the purpose of organization and to conduct public hearings on Bill 201, An Act to proclaim Magna Carta Day.

I'd like to start with making sure—starting with the people in the room. We have MPP Billy Pang here in the room in person, and the following members are participating through Zoom: We have MPP Toby Barrett, MPP John Fraser, MPP Gila Martow, MPP Dave Smith, MPP Jamie West, MPP Jane McKenna and MPP Kaleed Rasheed. Staff from Hansard, broadcast and recording and legislative research join us remotely today as well.

To make sure that everyone can understand what is going on, it is important that all participants speak slowly and clearly. Please wait until I recognize you before starting to speak. Since it could take a little time for your audio and video to come up after I recognize you, please take a brief pause before beginning. As always, all comments should go through the Chair. At this point, are there any questions before we begin?

**ELECTION OF VICE-CHAIR**

**The Chair (Mr. Deepak Anand):** Seeing none, honourable members, I received a letter from MPP Will Bouma indicating his resignation as Vice-Chair, effective October 13, 2020. Therefore, it is my duty to entertain a motion for a Vice-Chair.

At this time, are there any motions? I see MPP Pang raising his hand. Go ahead, Mr. Pang.

**Mr. Billy Pang:** Thank you, Mr. Chair. I move that Mr. Fraser be appointed Vice-Chair of the committee.

**The Chair (Mr. Deepak Anand):** A motion has been moved by MPP Pang. Is there any debate? Seeing none, are the members ready to vote? Yes? All in favour? Anyone opposed? Seeing none, carried. All right, the motion is carried.

Congratulations, MPP John Fraser. Welcome to the committee as Vice-Chair. As you clearly know, these are big shoes to fill.

**MAGNA CARTA DAY ACT (IN MEMORY  
OF JULIA MUNRO, MPP), 2020**

**LOI DE 2020 SUR LE JOUR DE LA GRANDE  
CHARTRE (À LA MÉMOIRE DE JULIA  
MUNRO, DÉPUTÉE PROVINCIALE)**

Consideration of the following bill:

Bill 201, An Act to proclaim Magna Carta Day / Projet de loi 201, Loi proclamant le Jour de la Grande Charte.

**The Chair (Mr. Deepak Anand):** Now we have the business for the day. We will move to consideration of Bill 201, An Act to proclaim Magna Carta Day. We have scheduled as a presenter MPP Jane McKenna. I'd like to now call MPP Jane McKenna. You will have 15 minutes for your presentation. Please state your name for Hansard, and you may begin now, ma'am.

**Ms. Jane McKenna:** Yes, it's MPP Jane McKenna. First of all, I'd like to congratulate you, John. I had a big smile on my face, so I'll just say that first.

Thank you, Chair, and everybody that's here today. It's an honour and a thrill for me to be able to talk about Bill 201. Julia Munro, if nothing else, more than anything, inspired me.

She had just purchased a reproduction of the Magna Carta at an auction, and it gave her an idea. As a long-time teacher, she saw an opportunity to raise awareness through a piece of legislation. In her words, "People don't know a lot about" the Magna Carta. "To me, that's just all the more reason to bring awareness to it." That's why, on April 2, 2015, York-Simcoe MPP Julia Munro stood up in this place and said, "I'm excited today to debate my private member's bill, Bill 23, the Magna Carta Day Act, which proclaims June 15 each year as Magna Carta Day." Today, Chair, I am honoured to continue where MPP Munro left off, with the Magna Carta Day Act (In Memory of Julia Munro, MPP).

I want to begin by giving you some legislative history on Julia's Magna Carta Day Act. She first introduced it on July 23, 2014. She introduced it again on February 28, 2017, and again on March 20, 2018. It was her last piece of legislation. All three times, the bill passed first and second reading with all-party support. Six years later, I'm introducing her bill again, this time in her memory as the longest-serving female member of the Ontario Legislature.

Julia Ann Louise Campbell was born in Hamilton and raised in Toronto. She received a bachelor of arts degree from the University of Toronto. She taught high school history in Markham and Newmarket for 24 years. An interesting bit of trivia: She taught Barenaked Ladies drummer Tyler Stewart at Huron Heights Secondary School.

Before the 1995 provincial election, Julia decided, in her words, that she was tired of sitting around the kitchen table complaining about politics and decided to get involved. She was elected to the Ontario Legislature in 1995 during the Mike Harris sweep, defeating New Democrat Larry O'Connor in the riding of Durham–York, getting 61.8% of all votes cast. She was re-elected in 1999, 2003, 2007, 2011 and 2014.

In government, Julia Munro served as parliamentary assistant to the Premier, government whip, parliamentary assistant to the Minister of Transportation, Chair of Management Board and parliamentary assistant to the Minister of Culture. She lived on a farm near Sutton with her husband, John, and daughter, Genevieve, and she loved—and I mean loved—dogs. She was a breeder of standard poodles and pointers.

Many of us referred to her as Lady Munro, because she was an inspiration and role model for many women. Julia had great courage, and was known for her sincerity and for always keeping the public good foremost in her mind. As a politician, she was respected across party lines. She was passionate about history, the Constitution and proper governance. This is why recognizing the importance of the Magna Carta and our democracy meant so much to her. She was respectful and compassionate. She cared deeply about the people she served. Most of all, Julia Munro was kind.

I'm sure, continuing on here today and listening to what everybody else has to say, that we all have wonderful memories of our colleague Julia Munro, but I do want to acknowledge the support I've received in moving this bill forward from our Minister of Heritage, Sport, Tourism and Culture Industries, Lisa MacLeod. Minister MacLeod said she considered Julia a friend and mentor, and was grateful to have known and learned from her as a colleague.

My friend the NDP member from Windsor–Tecumseh also said during the debate for this bill back in 2017, “We in this chamber are here because we are able to stand on the shoulders of those who came before us.... We are here because of established and accepted rules and traditions, and these rules and traditions are protected by law.”

American author Diana Gabaldon, known for the *Outlander* novel series, once said, “Things you cherish and hold dear are like pearls on a string. Cut the knot and they scatter across the floor.” Our parliamentary democracy is like a string of pearls. It depends on a strong connection, a foundation which everything is built upon.

Magna Carta Libertatum, or more simply, the Great Charter of Freedoms, has been described as the greatest constitutional document of all time and as England's greatest export. But the Magna Carta came about through a mediated settlement.

King John of England had just lost a battle. He needed money to reclaim lost land. To raise money, he increased taxes and created new ones: income taxes, import and export taxes, inheritance and estate taxes, even a tax on widows who wanted to remain single. Then, after a series of bad harvests which resulted in increased demand for food and high inflation, the barons, the 1%, revolted, and England was on the brink of civil war.

On one side, there was a very unpopular king, and on the other, landowners who he was at war with over how much money he wanted from them. In the middle was Archbishop Langton of Canterbury, who acted as mediator. They met at a neutral site: Runnymede, near Windsor.

#### 0910

Let's get one thing straight: King John didn't come to the table willingly. In fact, the barons actually chased and captured him. On June 15, 1215, he was forced to sign a document that put limits on his powers and guaranteed various rights.

The key principles of the Magna Carta included that nobody is above the law of the land; freedom from unlawful detention without cause or evidence; trial by jury was established to settle disputes between barons and the crown; and—a major first step in women's rights—a widow could not be forced to marry and give up her property.

Now, King John wasn't really interested in giving up power, and as MPP Munro said when she first introduced the bill in 2015, he felt that he could sign it and then wiggle around it. But history turned out differently. The Magna Carta also inspired later charters: the 1217 Charter of the Forest, which set precedents for the management of shared resources; and the 1258 Provisions of Oxford, which led to the development of Parliament.

The principles of Magna Carta are ingrained within the British common law system and are reflected in the Canadian Constitution and our Charter of Rights and Freedoms.

During the April 2, 2015, debate, the NDP member for the then riding of Timmins–James Bay and the current opposition House leader said, “What's interesting is, some of the kings that we remember as being the better ones actually took the heart of Magna Carta and brought it further.... They started to understand, as a monarchy, that they had to move in a different direction.”

During the same debate, the NDP member for Hamilton East–Stoney Creek said, “The Magna Carta is part of Canada's cultural and political heritage.” It has “inspired the truly oppressed around the world. For eight centuries, the Magna Carta has fired the hearts and minds of those who seek justice in the face of tyranny and exploitation.”

During the March 20, 2018, debate, the NDP member from Oshawa said, “The Magna Carta stands as a written flashpoint that has lit the fires of challenge and justice, inspiring the truly oppressed around the world. The Magna Carta represents equality before the law, trial by peers, immunity from illegal imprisonment and taxation only by the consent of the citizenry.”

During the same debate, the NDP member for Toronto–Danforth said, “Nelson Mandela cited the Magna Carta in

his defence.... He lived in an unjust society under a ... government that denied the rule of law by denying the equality of the people it was meant to serve. Apartheid in South Africa denied the promises of the Magna Carta.”

Chair, before I share details on the support I’ve received from various members of Ontario’s legal community, I want to go back to Monday, August 11, 2008, to the Standing Committee on the Legislative Assembly that was discussing proposed changes to the standing orders. At about 9:15 on that day, there was some discussion about e-petitions, and the NDP member for Welland, the late Peter Kormos, said, “The right to petition goes back to Magna Carta. It was the hard-earned right to petition the king, and it was an historical struggle. So that petition, the right to petition the king, is a Magna Carta-based right.” I will remember Peter well as unrelenting in his ability to fight for the underdog, someone who fought for change and, if nothing else, drew attention to those things which he felt strongly about.

In preparation for today, I also reached out to some distinguished members of Ontario’s legal community for their thoughts on declaring June 15 Magna Carta Day. Here is some of what I heard.

Aarondeep Bains, the president of the South Asian bar association, voiced his support, saying, “The rule of law is a critical aspect of our legal system and I am happy to celebrate one of its foundation stones.”

Teresa Donnelly, treasurer of the Law Society of Ontario, shared her support, saying, “One of the Law Society of Ontario’s primary purposes is to facilitate access to justice for the people.... The Magna Carta is the foundation of our democracy and it should not be forgotten.”

Joanna Baron, executive director of the Canadian Constitution Foundation, said, “The Magna Carta represents the bedrock of the principle of the rule of law and the individual sphere of liberty against arbitrary power. The Canadian Constitution Foundation celebrates the life of Ms. Munro and applauds the introduction of the Magna Carta Day Act as an important recognition for all Ontarians.”

William Woodward, chair of the Federation of Ontario Law Associations, said, “On behalf of the Federation of Ontario Law Associations I am pleased to support this bill recognizing the Magna Carta, which has provided the foundation for the democratic principles that we as citizens enjoy. I would also like to congratulate and thank you for your efforts in guiding this legislation in memory of Julia Munro, who introduced it.”

In closing, they say that life can only be understood backwards, but it must be lived forward. Magna Carta was the foundation. It started off what we enjoy today: the rules that we abide by in this House, the way we treat each other, the role of the government and the role of the opposition. We take a lot for granted with the parliamentary democracy that we inherited from the people who came before us and who fought hard to preserve it.

MPP Munro introduced the same Magna Carta bill three times. After today, the bill has been debated four

times and considered by three different legislative committees. I leave you with a few words from our late colleague: “The ideas contained within the Magna Carta evolved over the centuries.... It signifies that no one, not even the crown, is above the law. That is such an important concept.”

I want to thank all of you for listening to me today, and I appreciate any questions that you have to bring forward.

**The Chair (Mr. Deepak Anand):** Thank you, MPP Jane McKenna. That was awesome—very passionate.

Now, I do see that MPP Lindo is present through Zoom, so I just want to take attendance to make sure everyone has been included and is present. MPP Lindo, can you please confirm that you are in Ontario?

**Ms. Laura Mae Lindo:** Yes, this is MPP Lindo, and I’m calling in from Kitchener.

**The Chair (Mr. Deepak Anand):** Thank you so much. Just to fill you in on what happened in the committee this morning, I received a letter from MPP Will Bouma indicating his resignation as the Vice-Chair, effective October 13, so we had a motion by MPP Billy Pang, followed by the vote, and MPP John Fraser is our new Vice-Chair.

Now, moving on to questions, I will start with the official opposition. You have five minutes, if you would like to comment or ask any questions to MPP McKenna. Is anyone volunteering? No? Okay.

In that case, I will move to the government. You have five minutes for any comments and questions. Who would like to go first? I see MPP Barrett. MPP Barrett, go ahead, sir.

**Mr. Toby Barrett:** Thank you, Chair. No questions. Just very briefly, I want to thank Jane McKenna for doing this and doing this in honour of Julia Munro. We were elected together in 1995, and had offices nearby for many, many years.

I’m also so impressed with Jane’s presentation this morning. I’ve had a chance to read a lot about Magna Carta, and I’m just so pleased you’ve come up with some information I hadn’t heard about before. It’s a wonderful document and, as you said, the foundation of our democracy. Certainly in my books, the principle is that nobody is above the law across the land.

Thank you again, Jane, for doing this.

**The Chair (Mr. Deepak Anand):** Thank you, MPP

**Ms. Jane McKenna:** I just want to acknowledge that, Toby, because I know that you were there and got in at the same time. I just want to say this: When I got in in 2011—we all walk into that chamber and we’re overwhelmed by the beauty and the history and everything that’s there, but going into that, I thought I’d known a lot about politics until I actually got there. Even though I read every newspaper, I realized how different it was when you sit in those seats and you debate and you really are passionate, because we got in by where we are today, but we serve all of our constituents in our riding.

**0920**

I learned so much from Lady Munro. She sat a couple of seats over from me, and she was such a stateswoman. She was always so fair and she knew things inside and out.

When I was thinking about doing a bill, I just thought this was something that needed to be done for her, because she was so passionate about it. It was the last, as I had mentioned, that she brought forward.

I really do thank all of you for your comments and your conversation when I was in the House at second reading. But I want to thank you here again today. We meet lots of people every day, but there are certain people that touch your hearts and souls, and she definitely was one of those people. Today, I still think of wonderful things she said to me sitting in the House, and I reminisce on all of that. So thank you, everybody.

**The Chair (Mr. Deepak Anand):** Anyone else from the government who would like to speak? I see MPP Martow.

**Mrs. Gila Martow:** Of course, I really appreciate MPP McKenna bringing this forward. I also served for only a few years—not as long as MPP Barrett, but I served with Lady Munro, as you mentioned that we called her. She really exemplified a strong female role model for a lot of young women in Ontario. I think she's remembered very fondly by former students. I want to mention her husband, John, who was always coming downtown to events, and of course her daughter, Genevieve, who she spoke about with such pride and joy and happiness whenever she was in the Legislature.

I think there are a lot of days to commemorate in Ontario, but I think that this is going to be a very special day for all of us as legislators, to remember why we're here and how fortunate we are to serve in such a strong democracy. I know that oftentimes it's said that democracy isn't perfect, but it's the best of the options that we have. I think that that basically explains a lot of the decisions that we have to make every day, especially during difficult times like this pandemic: things aren't black and white, and that reminds us that we have difficult choices to make. It's a lot of different shades of grey, I guess. Moving forward, I think that Ontario is stronger for reminding us of our history, how much we have to be thankful for and what a big responsibility we have. That's something very, very important, so thank you again, MPP McKenna.

**The Chair (Mr. Deepak Anand):** We have about 30 seconds more. Anyone else who wants to speak from the government side?

Seeing none, let's move over to the independent members. You have five minutes. I see MPP Fraser. Over to you, sir.

**Mr. John Fraser:** Jane, I want to thank you for bringing this forward and finishing Julia's work. It's a real testament and an honour to her, and you've done a great job by bringing it forward and getting it to where it's at right now.

I didn't serve as long as some have with Julia, because I was only elected in 2013. She was someone who conducted herself with grace, and she was generous and warm and always ready to listen. I do remember very vividly her farewell speech in the Legislature, which was really quite an incredible speech. It wasn't written; it was

all just internalized, and her words were so clear and thoughtful. It was really quite a memorable speech.

To recognize her last work, which was signifying the importance of the Magna Carta as that idea that sparked things like the rule of law, individual rights, our democracy—marking that day is not only marking the day of that charter, but the history of that charter through the years right up to now and the importance of us studying it and understanding that, so we can know what comes next. Right now, we're in a world where some of these things are being challenged in a lot of places—individual rights and the rule of law. We find a lot more authoritarianism.

I think it's a good thing that we pass this bill. We got to this stage, and I just want to thank you again, Jane, for your work in doing this. It really is an honour to someone who I know was not just a colleague, but a friend.

**The Chair (Mr. Deepak Anand):** Thank you, MPP Fraser.

MPP McKenna, do you want to say anything?

**Ms. Jane McKenna:** Sure. Thank you so much, John, for saying that. It's amazing how—I'll say it again—I don't think there was anybody in that House who she didn't touch with her passion and compassion for all the things she believed. She was a teacher right up to the end, because she taught me a lot of things. This would be a thrill if this goes all the way through and continues on, just for her.

I'm sure there are many legacies that she has, as MPP Martow has said as well. She loved her daughter very, very much. Her husband was always by her side, which we've mentioned numerous times. That's always a rarity, too, to see the support you get, because we all know in this House—we have partners—that it can be very difficult, because we chose this profession; they did not, necessarily. It's difficult to watch at times. He always was so supportive in there, which was a wonderful attribute to their relationship.

I did used to love to listen to her talk about her dogs as well. She took great pride in that, and she had a lot of good stories that I learned about. I do love dogs, but I didn't know a quarter of what she knew about dogs.

Anyway, I spoke to John O'Toole when I was doing this, and Frank Klees, and a few other people—obviously, Tim Hudak. They were all thrilled that we were bringing this forward. Again, I thank you all for listening to everything that I had to say, but also for all your heartfelt stories, as well, because each one of us who had an opportunity to meet her, we all had stories about her that we will cherish.

**The Chair (Mr. Deepak Anand):** Thank you, MPP McKenna, and thank you, everybody, for your presentations. It was really nice to hear everybody coming together and working together in a non-partisan way.

Now, it's 9:28 and our next speaker is scheduled to be joining us at 9:30. We don't have him yet, so let's give him an extra couple of minutes. Let's take a five-minute recess and let's join back again at 9:33. Thank you so much.

*The committee recessed from 0928 to 0933.*

## DURHAM COMMUNITY LEGAL CLINIC

**The Chair (Mr. Deepak Anand):** Good morning and welcome back, everybody. I'll now call Mr. Omar Ha-Redeye, the executive director of the Durham Community Legal Clinic. Welcome, sir. Please say your name, and you have seven minutes for your presentation. You may begin now.

**Mr. Omar Ha-Redeye:** Hello. My name is Omar Ha-Redeye and I am the executive director of the Durham Community Legal Clinic. We are a community legal clinic which focuses on the interests and legal issues of low-income Ontarians, as well as law reform and general systemic legal issues.

I want to thank you for the opportunity to speak about the significance of the Magna Carta and how it might be interpreted, and perhaps even celebrated, by historically marginalized and low-income Ontarians. I hope to do so with particular consideration for access to justice, the rule of law, and the creation of a free and democratic society.

The Magna Carta is perhaps an unusual thing to celebrate, from a legal perspective. It is more popular, among common law jurisdictions, among those who would support, for example, a republic rather than a constitutional monarchy, and is therefore a more obvious document to celebrate in the American context rather than in Canada or even the UK.

In the UK today, the Magna Carta has minimal legal effect—there are only three or four clauses that are relevant there—and in Canada, the legal significance of it is even more negligible still. The reasons for this are largely grounded in the Magna Carta's history. Just months after it was signed on June 15, 1215, it was denounced by Pope Innocent III in a letter dated August 24. Under threat of excommunication, it was deemed “null and void of all validity for ever.”

Of course, we know that's not what happened to Magna Carta. It was soon reissued after King John's death by Henry III's regents on November 12, 1216. But it was already a different Magna Carta, with only 37 clauses instead of the original 63. That might be significant, because the original 1215 Magna Carta had a number of provisions today that we would perhaps find troubling. There were two clauses that were explicitly anti-Semitic in their nature, for example, and a third one which we can assume did refer to the Jewish populations of England at the time.

There is also, of course, the context here of a number of barons forcibly gathering with their armies nearby at Runnymede, placing the king under duress to perhaps force him to give concessions. It's not what we would conceive today of being the way in which we change the law or the way in which we govern ourselves.

For many of these reasons, Canadian courts have in fact explicitly rejected the Magna Carta as a source of law, and there is a long-standing concern that it has been routinely misused by litigants who are disruptive to the justice system. To put this differently, there are a number of Canadians across Canada who are clogging up our court systems right now as we speak, invoking the Magna Carta

as a legal source and a legal authority, when it has absolutely no authority in the manner in which they're presenting it. These disruptive activities cost taxpayers a significant amount of resources, as these unsubstantiated legal arguments are deliberately intended to tie up the court's resources.

So does that mean that the Magna Carta is entirely irredeemable as a symbol worth celebrating in Ontario? Hardly not. The important emphasis here is in the manner of its commemoration and the meanings that are imbued behind such symbols.

I would like to point to a few examples of how we can perhaps use the Magna Carta today as a symbol of the values that we currently cherish here in Ontario. What the Magna Carta really does symbolize or signify, from my perspective, is the fact that the rule of law should be the dominant manner, or the main manner, in which we govern ourselves in our society.

What that means is that we should refrain from routinely relying on massive omnibus bills that would perhaps retroactively invalidate very significant investigations into things like police conduct. We should be concerned about governments that perhaps prohibit donations to political parties by corporations and trade unions, if the intent really is to prevent big money from influencing elections, especially if millions of dollars are then used in politically guided ads as a means to influence our democracy. We might be concerned when we have government ministers forcing public servants to work overtime on the weekends, for example, in order to do advertising videos or political videos that advance their own personal interests.

In other words, what the Magna Carta can and should mean for us today is a government that's elected on a promise of accountability and transparency, and works to ensure that there are proper balances in our democratic system. That is a Magna Carta that we certainly can and should celebrate and cherish in Ontario. If that is the purpose of having a Magna Carta Day, it is certainly one that we would support and we would encourage all Ontarians to stand behind. Thank you.

**The Chair (Mr. Deepak Anand):** Thank you so much, Omar. There will be two rounds of questions, starting with the government. You have seven and a half minutes, followed by the official opposition, who will have seven and a half minutes, and then the independent members for four and a half minutes. Starting with the government side, would anyone like to take the lead? I see MPP Barrett.

**Mr. Toby Barrett:** Yes, thank you, Chair. Am I coming through okay? Yes? Can people hear me?

**The Chair (Mr. Deepak Anand):** Yes.

**Mr. Toby Barrett:** Okay, thank you. I'm out in the country; sometimes things don't work very well.

**0940**

I appreciate the presentation. Very briefly: I hear what you're saying with respect to how, over eight centuries later, much of the Magna Carta maybe isn't relevant in our modern society. I'm sure things I'm talking about today may not have much relevance 805 years from now either;

I don't know as far as the rest of the people on the committee.

You made mention—I think you used the word that it's an “inspiration.” I found that when I was first elected—I'm afraid that was 25 years ago—the very first week I was in the Legislature, I had to do a private member's bill, and I had no idea what that was. I was able, with some help, to pull together a private member's bill, the same kind of legislation we're debating today, to restore property rights to the province of Ontario.

I always recall the Canadian Bill of Rights in my grandfather's kitchen. In the Canadian Bill of Rights, property rights were enshrined in that document. I can't remember whether that was—I guess that was actual legislation; I'm not sure. And then the Charter of Rights and Freedoms came forward and property rights were not included, for whatever reason. We know even back, obviously, in the days of the Magna Carta, those deliberations and politics were involved. Archbishop Langton presented it on behalf of the church, and then you indicated the Pope was against it. Who knows; there may have been some internal politics there. I will mention that in my riding, we have the village of Langton, which is named after Archbishop Langton, but I don't want to sidetrack myself.

I think what was very important for me—I'm not a lawyer, but for 25 years, I have attempted to restore property rights in the province of Ontario. I don't know the law inside out, but for me, the Magna Carta was that inspiration, because I knew vaguely that somewhere along the line the Magna Carta enshrined property rights, or had a statement that would prevent the King's men from entering a peasant's home perhaps; I don't know the wording.

So I think what is so very, very important—I use that as an example—is that the Magna Carta is a symbol or, as you had indicated, a statement of values. I just wondered if you wanted to comment on that and, secondly, any chance of ever getting property rights back in the province of Ontario.

**Mr. Omar Ha-Redeye:** I will try to answer both of those questions. What I can say is that you're right that property rights were not included in the charter. It's worth mentioning the charter—I thank you for bringing it up—because that truly is the great charter of our country.

That charter, which doesn't have property rights, was evaluated by the Supreme Court of Canada in a case called Gosselin. The dissent in that case looked at whether or not there should be property rights. The concern there might be—you know, property rights is a double-edged sword—that inserting things like property rights, especially on a constitutional basis, would also then give people a right in law to perhaps a basic income, to affordable housing, to all types of other social benefits which many people are pushing for in our society, but which we may not want to constitutionally entrench. So there is a distinction there, and I think we have to be careful. The Charter of Rights and Freedoms was in fact a great compromise, akin to the Magna Carta in some ways, and that compromise did consider those potential implications.

You also brought up the Canadian Bill of Rights, a very, very important precursor to the Charter of Rights and Freedoms that came later. There were some deficiencies with that Canadian Bill of Rights; in particular, it didn't have constitutional status. Justice Rand, one of the judges at the Supreme Court of Canada who was reviewing the Bill of Rights, went on to become the founding dean of Western Law school, where I went to law school.

The concern there was that when it isn't of a constitutional nature, what we could potentially do is fall into the same ills and evils, if you will, that we saw in World War II, where property rights, as you brought up, were abandoned, where people were taken from their homes and put into camps here in Canada based on, for example, Japanese origin.

We find some of those analogies also with the Magna Carta. You mentioned property rights there. Those property rights weren't for everybody. It was a feudalistic society, so there was a number of barons, the very rich and wealthy elite, who were looking to protect their interests and not the interests of all of the people in England at that time.

I mentioned the specific clauses that relate to the Jewish people in the Magna Carta, and it's specifically in that context where property rights are concerning, because the barons were fighting against the ability of the king to use Jewish people, who were used in conjunction with tax collection and those types of activities, to seize their assets. And so, it was a very, very anti-Semitic notion of property rights that emerged in 1215, which very fortunately did fall by the wayside. It didn't mean that anti-Semitism ended in England, by any means, in the medieval era, but it is very, very important to keep in mind that the context in which the Magna Carta emerged was not one that reflects the egalitarian rights and the inclusive nature of the society that we live in today.

**The Chair (Mr. Deepak Anand):** You have about 45 seconds left. Does anyone else want to ask anything from the government side? Seeing none, I would like to move to the official opposition. MPP Jamie West would like to start.

**Mr. Jamie West:** Before I start, I just want to congratulate MPP McKenna. Earlier, when asked for my comments, I had no concerns, so I didn't ask any questions. But I want to congratulate you on your bill. I've been spending a lot of time with MPP Gélinas, from Nickel Belt. I told her about having this committee meeting, and she had nothing but great things to say about MPP Julia Munro.

I also want to thank Mr. Omar Ha-Redeye. I apologize if I mispronounced your last name. I really appreciate the history. I think the Magna Carta is one of those things that, for most of us in the general public, we know the term but don't really know the history. It's really interesting to hear the history in it.

Mr. Ha-Redeye, you talked about some legal challenges that clog up the system. You talked about a couple of concerns you have. I don't want to put words in your mouth, but I'll just summarize it as potential abuse of

government power. That's not directly what you said, but just to summarize what you said. Do you have any concerns with the symbolic gesture of a Magna Carta Day?

**Mr. Omar Ha-Redeye:** Symbols are very much that: They are what we decide to imbue in them. I think this was the reason why I sought the opportunity to come to speak to the committee, because it provides for a more contextual analysis of what the Magna Carta might be.

What I can also add, MPP West, is a little bit of context perhaps for your riding. In a northern riding where there is a large Indigenous population as well, the Magna Carta perhaps has some significance in that context. There are some legal decisions, older Supreme Court of Canada decisions, that refer to the Magna Carta potentially coming to our shores, as the early English colonists also came here to these shores and the flag being carried with the Magna Carta to these shores, and that perhaps changed. It perhaps changed in 1763, with the Paris treaty, following the Seven Years' War, also known as the French and Indian War. That was what it was referred to as even though the second part of that, the "Indian" in that "French and Indian War," didn't really benefit much from that war at all. I think that's important to keep in mind as well. The Magna Carta, even as it was understood and implemented in Canada at that time, was not as inclusive as we would have liked it to be.

The treaty, though, or the proclamation, was revoked, if you will, because it had the intention of assimilating. It had the attention of assimilating all of the French populations by force—a very different perception perhaps than what we understand of our inclusive and multicultural society today. That was done through the Quebec Act of 1774. That preserved the French civil, religious and cultural traditions of the French populations that were in what is now Canada today.

I think there is something here related to the story of the Magna Carta, and it is a very complicated and lengthy story, where we can find some of those threads and connect it to values that we have today, and then when we're celebrating something like the Magna Carta, like all things that we celebrate, it will have different meanings for different people.

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**Mr. Jamie West:** Okay. I want to share my time with MPP Lindo, but I just have one short question. It's just in terms of amendments. On Friday, when we talk about amendments, do you see anything that should be amended within this bill that we should consider, or changes to the wording or anything like that?

**Mr. Omar Ha-Redeye:** It's a very simple bill so there's not a lot of wording here to amend, but to the extent that those types of considerations were relevant, I think it's helpful—it is always helpful—to make reference to what really is our "great charter," which is the Charter of Rights and Freedoms.

Again, the Magna Carta does have some potential, as I've alluded to, for us to celebrate and to use in a symbolic manner, but there are other symbols that are of enormous significance in our society, in particular the Canadian Charter of Rights and Freedoms, and I would love to see

something like that also referenced in the context of the Magna Carta, because then all of these issues that we're bringing up here in terms of Indigenous rights and Indigenous issues, anti-Semitism, only men who have money having the rights there in the Magna Carta, with the barons who were at Runnymede—all of those types of issues then become contextualized by the principles that we find in the charter and the constitutional rights that are in the charter. Really, what differentiates the charter is its constitutional status.

**Mr. Jamie West:** Chair, I'll hand it off to MPP Lindo.

**The Chair (Mr. Deepak Anand):** MPP Lindo, you have approximately two minutes and 40 seconds.

**Ms. Laura Mae Lindo:** No worries. Thank you so much, Chair. Thank you, again, for the presentation. I also just wanted to say congratulations to MPP McKenna for getting this bill to this stage. It has been wonderful to hear that history.

I'm with you. I think we have a lot of symbolic commemorations, and it's so important to find spaces and ways to bring the history, a historical context, to it, but then also live the newness of what that history has become. What I was wondering is if you could speak a little bit about—you had mentioned in passing that something like the omnibus bill, for instance, actually runs counter to some of the stuff that we'd be able to celebrate within this. I'm wondering if you can give us some guidance on ways that we can live the good parts of the Magna Carta, and maybe touching on the omnibus bill might be one space to do that. So over to you.

**Mr. Omar Ha-Redeye:** I think the constant there of the Magna Carta is that we shouldn't have a rule by fiat, right? There should be some discussions; there should be consultation; there should be debates. Quite frankly, that's what our Legislature does. It is very difficult to have meaningful debates, especially if there are very important issues that need to be explored, if there's an omnibus bill that has, perhaps, some very significant changes to society.

But I can perhaps go further than that, and again, I thank MPP Barrett for bringing up the Canadian Charter of Rights and Freedoms. The charter is a very, very important document, as I've now said a few times, and one of the best ways, in my opinion, that we can exemplify the values that are there in that Canadian Charter of Rights and Freedoms is for the Legislature to also recognize that in our free and democratic society, they are the authority. It's not the king. The king in our society, or the monarchy in our society, is very symbolic. It's been that way for many years, and in fact, with patriation, there really isn't a formal monarch that rules over Canada.

The power that exists in Canada is through the Legislature. We can go back to *Roncarelli v. Duplessis*, the Supreme Court of Canada case coming out of Quebec, where we did see a politician perhaps misusing their power, or being too forceful in their power, and take some lessons from that in understanding that it's important to have checks and balances. It's also important for the Legislature to recognize that, although there is a "notwithstanding" clause within the charter, it should never, ever be invoked.

**The Chair (Mr. Deepak Anand):** Thank you, Mr. Ha-Redeye. That finishes your time with the opposition. Thank you for that. Time's up. Over to you, the independent member, MPP Fraser.

**Mr. John Fraser:** I'll keep my comments brief. Firstly, Mr. Ha-Redeye, thank you very much for a very thoughtful presentation which I think is in the spirit of what this bill is trying to achieve, which is to understand the Magna Carta, and not just its significance but the evolution of the ideas that are in there. As imperfect as they were in the first instance—because, as you said, it was just men who had money who were trying to make an arrangement or a contract between each other—there are principles in there that, as you said, have found their way to things like the charter and the things that we've established in terms of democracy and the rule of law.

I do take the point with your concern over having the proper checks and balances. We have to be careful, when we are changing laws as a part of that evolution, that we ensure that we take the time to fully examine things, or adequately examine things, in a way that's open and transparent. There's always a concern that if you go too quickly, you might create something that is not as good as it could be.

I just want to simply thank you very much for your presentation. It's definitely food for thought for all of us on the committee. I'll leave it at that.

**The Chair (Mr. Deepak Anand):** Thank you, MPP Fraser. Mr. Ha-Redeye, would you like to comment or say anything on this?

**Mr. Omar Ha-Redeye:** Sure. I mean, I can go back and perhaps elaborate a little bit more about the way that the Magna Carta can be relevant in our Ontario context. I'll point to clauses 39 and 40 of the Magna Carta, which are some of the few elements of the Magna Carta that are with us today in terms of British law, not necessarily Canadian law, which relate to the right to a trial by jury. That's important for our legal system.

I know there's a lot of discussion right now about the roles of juries in our system. I can point to Alexander Hamilton's statements in the Federalist Papers, where he said that the jury is "a barrier to the tyranny of popular magistrates in a popular government," so the fact is that there are balances even within our legal system from the general populace.

The history of juries themselves, though, is fascinating, because it's very unclear as to where they actually came from. There isn't a very solid foundation for them either in the Norman tradition or the Anglo-Saxon tradition. There is some scholastic speculation that it actually came to England via Norman Sicily, believe it or not, and so they were North African values and legal systems that made their way all the way to England, into what now became the common law and the jury system that we have here today.

What I like to do when I look at the common law, when I look at any of our legal principles, is to recognize that our history was always multi-ethnic, multi-linguistic, multi-religious. That was the nature of trade. That was the nature of our society. Unfortunately, what happened was that during the colonial era, there was a revisionist attempt to remove a lot of those other influences, a lot of those other personalities that exist in history, and so part of what we should be doing when we're commemorating something that is many, many hundreds of years old is to try to once again reinject some of those other influences, some of those other voices and some of those other cultures, personalities and nations that were very much part of the fabric of what is now Ontario today.

**The Chair (Mr. Deepak Anand):** Thank you so much. I think that with that, I'd like to return to the government, back to the government, for the second round of questions, if anyone from the government side would like to ask anything. Seeing none, moving on to the second round for the opposition, if you would like to ask anything. Seeing none—okay. Finally, to MPP Fraser, if you would like to ask or say anything. No? Okay. Great. Thank you so much.

Thank you, Mr. Ha-Redeye, for your presentation. I appreciated you taking time and talking on this bill.

Thank you, everyone. That concludes our business today. As a reminder, the deadline for filing written submissions is 6:30 p.m. today. I'd like to say thank you to all the members for joining us today, and thank you to the staff from Hansard, broadcast and recording, and legislative research for joining us remotely on this committee meeting.

The committee is now adjourned until 9 a.m. on Friday, October 16, 2020. See you then at that time. Thank you so much.

*The committee adjourned at 1000.*







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