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Assembly
of Ontario



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(Hansard)**

M-26

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des débats
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**Standing Committee on
the Legislative Assembly**

Committee business

**Comité permanent de
l'Assemblée législative**

Travaux du comité

1st Session
42nd Parliament

Tuesday 23 March 2021

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42^e législature

Mardi 23 mars 2021

Chair: Kaleed Rasheed
Clerk: Tonia Grannum

Président : Kaleed Rasheed
Greffière : Tonia Grannum

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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
THE LEGISLATIVE ASSEMBLY**

**COMITÉ PERMANENT DE
L'ASSEMBLÉE LÉGISLATIVE**

Tuesday 23 March 2021

Mardi 23 mars 2021

The committee met at 0901 in room 151 and by video conference.

COMMITTEE BUSINESS

The Chair (Mr. Kaleed Rasheed): Good morning, everyone. I call the meeting to order. We are meeting today to consider the method of proceeding with respect to Bill 254, An Act to amend various Acts with respect to elections and members of the Assembly. Are there any questions before we begin? Seeing none, are there any motions? I recognize MPP Thanigasalam.

Mr. Vijay Thanigasalam: I move that committee enter a closed session for the purpose of organizing committee business and that the broadcasting staff be permitted to remain in the closed session meeting for the purpose of operating the electronic meeting technology.

The Chair (Mr. Kaleed Rasheed): Thank you very much. A motion has been moved by MPP Thanigasalam. Is there any debate? I recognize MPP Mantha.

Mr. Michael Mantha: Something like this: I'm not sure why we're once again going into closed session. There is no need to go into closed session. This is a debate that should be made quite openly in regard to how we proceed and the discussions that are to be held on this. Again, there's no reason that we should be in closed session. I think we're actually failing Ontarians when we're putting a curtain and we're hiding behind it, in a room where these discussions are not open and transparent to the public.

Again, I want to put on the record that there is no reason why we should be going into closed session.

The Chair (Mr. Kaleed Rasheed): Further debate? I recognize MPP Thanigasalam.

Mr. Vijay Thanigasalam: When committee business is organized by the subcommittee, it is done in camera. Given that it is a standard, we believe that the same should happen when the full committee organizes business. For example, the public record for business should focus on substantive work, not administration. Chair, we have been organizing committee business this way for a year now. This should not be a surprise to the opposition here.

The Chair (Mr. Kaleed Rasheed): I recognize MPP Natyshak.

Mr. Taras Natyshak: Good morning, Chair, and good morning to my colleagues on the committee. Look, the need to go in camera certainly exists for specific reasons.

Those reasons, most times, are mechanical and offer protection for sensitive information that may be disclosed or discussed by members. They also sometimes involve other bureaucrats, and the information that they divulge to committee members is of a sometimes sensitive nature. That's understandable.

But the bill that the government has tabled and the bill that now will be worked through at committee is one that strikes at the heart of our democratic process. In an era and time where the public have never been more cynical and never been more skeptical of the actions of governments at all levels, to invoke and to use, as my colleague Mr. Mantha said, a cloak, a blanket, a curtain, to go in camera to discuss and debate the terms of the bill and the operations of the bill puts another nail in the heart of transparency and accountability, which each member has pledged to operate under. You took an oath to do this on behalf of the public, in the full light of the public.

My concern is that we didn't see the government debate this bill or put up too many speakers on this bill, for some unknown reason. They did the bare minimum, but now they want to continue to discuss the merits of the bill and arrange the format of the bill in camera, where the public will have no idea. This government doesn't have the greatest track record in terms of transparency and accountability as it is, given MZOs and their propensity to use various tools to drive through legislation and use bureaucratic manoeuvres to shield themselves from their operations. This is another indication of it.

What we're doing as opposition is really giving the members of this committee a gift: Don't do this. Don't take this route. When you're talking about reforms to the Election Act, reforms to public financing, these are public dollars. These aren't your dollars. This isn't your money. These are taxpayer dollars that you're going to be talking about and that you're going to be managing and directing, ultimately, into your own party coffers. It's something that, if there were ever to be a bill that should be done fully in the light of day and be done publicly, this is one of those bills, at every step of the way.

I know you might want to count this as some sort of precedent where the government has gone in camera to arrange certain bills, but those bills aren't as publicly sensitive. Those bills may have some sort of commercial sensitivity; they may talk about things that are protected. Elections law—if there were any bill that should have the public and the light of oversight built into it, it's this one,

and the government is taking the absolute opposite approach at every step.

I did an hour on this bill. I raised our concerns. I raised the concerns from people who we're hearing: stakeholder concerns, folks who are keen on democratic institutions who have raised serious concerns about this bill. Why would this government now embark on an even slipperier—if that's even a word—slope towards shielding themselves from further oversight? It can't be the right way. It definitely isn't the right way.

We would hope the government would see the merits in ensuring that there's full transparency, because we need people to believe in our institutions now more than ever. We need them to believe in the process. We need them to believe in democracy, and if you're going to hide the changes that you make to it, well, then, you know the effects. You know what will happen. People will discount the process right from the get-go, and that is setting a very, very dangerous precedent. It is important that we put ourselves on the record here as defenders of democracy and promoters of accountability and transparency, and the actions of this government, by trying to bring this thing in camera from the get-go, are the absolute opposite of that.

I'll hand it over to my colleagues for further discussion.

The Chair (Mr. Kaleed Rasheed): I recognize MPP Mantha.

Mr. Michael Mantha: I want to thank my colleague, who really brought some light to what the concerns are. I want to go back to a comment that the Vice-Chair made earlier, that this is a process that the government has been doing for the last year. You're right. That doesn't make it right. That process of putting these closed-session motions on a variety of pieces of legislation that are important to the public to be open, to be transparent, to be accountable—just the fact that you have been doing it for the last year doesn't make it right.

0910

We strongly urge this government to not go into closed sessions, particularly on this bill. The fact that we are, again—I want to reiterate what my colleague from Essex was saying—dealing with public dollars, dealing with those that are not ours, dealing with decisions that are going to be impacting all Ontarians, is something that I believe should be open and transparent. That's our process.

Je veux juste dire, simplement, que la motion ici aujourd'hui qu'on a sur le plancher, c'est d'aller en session fermée, puis les sessions fermées sont une façon pour le gouvernement de boucher, de fermer, de ne pas ouvrir les portes et les voies aux gens du public pour qu'ils puissent participer aux sessions, surtout pour ce projet de loi-ci où c'est super important que le public sache ce qui va se passer dans les discussions.

Quand on regarde les procédures de ce gouvernement à présenter cette motion—oui, le gouvernement a dit que ça fait un an qu'on est en train de faire ce processus, ça fait un an qu'on est en train d'avoir nos discussions dans nos comités avec ces motions telles quelles. OK, c'est beau qu'on les ait, ces motions-là, mais ça ne veut pas dire que

c'est la bonne façon de procéder. Ça ne veut pas dire que c'est la norme. Ça veut dire que c'est une nouvelle fonction que ce gouvernement a décidé de poursuivre pour fermer et puis garder le public en dehors des discussions.

On comprend que oui, à des points, il y a des informations qui viennent aux comités qui sont discrètes, des informations, des personnages qui devraient être gardés très discrètement. Mais rouvrir les discussions, c'est ce que, nous autres, on demande—

Interjection.

The Chair (Mr. Kaleed Rasheed): I apologize, MPP Mantha. MPP Dave Smith has a point of order. MPP Smith, I recognize you.

Mr. Dave Smith: Thank you, Chair. The motion clearly lays out what we can and cannot speak about in closed session. It is for organizing committee business only, and if we bring up any other topic other than organizing committee business, it is out of order. So everything that is being put forward by the opposition members right now is an incorrect narrative. We cannot discuss anything other than committee business—

The Chair (Mr. Kaleed Rasheed): MPP Smith, I apologize. It's not a point of order.

I'm going to go back and recognize MPP Mantha.

M. Michael Mantha: Merci. Et c'est ça le point des motions, qu'on essaye de fermer les discussions.

On veut rouvrir les discussions au public pour qu'on puisse avoir une discussion ouverte et que le public soit au courant des décisions, des documentations, des choses qui sont en train de se passer.

Je veux redire encore que oui, c'est certain que des fois il y aura des informations qui vont venir qu'il va falloir qu'on traite avec discrétion. Je pense que, comme membres du comité, on comprend les opérations du comité. Mais rouvrir les discussions, c'est sur quoi on devrait essentiellement avoir un super gros focus pour le public.

I just want to reiterate, again, that going into closed session, something that this government has been doing and has been demonstrating as a standard operating procedure for the last year, doesn't mean it's the right process to follow. It takes away from the public's engagement in the entire process.

I'll turn it over to you, Chair.

The Chair (Mr. Kaleed Rasheed): Thank you so much, MPP Mantha. I recognize MPP Berns-McGown.

Ms. Rima Berns-McGown: I would like to reiterate that it's really important that this discussion about how the committee is going to do its business be public. This government has an unfortunate record of not being transparent and not being open, which lessens its accountability to the public, which means that it now has a trust issue. It has a record of shortening discussion, whether it's in the House or in committee, on bills.

The question of how the bill is to be discussed in committee, including how many days and therefore how many witnesses can come and talk about it, should absolutely be a matter of public discussion.

It's really, really important that we take this time, because as my colleagues were noting, this is a bill that goes to the heart of how democracy works in Ontario and how our systems work in Ontario and who has access and whose voice counts. If that is not a matter of public record, I don't know what is, so I want to say very, very strongly that this part of the discussion needs to be public.

The Chair (Mr. Kaleed Rasheed): I recognize MPP McDonell.

Mr. Jim McDonell: I guess I'm a little disheartened. This is a hundred-and-some-year tradition that the insignificant business around organizing the business of the committee is done in camera. I mean, I've sat in committees over the years where we've had a hard time getting the subcommittee to show up because of a lack of interest. This idea that we're trying to hide something is really disrespectful of the organization. It would likely require another legislative bill to change this. We are only dealing with the organization of the committee, which we do every time. I guess we're dealing with a party that is so desperate for a point of order that they grasp this at every committee meeting.

We have hours and hours of public hearings coming up next and we're just sitting here to decide what the format is, what the timing is—something that is done at every committee, something that's very routine and that has been decided over the last 100 years to be not significant enough to bother the public with. This is not anything that we're trying to hide.

If the NDP had really thought this, when they had power 20 years ago, they could have changed this. But they chose at the time not to because it's a long-standing tradition of Parliaments around the world not to make committee organization public, just for whatever's sake.

At this point, whether we would change it—it would likely require legislation, more time-consuming bills, and I guess it's maybe not worth it at this time.

The Chair (Mr. Kaleed Rasheed): I recognize MPP Collard and then, afterwards, MPP Natyshak.

M^{me} Lucille Collard: I actually agree with Mr. McDonell, who said that there's nothing to hide in this routine business of deciding the method of proceeding and the scheduling. That's the very reason why it shouldn't be in camera: because there are no sensitive matters to discuss. The reason in camera proceedings have been created is for when you have sensitive information to discuss, to make sure you can have an open discussion.

I raised this issue the very first time I attended a committee here at the Legislative Assembly as a new MPP, because I was very surprised that this was being done. Giving the reason that this is how we've been operating for the last year is not a justification. Moreover, there are no committee rules or other Legislative Assembly rules to justify this way of proceeding. If there are good reasons to do so, then maybe there should be a consideration of making it in the rules so that we don't have that discussion every time, because there are definitely opposite views on the value of going in camera.

That's it. Thank you.

The Chair (Mr. Kaleed Rasheed): I recognize MPP Natyshak.

Mr. Taras Natyshak: The two points of order that were raised by members of the government are interesting. The point raised by MPP McDonell is interesting in that he calls the bill insignificant. Forgive me for being a proponent of democracy, but I believe that every aspect of a bill that changes any aspect of our democratic institution and the parameters in which we conduct elections and finance elections—every aspect—is supremely important and can only be done and should only be done through full transparency. That, to me—it makes me fearful. What playbook are they reading from that says that changes to election law should be done—any aspect.

Again, my colleague from Beaches—East York said that we're talking about how many people can come and testify at committee and for what duration. The government has a majority on this committee. They could just simply, by decree, decide that people don't really get to come to this committee, or a very limited amount of people, and select people for a limited amount of time.

0920

We're trying everything we can as a new country, relatively speaking, and a new democracy, to learn from lessons from other jurisdictions as to where they've gone wrong. Getting big money out of elections and out of partisan politics I think is really an important step. By and large, I've been quite proud of the reforms that have been made, eliminating big-ticket donors and large donors to finance individual campaigns and candidates. I think that sets us apart as a democracy. We only have to look south to see what the influences of big money do to electoral politics. But now we're talking about a bill that actually increases individual donation limits to candidates and to political parties. That's something that should be done in full transparency.

Not one aspect of this bill should be done in the cloak of darkness or in camera, where the record isn't stated. We have an obligation to the public, we have an obligation to the Constitution, to the charter and our oath of office to protect the institutions that got us here, in every form. I see no rationale around going in camera in terms of protecting our elections. This doesn't make any sense. Any member of the general public, regardless of partisan stripe, I think would agree with us. If you have nothing to hide, then don't hide it.

Again, one of my colleagues from the government side said that this is a 100-year-old precedent and we do it all the time. You don't have to do it. This is not a mechanism in which you have to do it. There was a motion on the table. The government can pull the motion, they can remove the motion, or they can vote against it and actually be on the record as saying that they believe in full transparency. That's what we're talking about here: full transparency to the public. You're on the record in this session, an historical record that will be reviewed, because these are changes that academics look at all the time. These are consequential changes. This is not something that, as my colleague said, is insignificant. These are very

significant. They determine the trajectory of a government and of a democracy. I can't say it in any stronger terms. If this government were truly committed to democracy—and I believe they are. I hope they are. But this is not an indication of it, by pulling these types of things.

The Chair (Mr. Kaleed Rasheed): Thank you so much. I recognize MPP Pettapiece, then MPP Berns-McGown and then MPP McDonell.

Mr. Randy Pettapiece: Thank you, Chair, for recognizing me. I do understand the opposition's—why they are doing this. After all, it is their job to oppose. This is what opposition does, and I believe this is probably—they're trying to do a good job. I've listened to their comments with interest, whether I agree with them or not, and actually, I don't. What I'd like to do now, Chair, is call the vote. I think we've had enough debate on this, so let's get this done.

The Chair (Mr. Kaleed Rasheed): I recognize MPP Berns-McGown.

Ms. Rima Berns-McGown: Just before we do that, I want to make one more point, because I do believe it's really important to have this piece on the record. What we're actually talking about here is who has access to democracy. When you talk about a 100-year-old history, it's really important to understand that in that 100 years, certain voices have had outsized influence on democracy, and those voices have tended to belong to white men. It's really important to understand, as Canada and Ontario have become a much more diverse place and as we increasingly see the effects of systemic racism, that voices that have heretofore been squelched and silenced and not given the opportunity to speak do have that opportunity.

We are discussing a bill here that will double the amount of election contributions that people can make, which means that people who have more resources to spend will have greater influence on our system, on government and on who gets elected than people who don't, and that is absolutely related to race and it's absolutely related to gender. It's related to all sorts of issues that need to be discussed. That is why this bill is so crucial, and that's why just because something has been done for 100 years is a terrible reason to keep doing it.

The Chair (Mr. Kaleed Rasheed): I recognize MPP McDonell, and then MPP Natyshak.

Mr. Jim McDonell: Yes, I just want to clarify. I guess I've been misquoted here, when they say the bill is insignificant. The bill is very important, but we're dealing with the procedural part of it that has never been done in public; it's been done in camera.

I hear the NDP members talk about how important this is, and I remember, not too many years ago, when the members opposite were under the Liberal reign, when this bill—many of the same topics were discussed, if not more so, and they did not oppose it being in camera then, because that is the tradition of this Parliament for every bill. I've heard, over the last few weeks, or since we've been forced by this pandemic to do calls by Zoom, this same argument.

I really wonder: Is this the biggest issue they have, the conduct of this bill? They could put a private member's bill in to change the procedures of this House if they chose, but I do not see that happening. Nor would I see that we would want to stray from the traditions of this Parliament.

Let's deal with the things that really matter to the people of the province and get to this bill, get to listening to the proponents who want to talk for or against it, and really get to the meat and look at possible amendments that could be made to it, and not sit here and talk about what time we meet and so forth.

Anyway, I would look forward, and would like to call the vote again.

The Chair (Mr. Kaleed Rasheed): I recognize MPP Natyshak.

Mr. Taras Natyshak: Two things: We are obviously a part of Her Majesty's loyal opposition and, of course, our job is to scrutinize the operations and the actions of the government, but we don't always have to do that. We would sometimes rather not do that. If the government just simply wanted to keep this thing transparent and discuss the terms of the committee in public and talk about who they want to see and for how long, we certainly would not object to that, but we have to object to this because it doesn't add to transparency and accountability; in fact, it further hinders that, and of course adds to the skepticism and apprehension of the electorate and the people of the province.

The second thing I would ask, Chair, is that if we do move to a vote, it be a recorded vote.

The Chair (Mr. Kaleed Rasheed): Sure, thank you very much. It's noted.

I recognize MPP Mantha.

Mr. Michael Mantha: I want to thank the member for recognizing our role as the opposition. Obviously, we're doing our job. That's what we're supposed to do. I remember at one time we were both sitting in opposition seats, and they were doing their job as best as they could in their abilities.

The significance of going into closed sessions—what we're denying the public here as well, and I want to make sure that everyone is aware of this: What we want to do is disclose the process. What we want to do is make the number of participants public. What we want to do is identify those times, so that if there is more engagement that needs to be done, we do it. If we want to have more days, we need to make sure that that is open and transparent as well. The amount of hours that we're going to be determining and how many hearing days we're going to be having with this committee needs to be open and transparent, to engage the public. That's the role.

From where I sit in the House, not only have we been taking our role as opposition quite seriously and been very effective at it, but we've also been proposing to this government: "Here's an opportunity. Here's a proposal. Remove this motion of going into closed sessions. Be transparent." As the member from Essex says, this is a gift. This is something you can take and show the public that you are prepared, that you are changing; that we are

respecting the traditions of this place and that we will not proceed in the standard operating procedures that we have been doing for the last year; that we are going to be more open, that we are going to be transparent and that we are going to be accountable to the public.

With that, as well, I want to second what the member from Essex said: If we are going to vote, we want to make sure that this is a recorded vote, please.

The Chair (Mr. Kaleed Rasheed): Thank you, MPP Mantha.

Are the members ready to vote? It looks like yes. Okay. A motion has been moved by MPP Thanigasalam, and there is a request for a recorded vote. Members are ready, so let's just do that.

Ayes

Kanapathi, McDonell, Oosterhoff, Dave Smith, Thanigasalam.

Nays

Berns-McGown, Mantha, Natyshak, Simard.

The Chair (Mr. Kaleed Rasheed): The motion is carried.

I just have a small request here. In case we need interpretation, can the staff stay here? Are we okay for interpretation staff to stay back? Okay. Thank you.

The committee recessed at 0932 and later continued in closed session.

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