



No. 38B

N° 38B

ISSN 1180-2987

Legislative Assembly
of Ontario

Third Session, 37th Parliament

Assemblée législative
de l'Ontario

Troisième session, 37^e législature

**Official Report
of Debates
(Hansard)**

**Journal
des débats
(Hansard)**

Monday 7 October 2002

Lundi 7 octobre 2002

Speaker
Honourable Gary Carr

Président
L'honorable Gary Carr

Clerk
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LEGISLATIVE ASSEMBLY
OF ONTARIO

Monday 7 October 2002

ASSEMBLÉE LÉGISLATIVE
DE L'ONTARIO

Lundi 7 octobre 2002

The House met at 1845.

ORDERS OF THE DAY

MUNICIPAL STATUTE LAW
AMENDMENT ACT, 2002

LOI DE 2002 MODIFIANT DES LOIS
EN CE QUI A TRAIT AUX MUNICIPALITÉS

Resuming the debate adjourned on October 2, 2002, on the motion for second reading of Bill 177, An Act to amend the Municipal Act, 2001, the Municipal Elections Act, 1996 and other Acts consequential to or related to the enactment of the Municipal Act, 2001 and to revise the Territorial Division Act / Projet de loi 177, Loi modifiant la Loi de 2001 sur les municipalités, la Loi de 1996 sur les élections municipales et d'autres lois par suite de l'édiction de la Loi de 2001 sur les municipalités et révisant la Loi sur la division territoriale.

The Deputy Speaker (Mr David Christopherson): The floor is open for debate. I've got two of you standing; one of you needs to sit down. OK, there we go. The member for Etobicoke-Lakeshore now has the floor.

Mr Morley Kells (Etobicoke-Lakeshore): I am pleased to speak this evening on Bill 177, the Municipal Statute Law Amendment Act, 2002. As the members know, a large part of this bill deals with municipal and school board elections.

The current Municipal Elections Act was completely rewritten in 1996. Before that time, the act told clerks exactly how to run an election, right down to the circle that had to appear to the right of the candidates' names on the ballot. This left no room for innovation; no room for an election that didn't involve paper ballots, for example. The clerks responsible for the elections and others interested in municipal and school board elections wanted more flexibility. They wanted a system that would work in today's world without compromising the integrity of the process. That's what the new Municipal Elections Act gave them in 1996: a new, modern act that would allow for new ways of voting, such as mail-in and touch-screen.

The municipal election scheduled for November 10, 2003, will be the third under this new act. Generally, after each municipal election, staff at the Ministry of Municipal Affairs and Housing examine how well the

election process worked and look for areas that need to be improved.

For the most part, the current Municipal Elections Act is working well. A review of the past two elections as well as consultations with stakeholders like AMO and others have indicated that certain changes would result in an even more efficient and accountable municipal electoral process. The bill proposes a number of administrative and technical amendments to strengthen three overall areas: election administration, eligibility to vote and run, and election finances.

Amendments related to the administration of local elections are, for the most part, fairly minor. For example, we have proposed that the time between nomination day and election day be extended from 31 to 45 days. Last week, the member for Beaches-East York questioned the need to do this, pointing to our 28-day provincial election period.

I would like to point out that, with the advent of alternative voting, in particular vote-by-mail, more time is needed to prepare, distribute and return ballots. The current 31-day period has, in some cases, not provided enough time to properly administer a local election in which alternative voting is used. These additional time requirements do not exist in provincial elections.

It is also important to emphasize that this is not extending the campaign period by two weeks. Individuals can campaign as soon as they are nominated, which can be as early as January 1 in an election year.

Another amendment requires that certain places, such as apartment buildings, provide polling places free of charge. This is not a change in policy as these places have always been required to provide space free of charge if requested by the municipality. What we have found, though, is that in some municipalities landlords have been charging for things like heating and lighting. That is certainly not what the government intended. Bill 177 clarifies that "free of charge" means free of all charges.

1850

Also related to polling places, we have proposed that condominium buildings with more than 100 units be required when asked by the municipality to provide a space for a polling place. Currently, this requirement only applies to apartment buildings with more than 100 units. There is no reason why these buildings should be subject to different requirements in this instance.

A third administration change relates to the clerk's ability to control the posting of campaign materials

around polling stations. As the law stands now, campaign materials cannot be displayed in a polling place. Some candidates have been pushing the limits by putting campaign material up on the outside walls of the building where voting is taking place. We are proposing a change in Bill 177 that would allow the clerk to designate the area surrounding the polling place where the display of campaign material would be prohibited. This was requested by the city of Toronto and supported by the Association of Municipal Managers, Clerks and Treasurers of Ontario.

Some of the other changes proposed in Bill 177 relate to the rules about eligibility to vote or to be a candidate in local elections. Let me speak for just a minute about the proposed change related to time-share owners and their eligibility to vote.

Traditionally, voter eligibility rules have been designed to ensure that people with a significant stake in a community have a say in the government of that community. People who have a significant stake in a community have generally been considered to be people who live there or own or rent property in the community. Since eligibility for other voters is determined on election day, this act proposes to allow the owner who is eligible to occupy the unit on election day to vote. It sounds a little confusing, but it's pretty straightforward.

The new act would also allow anyone eligible to occupy a time-share unit for six or more weeks a year to vote. This would ensure that people with a significant interest in the property would be able to vote.

Bill 177 also includes a change in the definition of "owner or tenant." This is to ensure that non-resident commercial electors who have a lease in a building subdivided in more than one unit maintain their eligibility to vote.

Finally, a section of Bill 177 deals with municipal employees who wish to run for municipal office. The existing Municipal Elections Act requires municipal employees to take a leave of absence to run for municipal office. The proposed amendment would make it clear that an employee of a municipality must be on an unpaid leave of absence before being nominated to run for municipal office. In other words, an employee could not begin to campaign while carrying on with his or her municipal job. At the same time, the council would have to approve the leave of absence automatically as long as it occurred after January 1 in the year of an election. Right now, the leave does not have to be granted until nomination day. The proposed amendment would allow the candidate, not the incumbent council, to decide when his or her campaign will begin.

I'd like to turn now to another very important part of the municipal election process: campaign finances.

Bill 177 proposes several amendments intended to strengthen the municipal finance provisions of the current act. The most important include: a requirement that candidates keep their financial records for three years instead of the current 90 days; changes to the rules on

compliance audits; and more stringent penalties for candidates who file late financial returns.

I'll begin with the retention of financial records. The current act only requires that candidates keep their financial records for 90 days after the final filing. This could make it extremely difficult to properly investigate allegations that might arise against a candidate following the 90-day period. To facilitate a fair and full investigation, one of the amendments would require candidates to keep their records for three years after election day. I think I just said that too.

Another proposed change to strengthen election finances relates to compliance audits.

Mr Rob Sampson (Mississauga Centre): It's OK, Morley, you're making the point thoroughly.

Mr Kells: Good. Yes. The current law allows an elector to ask council for a compliance audit of a candidate. Council has to make the final decision, often putting councils in a difficult position. Municipalities have asked for the opportunity to transfer that decision-making authority to another local body.

As I said a moment ago, Bill 177 also proposes more stringent penalties for candidates who either fail to file their required campaign records or file them late. Most candidates file their financial records on time, but some haven't met the deadline. Currently, a candidate who does not file on time is supposed to be disqualified from office and ineligible to run in the next election. What actually happens, though, is that candidates always appeal to the courts, and the courts invariably allow them to file later without penalty. This diminishes the accountability of the election process by allowing candidates to avoid disclosure. Candidates would get plenty of notice of these new provisions. The proposed legislation would require the clerk to inform nominated candidates for any office governed by the act of the potential penalties for failing to file on time.

The integrity of the election process is the foundation of any democratic system. I wish I had said that once. The changes we are proposing in Bill 177 will reinforce and enhance the integrity of the municipal and school board election process. They will also improve the efficiency of the process and give clerks more flexibility to take advantage of new and innovative ways to make elections more accessible to more voters. These proposed changes are based on the experience of the past two local elections and reflect the advice we have received from municipalities.

I encourage my colleagues to support this legislation. Thank you for your attention.

The Deputy Speaker: Questions, comments? Hearing none, the floor is open for further debate.

Mr James J. Bradley (St Catharines): As I rise in the Legislature tonight, I think my own city council in St Catharines is dealing with an issue that I'm sure every resident of St Catharines is very much concerned with, and that is governance. I know how they're probably getting e-mails, telephone calls, letters and so on about the issue of governance. Somehow I don't think that's the case, but nevertheless there we are.

I've looked at this bill and there's one aspect of it I have some problem with. As members of this House will know, I have been a long-time advocate of removing the influence of money from politics as much as possible. Those who are incumbents have a bit of an advantage in that regard. I'm an incumbent, so even provincially I would have some advantage over a person who would not be an incumbent, and that is certainly the case in municipal politics. I do not like a situation where someone is able, with a ballot with so many names on it, to generate enough publicity, just through name recognition, that that person is able to be elected. So I personally have a concern, not necessarily all of my colleagues, about raising the election expense limits from 50 cents per voter to 70 cents per voter. That is a substantial increase, in my view. I believe that for democracy to function well, money should play a minimal role in the democratic process.

I have looked at a leadership race that has just taken place in the governing party—and this is not exclusive to the governing party by any means but it's the most recent one I see—and I see a huge, \$3-million campaign to elect the present Premier to the position of leader of the Conservative Party. Federally, there's going to be one for the Liberal Party. There's one for the New Democratic Party. The Alliance has gone through it. Federally, the Conservative Party is going to go through it.

I think a situation where money plays as little a role as possible is an important one. If one candidate has a lot of money to spend and a higher spending limit, as this bill calls for, that gives that candidate, I think particularly in municipal politics, a greater advantage. Some of us here have been in municipal politics and have witnessed some of that, where people who simply have a lot of money to spend are able to produce signs, are able to advertise on the radio and put major ads in newspapers, are perhaps even able to have television advertising, although that's very expensive, while another candidate is unable to do so, usually a candidate with a lower personal income and not with the financial resources to continue.

1900

The Minister of the Environment needs first aid at the present time; the minister is nodding in agreement with me or nodding off, one of the two. But I want to generate his interest in this, because I have seen examples within the regional municipality of Niagara, where there have been candidates who were not particularly well-known—nobody knew that much about them—but who had a lot of money to spend and therefore were able to generate enough publicity to be elected, while others who may have been higher-quality candidates were unable to be elected because they didn't have the financial resources.

Just as I opposed the raising of spending limits in the Legislative Assembly when we had a bill before this assembly—I raised that particular issue, and I opposed that—I oppose it in this particular case. I happen to think that the increased limits we have for provincial elections are not healthy for the system. The exemption of something called polling, which has a wide definition—a

total exemption from the process—is not helpful to the process, and I think a higher limit for people to be able to give contributions is not healthy for the process.

South of the border we see the corrosive effect of money. In this House we've had questions directed to the government concerning the possibility—and I put that out only as a possibility—of donations to leadership campaigns perhaps influencing a government decision. That's something that somebody else, a more objective observer than those of us who are here, will have to decide. But when I see that, I often wonder about the local level.

Again the member for Etobicoke Centre, the Minister of the Environment and government House leader, and the former Minister of Energy—I remember him even better when he had all three, because he was up in the House more often—would recognize that possibility as well. You see, in provincial and federal politics, if you want to put it in the crassest sense, you'd have to have a lot of money to buy a whole government or a political party. You'd have to have a lot of money for that. In municipal politics, if you're dealing with one person who has an independent vote on any particular issue, the influence of money can be even more corrosive than at the federal and provincial levels, although I think it is at all three levels. So I focus on that part of the bill.

As I say, not all of my colleagues on any side of the House may necessarily agree, and to be fair to the people, for instance, in Metropolitan Toronto, as I used to call it—now the city of Toronto—you would probably require more money to run a campaign. But in Stayner, Ontario, I suspect you wouldn't need that kind of money, and a person who spent that kind of money might have a distinct advantage over others.

This doubles the filing fee to run for mayor from \$100 to \$200. What this does is exclude some candidates of modest means from running for the position of mayor. I know some people in this House sometimes think they are fringe candidates—a fringe candidate can generate this money. But I'm going to tell you that in politics there may be a lot of people who are extremely wealthy who might be on what we would call the fringe. This makes it unequal for them.

This makes a lot of people happy. This makes the people who run elections on a technical basis happy. The municipal clerks, for whom I have a great deal of respect, and who do a wonderful job of running elections—a lot of the provisions here will make them happy, or happier. It will make some members of municipal councils and municipal candidates happy.

Doubling the filing fee for mayor from \$100 to \$200 may not be that onerous, and I don't think it's the kind of thing that will make those of us in the official opposition vote against the bill. But may I offer a caution to the government that this is moving in the wrong direction, toward inclusion in democracy, as opposed to exclusion, because of money. There well might be a very capable candidate of very modest means who could not afford that \$200 deposit that must be made. We don't want to exclude those people, colourful people, from being part of the system.

I've noticed that candidates now must file their nomination papers two weeks earlier—31 days to 45 days before the election. What this means is that there may be candidates out there who say, "Look, there are a couple of rich people running in this ward and therefore I may not choose to run." But if perhaps—

Interjection.

Mr Bradley: The Minister of the Environment doesn't seem to believe this. Perhaps if they saw near the last minute that they had a chance, and were of modest means, they might enter the race. This is more convenient, I understand. The Minister of Municipal Affairs was kind enough to share with me the reason for this provision. The way he explained it, it sounded pretty convincing. Again I want to say that filing that far ahead will mean that candidates who want to give it extra consideration, who want to see who is in the race, and if they didn't have a chance at all wouldn't enter the race, are going to be forced to file somewhat ahead. I think that may just discourage some people. I think the Minister of the Environment agrees with me in this regard.

The Legislature passed Bill 111, as you all remember, changes to the Municipal Act, in December 2002. We opposed that particular bill because we believed that it was only a very timid first step in providing our municipal governments with the powers and resources they need to serve their communities. So now there are going to be some key changes made to the Municipal Act, and they may have some value, allowing municipalities and school boards to expropriate property if another municipality or school board, with OMB approval, was one of those provisions.

But when I look at this bill coming forward—it's a relatively routine bill, which is why we in the opposition believe the debate will not be prolonged—we're prepared to see this bill move somewhat expeditiously. The government has I think wisely made a decision, has caved in to the pressure of the official opposition House leader, to have some public hearings on this so that people can in committee look at this legislation, which is detailed in some ways, in a more thorough fashion.

You and I, Mr Speaker, would probably rather be dealing with, including two former Ministers of Energy, the issue of the skyrocketing hydro rates. We probably would prefer to be dealing with that this evening. If I were counting the telephone calls to my constituency office, there would be no calls on this bill but there would be hundreds of calls coming in to the constituency office, calls—

Interjection.

Mr Bradley: The member for Perth makes a good point when he says that the Family Responsibility Office is also occupying the time of our constituency assistants. There's a good reason for that. There's not a large enough staff in the Ministry of the Attorney General to deal adequately with the issues those people have. You have done one thing: you've sometimes brought feuding spouses together because both are angry with the Family Responsibility Office. That has to be straightened out

with more resources. The Minister of Municipal Affairs may help out by cautioning his colleagues about this, imploring them to put the necessary resources in the Family Responsibility Office so we don't have the chaotic situation that we face today.

But what the Speaker and I, and he comes from a riding similar to mine, and I suspect most people here, are hearing from our constituents now is that they are extremely angry, and with justification, at the size of the increase in their electrical bills this month and what they anticipate will happen next month. If we had legislation before us today providing for an immediate rebate for those people, individuals, businesses, farmers, people in a variety of fields, we would be in a much better position.

1910

The Speaker will say, "I wonder how this relates to this bill?" Well, the Speaker would know—and he was a municipal representative, as I was—that municipalities are going to face some huge increases in their electrical bills as well. They are all phoning me to say, "Why don't you call this government to account on this? Why don't you raise this daily in the House?" I say that I do, in debates such as this. I hope that the government is listening when we raise these kinds of issues because those municipalities are going to face these costs as well.

You know what else they will face? They will face increases in their natural gas bills. Insurance is skyrocketing for everybody, including municipalities. The cost of water, as a result of another bill in here, is going to go up. I think there is a general consensus in here that we should see much of that covered by the water bill itself, but we have to be able to help out those who cannot afford these increases that are constantly with us.

I would like to talk about ambulance dispatch service. That would be stretching it somewhat if I did that, but the people who are running under these new provisions in the bill will have to deal with the issue of ambulance dispatch, which you and I, Mr Speaker, and perhaps some of the other members of the House would agree is nothing short of chaotic and unsatisfactory. We in Niagara have experienced it. I believe you have experienced it in Hamilton as well. We've actually had deaths that have occurred in the Niagara Peninsula that people are saying are attributable to the lack of a response of an ambulance. That is because of the dispatching that is taking place; not the fault of the people working there, but the conditions under which they work are absolutely unacceptable. Those who will follow this legislation are people who are going to end up dealing with these kinds of issues.

We consider this—and we concede this to the minister, and I think this is the way this should work—as largely housekeeping legislation. That is why we are going to allow the bill, after my intervention this evening, to go to committee. We think that's important.

We need a provincial government that respects our democratically elected municipalities and school boards, not one that strips these bodies of their power and authority on a whim. Again, I think of places such as Toronto

and Hamilton and Ottawa where the locally elected board of education has been usurped by the provincial government. It has put these boards of education in a very unenviable position through underfunding from the provincial level, and now has taken over because those boards of education, in all good conscience, could not close all of the schools that will be needed and cut all the staff that would be needed to meet a so-called balanced budget. Again, that is a role that a municipal government plays.

Let me, in my last couple of minutes, refocus on the issue of election financing. Municipal politicians have a chance to make some decisions on significant issues that could make people rich. An example is rezoning, the re-designation of land under an official plan. These decisions are, within limitations, in the hands of local municipal politicians. If they have higher amounts of money to spend and are reliant upon donations from people, the ability to influence those individuals with increased financial resources is there.

In the United States Congress they finally passed a bill that was not particularly onerous on the present members of Congress, but at least that bill started to deal with campaign finance reform. This, to a certain extent, moves in the opposite direction. The good provision, I want to say because I want to be fair to the government, is penalties for those who do not file their financial statement within a sufficient period of time. I think that is useful. There has to be a meaningful penalty or some will simply ignore it.

Hon Chris Stockwell (Minister of the Environment, Government House Leader): How about those cardinals?

Mr Bradley: Many of them are disappearing in our part of the province because of the air quality that we have.

Interjections.

Mr Bradley: I'm glad the Minister of the Environment said, "What about those cardinals?" I know, as a result of his refusal to close those coal-fired plants, at a time when the member for Scarborough East would probably really like them closed, by waiting until 2015—although if I listen to the Minister of Energy, he just says that's a target, at least the minister hints that that's probably when they're going to close them down. That's why we have problems with cardinals and other birds and human beings influenced by this.

By the way, there's going to be a reception held by, may I call it, a bogus environmental group. Whenever you hear the term "citizens for responsible environment" or something, it's the anti-environment crowd. I want to warn you that not only will Ralph Klein be coming to Ontario with his bosom buddy, my good friend the Premier of the province, and no doubt the Minister of the Environment of Alberta, who was influential in having the Medical Officer of Health fired in southern Alberta because he dared to speak out against Kyoto—he'll be here and he'll want to meet with this Minister of the Environment—but Premier Klein and his bosom buddy Ernie Eves will want to meet and they'll all be fighting

against a bold and good environmental initiative, that being the Kyoto accord. I suspect that the member for Stoney Creek in his heart of hearts—he won't want to admit it among his friends here—is a person who probably supports the Kyoto accord. I don't even want him to nod or give any hint, but I suspect that's the case.

This is why I'm concerned about the provisions of this bill, how money can influence it. I suspect that the bill will go through. We hope it can be improved in committee. I thank the members for their kind attention.

Interjection.

The Deputy Speaker: Questions, comments? Hearing none, the floor is open for debate.

Mr Gilles Bisson (Timmins-James Bay): I was about to prolong that filibuster without realizing I didn't want to go there.

There are a couple of points that I want to make on the legislation. First of all, as many members in the assembly know, and maybe some of the members in the public, we in the NDP caucus have a number of issues that we want to bring this bill into committee for in order to address some of the issues we think need to be dealt with. My good friend and colleague Michael Prue from Beaches-East York had raised those, as our municipal affairs critic, when he first spoke on this bill I guess last week sometime. I just want to touch on two of them very quickly because I think they're interesting from the perspective of what the bill purports to do and how maybe we can make it a little bit better.

One of the amendments and one of the ideas in this bill is to lengthen the municipal election period from 30 to 45 days. We are told the reason for that is that the municipal clerks are saying, "We need an extra 15 days to deal with mail-in ballots. There's a whole bureaucracy of how to deal with mail-in ballots and, because of that, we have to lengthen the municipal election by 15 days." I just find it very passing strange that we can hold a national election, from coast to coast to coast in this country, in 37 days. Then, we can hold a provincial election across this great province of Ontario, all 103 ridings, we can put polling stations from Peawanuck to Windsor and we can do that in 28 days. But somehow we need to have 45 days to do a municipal election. It seems to me a little bit strange.

In this day, in this time of electronics and modern technologies, you would think we could run municipal elections in about the same amount of time it would take to run a provincial election. So I find it a little bit strange that we need to move from 30 to 45 days. One of the victims of going from 30 to 45—many of the candidates will now put their names forward and, if they happen to work in a municipal sector, will basically have to withdraw themselves from their employment for a period of 45 days to become candidates. As it is now, if I decide as a municipal employee of some type to throw my hat in the ring and run either as a mayor or councillor, I have the ability to do that under this legislation, but you go without a salary for 30 days from—I believe the period of the nomination is when it actually happens. That's a

fairly onerous thing for individuals to do, because many municipal employees can't afford to be off work for 30 days unless they happen to have the bucks in their pocket or somebody else does some fundraising for them to supplement the money they lose from their wages. That's tough enough, but now that we're going to 45 days, it's another two weeks that somebody has to go without a salary should they decide to run for public office.

1920

I think we need to amend the legislation in some way so we don't discourage municipal employees and other employees of municipal agencies who are affected by this legislation from making a decision to run because of that provision in the legislation. We want to bring forward an amendment, and we see it as a friendly amendment, to try to deal with that particular issue. Again I say it's passing strange that we can run a 28-day campaign in the province and we have to have 45 days for the municipalities.

There is one thing I like about municipal elections, and that is the set date for elections. Every three years, on the second Thursday in November, there is a set election.

Interjection.

Mr Bisson: No, you guys are fast going there too, Mr Municipal Affairs person. There are at least set terms. The public knows, the candidates know, everybody knows that every three years there is going to be a municipal election in November, and people organize accordingly.

Mr Michael Prue (Beaches-East York): Change it to October.

Mr Bisson: Well, I'm going to come to that in a second.

There is something to be said about having set terms. I would argue it's high time, in this Legislature in the province of Ontario, and in the Parliament of Canada, that we have set terms, that every four years, in the spring or the fall, on the second Thursday of the month or whatever, there is an election day, and if there's a majority government the Premier cannot manipulate when the election is going to be called.

I was a member of a government that went almost five years before calling our election, and that, quite frankly, was wrong. I don't argue for a second that it was right. Conversely you had, on the other side, the David Peterson government that called an election in less than three years. To me, it's not the way we should be doing things. The people of Ontario vote for their representatives; they vote for the parties of their choice. If there's a majority, they should be given a clear mandate of four years and have the election happen on a certain day. I know we can't address that in this legislation, but I only mention it because we have it on the municipal side.

The other thing when it comes to the election date—hey, I come from northern Ontario—move it back to October. Do you know how cold it is knocking on doors in November in places like Hearst and Longlac? It's snowing.

Mr Prue: Daylight saving time.

Mr Bisson: A lot of people don't realize that in north-western Ontario they're in a different time zone. You're basically one hour behind everybody else, or an hour ahead—I always get it wrong. If you go that way, it's behind; that's right. The point is that there's an hour's difference. There is something to be said about trying to move the municipal election date back at least a month so it actually happens in October.

Most municipal candidates do their campaigns on the ground. Most municipal candidates do not have the money necessary to advertise on TV, radio and in the papers, put out leaflets and do mailings. Most candidates don't have that kind of money. So the person from the small business sector, the person who works as a municipal employee or whoever decides to run, most of those campaigns are door to door—bring your leaflet, talk to the person in your ward, basically go directly to the voter and talk to them about why you should be their councillor.

It seems to me just a friendly thing we could be doing, maybe not for this election, because we have one coming up in the fall of next year, but for the election after. I would propose that we move the election date back at least 30 days, and that's one of the amendments I'd like to bring forward. I don't think it's an unreasonable request. I think it's something most of us will recognize as probably a good thing. If we move it back a month—not this election but the next one—it gives you an opportunity to at least have your campaign at a time when you can actually knock on doors and not have to wear your snowmobile boots and gloves in some of the places I represent.

The other issue I want to do just quickly—my colleague touched on this, and I think it's important. We've seen from time to time in different communities that somebody makes a complaint that something has allegedly been wrong with a campaign or a candidate's campaign. There may have been wrongdoing when it comes to how the fundraising happened, or there might have been something wrong—

Mr Prue: Signage.

Mr Bisson: Signage, whatever it might be. When it comes to elections there are all kinds of rules about how a candidate and his or her machine has to operate, and there's no mechanism to deal with that. How my community in Timmins deals with it may be different from what your community does in Toronto. One of the arguments I would make—and I would support the amendment from Mr Prue, the member from Beaches-East York and our municipal affairs critic—is to put a mechanism in that says if there is a complaint, we have an adjunct of the Ontario provincial election commissioner to investigate the wrongdoing, and have the election commissioner or somebody under the election commissioner do the investigation. You don't have to duplicate the bureaucracy; just do it under his office.

He talked about two different cases, one in Mississauga and one in Toronto, where councils took quite the opposite view. In one, the council was fairly diligent in

trying to deal with the issue. They spent hundreds of thousands of dollars to try to deal with the issue. It was very expensive for the municipality. In the other case, in the city of Toronto, they decided not to deal with it when there probably was good warrant to investigate that particular election.

I would argue it would probably be a good thing—and I support the amendment from my colleague—that we refer those matters off to some adjunct or some mechanism under the provincial election commissioner. I think that would be something that could be done. It's not very difficult. It wouldn't be very expensive. In fact, I think most municipalities would support it because it means they don't have to pay for it.

You would have to have some sort of mechanism in the legislation that there's a threshold, obviously, so that you don't have people coming before the commission forcing them to do investigations on something that may not be investigated. But if we clearly spell out the rules, as they normally are, it would be something that the commissioner would be able to deal with.

I just wanted to make the point on the legislation that generally it's not a bad piece of legislation, but we think there need to be a couple of amendments made to it.

I am going to take the last part of this—and I'm not going to go the full 10 minutes, so everybody can applaud now—just to make my comment on my hobby horse once more, and that is the whole need to reform how we elect people here. I believe the way we elect members in Ontario when it comes to our provincial Legislature—I would argue the same federally, but that's another jurisdiction—is wrong.

We have a system that was devised many hundreds of years ago that basically is a first-past-the-post system. We say, "You run in your riding and you can win a seat with 30% of the vote." Then a government could be elected with a majority, in my case with 37% under Bob Rae and 41%, 42% or 43% under Mike Harris—

Interjection.

Mr Bisson: Oh, 45%. But still not clearly 50%. I have done a lot of reading, a lot of studying. I have talked to many people as I travelled in Europe and different places and I have had an opportunity to speak to many legislators.

Interjections.

Mr Bisson: You can check my credit card. I paid for it myself, and I didn't eat at Bigliardi's either. I have spoken to many people in different assemblies around Europe and other parts of the world—Australia etc—and there is a better way of doing things.

What I purport, and what our party purports, is that you move to a system of proportional representation. You could have 103 ridings where you have elections just as we do now. People would be elected according to the same system we have, but there would be one of two things you could do. You could have a system that says that at the end of the election, if the Tories, as in the last election, got 45% of the popular vote, their number of seats would equal 45% of the Legislature. Then the

Liberals and New Democrats would be adjusted accordingly from the process, which makes sure that their proportion of seats in the House would be equal to the proportion of the vote they got.

The other way you can do it is on a two-part ballot, where you say, "I vote for the party of my choice and I vote for the candidate of my choice." So in my riding somebody will say, "I want to vote for Gilles Bisson because I think he is a good representative, and I want to vote for whatever party—New Democrat, Conservative or Liberal—based on my political beliefs." At the end of the day you have a system where the proportional vote is counted on the party's vote and then you make an adjustment accordingly.

I think that would do a couple of things. Number one, it would clearly give the members of the House much more say. That's something I can say, having sat in government and in opposition, we all agree on. It's just the nature of the beast. Most of the decisions are within a select few around the Premier and a couple of cabinet ministers. If you happen to be in the inner circle, hey, that's a heck of a nice thing to have happen, but if you're not and you're a member of the backbench, or you are a member of cabinet in some cases, you may not have that much influence. In the opposition it's the same. At least if you go to proportional representation, the government has to count on all the votes, so each member who comes in here can then have a certain amount of ability to influence the outcome.

The other thing it does that I think is even more important is that if there's something that is controversial before the Legislature—and I'll just use one example: when the government decided to merge the city of Toronto into the megacity, we would have had a debate in this Legislature where the government would have had to have a majority of members vote in favour of the megacity proposal. Even though the government might have been in favour, at 45% of the seats, because they had 45% of the votes, it would have forced the Liberal and New Democratic opposition members to either vote for or against, and the same thing with the government members. It would have made them much more accountable to their individual constituencies, and do you know what? That's not a bad idea.

We all get elected here to do the same thing. I believe all members are honourable. I don't believe that any members in the Conservative caucus, the Liberal caucus or our caucus are here for any other motive than to serve their constituency. But imagine that we can actually restore some confidence and faith to the electors in knowing that their voice, the voice in Parliament that they elected, has some say and has to listen to the people that elected them. So I think those are some persuasive arguments why I think you need to move to PR.

I'll just say in wrapping up that we will probably support this legislation, depending on the outcome of the committee process that we have, because we have agreed to go to committee. We've suggested a number of amendments; others will be coming forward. We look

forward to our time in committee. Pending an agreement in committee on some of the issues we have raised, we will certainly go forward with support for this legislation.

I also understand that I'm the last speaker on this particular bill, according to an agreement that we have, and no further business is going to be called after my speech. Correct? Great.

The Deputy Speaker: In the absence, however, of any unanimous consent of the House, a formal one, I am required to ask if there are any questions and comments. Hearing none, I'll open the floor for further debate. Hearing none, then I will now put the question to the House.

Mr Hodgson has moved second reading of Bill 177, An Act to amend the Municipal Act, 2001, the Municipal Elections Act, 1996 and other Acts consequential to or related to the enactment of the Municipal Act, 2001 and to revise the Territorial Division Act. Is it the pleasure of the House that the motion carry? Carried.

By prior agreement, this bill is ordered referred to committee. I call on the Minister of Municipal Affairs to designate which committee.

Hon Chris Hodgson (Minister of Municipal Affairs and Housing): General government.

The Deputy Speaker: The bill is therefore referred to the standing committee on general government.

Orders of the day?

Hon Mr Stockwell: I move adjournment of the House.

The Deputy Speaker: There's a motion to adjourn the House.

All in favour of the motion, please indicate.

Is there anybody opposed?

Interjections.

The Deputy Speaker: What do you do with that?

Let me try it this way: is it the pleasure of the House that the motion carry?

I didn't hear any nays or grunts, so I will assume that it is the pleasure of this House that we stand adjourned, and we will do so until 1:30 of the clock tomorrow afternoon.

The House adjourned at 1933.

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