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**Official Report  
of Debates  
(Hansard)**

**Monday 19 September 2005**

**Journal  
des débats  
(Hansard)**

**Lundi 19 septembre 2005**

**Standing committee on  
the Legislative Assembly**

Election Statute Law  
Amendment Act, 2005

**Comité permanent de  
l'Assemblée législative**

Loi de 2005 modifiant des lois  
en ce qui concerne les élections

Chair: Bob Delaney  
Clerk: Douglas Arnott

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON  
THE LEGISLATIVE ASSEMBLY**

**COMITÉ PERMANENT DE  
L'ASSEMBLÉE LÉGISLATIVE**

Monday 19 September 2005

Lundi 19 septembre 2005

*The committee met at 1005 in committee room 228.*

**SUBCOMMITTEE REPORT**

**The Chair (Mr. Bob Delaney):** Good morning, ladies and gentlemen, members and friends. Welcome to the standing committee on the Legislative Assembly. We meet this morning to consider Bill 214, An Act to amend the Election Act, the Election Finances Act and the Legislative Assembly Act, to repeal the Representation Act, 1996 and to enact the Representation Act, 2005. Our first order of business this morning will be the report of the subcommittee. Would one of the members care to read the report of the subcommittee?

**Ms. Jennifer F. Mossop (Stoney Creek):** Your subcommittee on committee business considered on Thursday, July 7, and Wednesday, September 14, 2005, the method of proceeding on Bill 214, An Act to amend the Election Act, the Election Finances Act and the Legislative Assembly Act, to repeal the Representation Act, 1996 and to enact the Representation Act, 2005, and recommends the following:

(1) That the committee meet for the purpose of holding public hearings from 10:00 a.m. to conclusion (no later than 5:00 p.m.) in Toronto on Monday, September 19, 2005.

(2) That the clerk of the committee, with the authorization of the Chair, publish notice of the hearings in selected Ontario English- and French-language daily newspapers, as appropriate, at least 10 days prior to the start of public hearings.

(3) That notice of the hearings be provided by news release through Canada NewsWire, and also be posted on the Ontario parliamentary channel and on the Internet.

(4) That the deadline for receipt of requests to appear be Tuesday, September 13, 2005, at noon.

(5) That the minister be invited to appear before the committee on Monday, September 19, 2005, at 10:00 a.m. for 15 minutes to make a presentation and answer questions, followed by a five-minute statement from each party.

(6) That the length of presentations for witnesses be 20 minutes for groups and individuals.

(7) That the clerk of the committee distribute a list of potential witnesses received at the deadline for requests

to each of the three parties by Tuesday, September 13, 2005, at 5:00 p.m.

(8) That if required, each of the three parties supply the committee clerk with a prioritized list of the names of witnesses they would like to hear from by Wednesday, September 14, 2005, at 5:00 p.m. These witnesses must be selected from the original list distributed by the committee clerk.

(9) That if all presenters can be scheduled in a given location, the committee clerk, in consultation with the Chair, be authorized to schedule all interested parties and no party list would be required for that location.

(10) That the research officer provide background information on the bill prior to the start of public hearings, and also provide a summary of presentations by Tuesday, September 27, 2005.

(11) That the deadline for receipt of written submissions be Thursday, September 22, 2005, at 5:00 p.m.

(12) That proposed amendments to be moved during clause-by-clause consideration of the bill should be filed with the clerk of the committee by Thursday, September 29, 2005, at 5:00 p.m.

(13) That clause-by-clause consideration of the bill be scheduled in Toronto on Wednesday, October 5, 2005.

(14) That each party be allowed five minutes for opening statements at the beginning of clause-by-clause consideration of the bill.

(15) That the clerk of the committee, in consultation with the Chair, be authorized prior to the adoption of the report of the subcommittee to commence making any preliminary arrangements to facilitate the committee's proceedings.

**The Chair:** May I have a motion to adopt the report of the subcommittee? Mr. Racco. OK. Any debate? Good. Thank you.

Our first item of business is a presentation by the Honourable Marie Bountrogianni, the Minister of Inter-governmental Affairs and minister responsible for democratic renewal, who is—

**Mr. Ernie Hardeman (Oxford):** Mr. Chairman, I don't think you called the vote on that.

**The Chair:** I'm sorry. You're correct. I didn't call the vote on the subcommittee report. Those in favour? Opposed? Carried, contentious issue though it may be.

1010

ELECTION STATUTE LAW  
AMENDMENT ACT, 2005

LOI DE 2005 MODIFIANT DES LOIS  
EN CE QUI CONCERNE LES ÉLECTIONS

Consideration of Bill 214, An Act to amend the Election Act, the Election Finances Act and the Legislative Assembly Act, to repeal the Representation Act, 1996 and to enact the Representation Act, 2005 / Projet de loi 214, Loi modifiant la Loi électorale, la Loi sur le financement des élections et la Loi sur l'Assemblée législative, abrogeant la Loi de 1996 sur la représentation électorale et édictant la Loi de 2005 sur la représentation électorale.

MINISTER RESPONSIBLE FOR  
DEMOCRATIC RENEWAL

**The Chair:** Minister, welcome. You have 15 minutes to present to us this morning. Please proceed.

**Hon. Marie Bountrogianni (Minister of Intergovernmental Affairs, minister responsible for democratic renewal):** Good morning, everybody. Thank you for inviting me to speak before the committee on Bill 214, the Election Statute Law Amendment Act, 2005. This is a bill I strongly stand behind, and one that I believe, if passed, will ultimately strengthen Ontario's democracy.

Today marks the start of a very important process: We begin receiving the public's input on this bill. I know that many of the citizens and groups who will come before you will share with you their thoughts on the three key areas of Bill 214. Like yourselves, I look forward to hearing what is said, and I look forward to coming out of these hearings with a fuller understanding of how to enhance the components of the legislation.

As committee members, you know that this is a comprehensive bill that deals with three distinct areas that are drawn together so that, as a whole, this bill is one that will strengthen our democracy. I'd like to speak for a moment about those three key areas.

The first feature of this bill would create a new electoral map for the next provincial election, maintaining 11 northern ridings and securing strong representation in the Legislature for all Ontarians. Nine years ago, legislation was passed in Ontario to tie our provincial electoral map to the federal one. Since then, the number, names and boundaries of Ontario's provincial ridings have mirrored the number, names and boundaries of its federal ridings.

Over the years, northern Ontarians have seen their representation in government dwindle, both at Queen's Park and on Parliament Hill. As northern Ontarians have sent fewer elected representatives to Toronto and Ottawa, their voice in provincial and federal affairs has been weakened. For example, the number of northern Ontario MPPs elected in the Legislative Assembly fell from 15 in the 1995 provincial election to 11 in the 1999 election.

The number of northern Ontario MPs elected to the House of Commons fell from 11 in the 2000 federal election to 10 in the 2004 election. I'm sure you will hear from people in North Bay that northern Ontarians do not want to see their representation further eroded. This bill responds to those concerns.

The McGuinty government believes that every region of Ontario is significant and has an important role to play in building a strong and prosperous province. We also believe that in order to do so, every region needs to be represented effectively in the Legislature. By maintaining 11 ridings in northern Ontario, this bill will guarantee an effective voice for the north. It will ensure that northern Ontarians continue to contribute to and share in our province's growth and success.

This bill will also add four ridings in southern Ontario. Southern Ontario's population has grown and, simply put, seats must be added to the Legislature to make sure that southern Ontarians are fairly represented at Queen's Park. Of course, representing a geographically vast and sparsely populated region like northern Ontario is very different than representing more compact and densely populated urban regions in southern Ontario. This bill addresses that reality and speaks to those differences by striking a careful balance to ensure that all Ontarians have a say in shaping the future of our province. If this bill is passed, different perspectives from across the province will continue to be heard, considered and debated in the Legislature.

Second, this bill would set fixed election dates. Provincial elections would be held on the first Thursday in October every four years. Ontario's next provincial election would be held on Thursday, October 4, 2007. The right of Premiers to call elections based on partisan and political considerations would become a thing of the past. Election campaigns would also last 28 days. All political parties and candidates would know when future campaign periods start and end. Everyone would be on a level playing field.

Fixed election dates would allow the government and the public service to work within clearly established time frames. As many who work in government know, speculation on the timing of an election call can often result in enormous uncertainty. Work plans can sometimes be stalled and decisions delayed. That kind of uncertainty is not the public interest. Fixed election dates would result in better government.

Fixed election dates would also ensure that voters know when and why an election is called. An election wouldn't be called because it's the most opportune time for the Premier of the day. An election wouldn't be called because it's in the political interests of the governing party. Instead, elections would be held every four years on a fixed date because it's in the public interest.

Of course, giving voters the chance to vote doesn't mean that they will vote. All of us know that voter turnout has declined steadily in the last four elections, from 64% in 1990 to 57% in 2003. We need to reverse this trend. We need to get more Ontarians to the polls on election day.

Changing how elections are called is just the starting point. We want to inspire greater public confidence in our electoral system. We want Ontarians to trust in the integrity and fairness of our democracy. We want Ontarians to get out and vote, and we want them to know that their vote counts. Knowing beforehand when an election will be held will allow Ontarians to participate more easily and more effectively in their democracy, whether as candidates, volunteers or voters.

Third and finally, we want to give people confidence in our political finance system, so that people feel that the democratic system is working as it should. This bill would improve the transparency of our political process by requiring real-time public disclosure on the Internet of political contributions. All contributions over \$100 to a political party or leadership campaign would have to be reported to Elections Ontario within five business days. Elections Ontario would then have to post this information, including the contributor's name and the contribution amount, on its Web site within five business days, the fastest disclosure time in Canada. Once enacted, this reporting provision would ensure that every previously undisclosed contribution received by all political parties and leadership campaigns since January 1, 2004, is disclosed within five business days. The bill's provisions would apply to both election and non-election periods as well as to leadership campaigns. I'm proud to say that this rigorous system of disclosure would make Ontario's political finance regime the most transparent in Canada.

In summary, this bill charts the course for meaningful and fundamental improvements to how Ontarians govern themselves: It secures strong and effective representation for all Ontarians in the Legislature; it sets aside the guessing game of when elections will be held, puts all political parties on a level playing field and puts the public interest ahead of the interests of the governing party of the day; and it provides Ontarians with the most open and transparent political finance reporting regime in Canada, allowing for the real-time public disclosure of political contributions and setting the stage for further political finance reform.

We're modernizing our democratic institutions and making the political process more transparent to reinforce the integrity of our political system and build citizens' trust in government. We're putting in place changes that will leave a lasting legacy of more open government, of government that's more accountable to the people it serves and of government that's deserving of the public trust.

As minister responsible for democratic renewal, I look forward to the committee's examination of this bill. I know that the feedback you receive on Bill 214 will be very valuable as we move ahead with our bold agenda to renew and strengthen Ontario's democracy.

Thank you.

**The Chair:** Thank you very much for coming in. We should have time for a brief question or two from each side, if desired. Mr. Hardeman.

**Mr. Hardeman:** Thank you very much, Madam Minister, for the presentation. I guess I don't have any specific questions. I do appreciate the fact that we're having these hearings at this point so we can hear from the public.

I do have a number of concerns in the bill. It seems to be built on the perfect system, except that there doesn't seem to be any ability to monitor it or to enforce it or to make it work properly for everyone. I would just speak to northern Ontario, and I would agree with you that the politics in northern Ontario is totally different than in Hamilton or even in Oxford. We do have ridings in southern Ontario that mirror the northern Ontario ridings that have that larger population but geographically have a much, much larger area.

The problem I have is that when we go to the principle of modern democracy, which is that every vote counts and every vote counts equally, I'm having trouble with the way we're implementing this as to say that that's still true. I think the most basic part of our democracy is that when I go to vote, it counts the same as when you go to vote. I think we're going away from that in this. Is that not a concern that you have?

1020

**Hon. Mrs. Bountrogianni:** Are you speaking, Mr. Hardeman, about the 11 northern ridings not being enough, being too many? How do you see this as an issue specifically?

**Mr. Hardeman:** I think it's based on the principle that it's one person, one vote. In the past, we've always been very cognizant of the fact that when we redistribute the ridings, the variance should not be more than 25%. That's what the numbers are presently based on. When we change the system to stay with one person, one vote—the 25% variance for everybody except northern Ontario—and we change that formula, now I notice in the new distribution we will have all the ridings but one in northern Ontario in excess of the 25%. So we're moving further away from the same power of the same vote. Would the solution not be to have more ridings in southern Ontario to match that?

**The Chair:** I need your answer to be pretty brief.

**Hon. Mrs. Bountrogianni:** I understand your concern now. I think most of us—I hope all of us—who have travelled to the north excessively since being elected, particularly those elected before the 2003 election, are awed by the vastness of the geography of the north. For example, one of the ridings is the size of Great Britain. The fact that that member has to travel for hours from one point of his or her riding to another does put a stress on representation, proper representation. I'm from Hamilton. I can do one end of my riding to another in 15 minutes. So there isn't any difficulty for anyone, any voter, to approach me, or for me to approach them. That isn't the case in northern Ontario. We heard this in opposition. We heard the concerns about both the federal and the provincial riding boundaries, which is why we had in our platform an extra riding to preserve what we have now in the north. I understand your concerns, but

we do believe by adding ridings to the south, that will be addressed.

**The Chair:** Ms. Churley.

**Ms. Marilyn Churley (Toronto–Danforth):** Thank you, Minister. Just to follow up on that, I believe that the point, which I support, is not—as you said, every vote should count. It's not about the ability of an MPP, a representative, to get around his or her riding; that's to do with resources in order to do that. But what we're talking about here is every vote counting. I would say that for MPPs in the north, if they need more resources, just as I do in the city to rent an office in downtown Toronto these days, you deal with that this way. But in terms of every vote counting and the proportion of representation in the Legislature before we move to a better proportional representation system, we are in fact, by this bill, giving northern seats more representation, disproportionately, in this Legislature, and that's the concern. I have to speak up for Toronto. It was this party—it's kind of rich that they asked that question. Mike Harris came to the front of the Legislature in 1995 with chairs on a flatbed truck, getting rid of a bunch of them to reduce the members in the House. Now that we're putting some of them back, there is an issue of the disproportion of northern seats now to southern seats in the Toronto area.

**Hon. Mrs. Bountrogianni:** Could I reply to that? As you probably know, this bill, with respect to the boundaries and the number of members, is for the next election. We will have, as you know—and I appreciated your comments last week with Mr. Broadbent—a constituent assembly who will look at possible political reform and possible boundary changes, in which case, if that comes out in that democratic and open and transparent process, we will relook at that.

**Ms. Churley:** Can I ask another really quick question on campaign finance reform? My question would be, and it's quite a serious one: The NDP and I, as you know, have been pushing for, with my real-time machine and other props, real-time disclosure for some time. In the meantime, your Premier and members have had very high-priced dinners and receptions without real-time disclosure and the money is rolling in. There's a real concern that by the time—and we support this, of course—but there's been a real lag from the promise in the last election to when this will be passed. In the meantime, the money's rolling in for the Liberal government that's in power. By the time this comes in, your coffers will be full. It will click in and then perhaps make it somewhat harder for opposition parties to raise money. Do you think that's fair?

**Hon. Mrs. Bountrogianni:** First, if this becomes law, it will be retroactive to January 2004—given that those numbers have already been reported, technically it will be January 2005—so no one will be able to hide anything. It's my understanding that all political parties have high-priced fundraisers.

**Ms. Churley:** Not like yours.

**Hon. Mrs. Bountrogianni:** That's one reason why this bill is a necessity. This will be retroactive to January

1, 2004, so that everything over \$100 will be on the Web site.

**The Chair:** Ms. Mossop.

**Ms. Mossop:** I just have a few comments to make. In my experience so far in politics, and prior to that as a journalist for many, many years, there is definitely a strong appetite among the electorate for democratic reform. Democracy, as we know it, is the best we've got on this planet and an effort to make it better is most welcome.

I think this bill and other initiatives by this government, like the citizens' assembly, like the wider powers for the Provincial Auditor to look into every corner of government and examine those books and to open those books to the public prior to the next election—and we now know when that next election is, so the Provincial Auditor knows when the work has to be done—are going to go a very long way to meeting the concerns of the electorate around what has not been perceived as fully accountable or transparent. People want to know what kind of shape the finances of the government are in before they have to go to the polls, and I think this is just an enormous piece of that. This bill and the other initiatives—tremendous start, tremendous that we're doing the work to reform democracy in this province, in this corner of the world.

I commend you for your work. I know, from my experience working with you and with our government, that you will be open to what we hear during the public hearings, and we will be open to making improvements as necessary and looking very much forward to hearing what the citizens' assembly has to say to make changes going forward.

**Ms. Churley:** Mr. Chair, just on a point of order, I guess: I'd just like to say that I believe retroactive real-time disclosure is an oxymoron. I just needed to get that on the record.

**The Chair:** Right up there with jumbo shrimp.

**Hon. Mrs. Bountrogianni:** I feel compelled to respond to that. The reason I brought that up—I agree with you. Retroactive real-time disclosure is paradoxical. My response was to your point that political parties are raising a lot of money and by the time this bill is passed, it will be too late. People will know how much we're raising and how much you're raising and that is why there's retroactivity.

**The Chair:** I think the comment was more on the semantics than the substance.

**Ms. Churley:** Oh, no, on the substance too.

**The Chair:** I stand corrected. Thank you, Minister.

**Hon. Mrs. Bountrogianni:** Thank you very much.

**The Chair:** Opening statements?

**Mr. Hardeman:** Thank you very much. Again, as it relates to the question and as it relates to the statement the minister made, it's very clear that there are three parts to this bill, the first being fixed election dates. We support the premise of having fixed election dates. I think that will serve everyone well, but again, it doesn't really point out some of the problems with it.

The minister pointed out that there will be a 28-day writ period, but the election will be six months long because no one will be waiting for the writ period. In fact, everything that one spends before the writ period is not considered election expenses. So all of a sudden we're going to have people spending on the campaign for six months and the only thing the writ period will tell us is that now we have to keep track of how much we're spending because we have to stay within the limit. I think that part of it creates a problem because everybody knows when it comes; you know when you can start the pre-election spending in order not to have to comply with the level you can spend during the 28 days.

**1030**

On the issue of the riding redistribution, I have some real concerns with the fact that this is being done and not following the standard of an arm's-length review of where the boundaries should be. This is the first time in some time—and I think if we go back in history and to some of the research that legislative counsel did, we find that the Liberal Party has been very adamant in the past that this should not be a political exercise, that this should be done by an arm's-length commission to reset the boundaries.

We are now saying, "In southern Ontario, we will go with someone else's commission, and in northern Ontario, we will do it somewhat differently, because we made an election promise and so we're going to keep that by leaving that riding."

I think that if we're going to look at changing the boundaries in the north differently from what the arm's-length commission said, we should be looking at the whole thing through a commission to make sure that it's fair and not, as I think it was referred to, gerrymandering, which suggests that we can get political advantage by making a decision on the boundaries, rather than doing it in the best interest of all the people we're representing.

The one other thing I just quickly want to touch on is the real-time disclosure. I know Ms. Churley has made the point a number of times that it's necessary so that as things are happening, people know where the money is coming from that the party and the candidates are spending in the process of making their decisions. I support the issue of real-time disclosure, but the issue of five days—and I hope we will hear more about that from some of our presenters—is going to be almost impossible, if not totally impossible to adhere to in a lot of areas of the province where the raising of the funds, the receiving of the funds, the recording of the funds and the banking of the funds is all done by volunteers who may only get together once every two months to deal with the business of the association. I think there are many of our donations over \$100 that don't get into the bank in the five days that are being recommended here, so they surely will not be recorded and on the Internet as received.

**Mr. Ted McMeekin (Ancaster–Dundas–Flamborough–Aldershot):** Tell him it doesn't apply to associations; just parties.

**Mr. Hardeman:** Again, I think it's very important that we get that out of the discussion, but I think that it's important to recognize that political contributions for parties and associations cross that border at will. They can put it in the association and transfer it to the party, and the party can put it in the party and transfer it to the association without great difficulty. So if it applies to one, it applies to all, as to how it gets there.

It's even greater with some of the donations that go to the party. By the time the resident in Oxford makes the donation and it gets to the party headquarters and all the paperwork gets done, I'm not sure it's going to get done within the five working days. I am sure that the government has put nothing in place to monitor that to make sure that it's happening. I think that really needs looking into.

With that, I will end there. I think that my colleague Norm has a few comments he would like to make.

**Mr. Norm Miller (Parry Sound–Muskoka):** I'll wait.

**Mr. Hardeman:** He says he'll wait until the process goes on.

We look forward to the presentations that come before us so that we can maybe address some of the concerns we have. Generally, we support the principle of what's in the bill.

**Ms. Churley:** I understand this doesn't apply to riding associations. Is that correct? No. That is a problem, although there would have to be a system worked out. I don't think there's a huge concern about smaller donations, but when the donations get bigger, up to the maximum, through riding associations, there is a way to slip in undisclosed donations on real-time disclosed donations through the backdoor. I think that's a flaw.

Overall, I'm supportive of the steps being taken in this bill, but my problem is that when I first stood in the House and supported fixed election dates, for instance, it was cherry-picked out of a whole set of changes that we need to make to our democratic process. Since that time, of course, the government has introduced two different bills and different processes in terms of looking at the whole democratic renewal. I believe that we should be doing all of these things in one piece, because when you cherry-pick out a piece like fixed election dates, for instance, away from the whole process of perhaps changing the system to some kind of proportional representation and the other things that are embedded in the other bill that's being looked at, then I think you have a problem. We're not dealing with it all in one piece. I think that is critical. If you're changing to a fixed election date and over here you're also looking at changing the system without it being brought together, it's problematic.

I mentioned earlier my concerns about real-time disclosure. It's something I very much support, but I would like to see it extended in a reasonable way to riding associations.

I just overall have a—how much time do I have now, Mr. Chair? A couple of minutes?

**The Chair:** You're OK. You should have another minute or two.

**Ms. Churley:** As the democratic renewal critic for my party, I've written a letter to the minister, and I'm going to just highlight some of the aspects of that letter—I don't have time to read it all—which gives my position and our party's position on the overall electoral reform:

"In recent years, average Ontarians have lost faith in their politicians and their institutions of government. They have good reason to be cynical: political parties regularly sell access to their leaders while the concerns of Ontarians—the public interest—are ignored; less than half of Ontarians may vote for a political party yet that party can form a majority government; solemn election commitments are discarded once a party is in office; the makeup of elected Legislatures, in terms of votes for parties, is not representative; in terms of ethnicity or gender the Legislature does not accurately represent the population. This has to change."

We have come up with a whole series of recommendations, which would include:

A full and complete enumeration has to be brought back, and it has to occur immediately to ensure that the permanent voters list is up to date as you move forward with these citizens' bodies;

All major decisions concerning the mandate, funding, staffing, methodology and timing of citizens' assemblies and citizens' juries must be approved unanimously by an all-party committee of the Legislative Assembly;

Any citizens' assembly or citizens' jury must be accountable to the Ontario Legislature, not to a minister, cabinet or the Premier;

Proactive steps must be taken to ensure that any citizens' assembly or citizens' jury reflect the population of the province.

These, today, are not embodied in this bill, but they are all part and parcel of the same democratic renewal process which the government is embarking upon. I raise them because I believe that these pieces that we're dealing with today are part and parcel of the whole democratic renewal process. I think it's important that we take that into account as we listen to people who come forward to discuss this bill before us today. I expect that some people will indeed be talking about the bigger picture, and I don't see a way to really talk about this without including it in the larger context.

**The Chair:** Thank you. Ms. Mossop?

**Ms. Mossop:** No, thank you.

**The Chair:** OK. Thank you very much.

ANIMAL ALLIANCE  
ENVIRONMENT VOTERS PARTY  
OF ONTARIO

**The Chair:** Our first deputation this morning comes from the Animal Alliance Environment Voters Party of Ontario: Liz White and Stephen Best. Please sit down and make yourselves comfortable. You'll have 20 minutes to present to us this morning. You can use the entire 20 minutes if you so choose. If you leave any time, the

remaining time will be divided among the three parties to ask questions of you. Please proceed when you're ready.

**Mr. Stephen Best:** I want to thank the Chair and the members for allowing us to participate. As you've probably guessed, I'm Stephen Best, and this is Liz White.

I think we've distributed the paper. Let me read from it rather than speak off the top of my head, because then I won't miss things which I'd like to get in.

**1040**

The proposed amendments to the Election Finances Act that would, if passed, require that reports be filed with the Chief Election Officer five days after the deposit of a political contribution are the portions of Bill 214 the concern us the most.

Liz White is one of the founding directors of Environment Voters, she's a director of Animal Alliance of Canada and she is the leader of a new Ontario political party that is trying to become registered. The party name, which has been accepted by the Chief Election Officer, is the Animal Alliance Environment Voters Party of Ontario. I am also a founding director of Environment Voters and am serving as the president of the Animal Alliance Environment Voters Party of Ontario.

As a consequence of recent decisions by the Supreme Court of Canada, Liz White has commenced an action in the Ontario Superior Court to have portions of the Ontario Election Finances Act declared unconstitutional. If the challenge is successful, which seems likely, Bill 214 will have a direct impact on how we conduct our affairs in the future.

Animal Alliance is a federally incorporated non-profit organization. Environment Voters is the political arm of Animal Alliance. The goal of both organizations is increased protection for animals, wildlife and the environment. Animal Alliance and Environment Voters are unique in the environmental and animal protection movement in Ontario and Canada, in that much of our work involves campaigning in elections. For the most part, elected representatives decide the degree of protection, if any, that will be afforded animals, wildlife and the environment. Consequently, Animal Alliance and Environment Voters campaign in elections as a third party. We support candidates and parties with good environmental and animal protection records or policies, and oppose those with poor ones. Our first campaigns were in the 1999 Ontario provincial election. We campaigned in six electoral districts. In fact, one of the rookie MPPs we helped elect in that election is now the minister whose name appeared at least in the original version of Bill 214, the Honourable Michael Bryant. Since 1999, we've campaigned in over 50 constituencies across Canada at the municipal, provincial and federal levels.

We are now preparing to participate in the next federal election—not as a third party, however, but as the Animal Alliance Environment Voters Party of Canada, a federally registered political party.

Before I get to our specific concerns about Bill 214, I would like to invite Ms. White to give you a brief overview of her legal action in the Ontario Superior Court,

because it will not only explain why we are here and concerned about Bill 214, but also perhaps inform the future deliberations of this committee.

**Ms. Liz White:** I'm going to be very brief, and I will also read so I don't miss any points. My apologies for doing that.

The quality of our environment, the species of wildlife that will be exploited and how, and the treatment of domestic animals are decided by politicians who every few years have to go home and convince people to vote for them. Consequently, perceptions of how voters will respond to any particular legislative initiative are always a prime, and often the major, determinant of public policy. If doing the right thing, rather than the political thing, primarily decided public policy, there would be no environmental degradation caused by automobiles, no animal cruelty in the livestock industry and no need to consider new nuclear power plants. I'm not criticizing politicians when I say this; I am merely stating the obvious. Politicians in democracies operate in an environment that has been described as a "vote economy." Policies that earn votes are good; those that lose votes are bad.

What this means for Animal Alliance and Environment Voters is that if we are to help protect the environment, wildlife and animals, we must make doing so good politics. Because of our present winner-take-all voting system, we can do that most effectively, in our view, by campaigning as a third party and supporting or opposing individual candidates.

Unfortunately, in May 2004, the Supreme Court of Canada ended our effectiveness as a third party. In *Harper v. Canada*, a case in which we intervened, the court upheld the provisions of the Canada Elections Act that set spending limits for third parties so low as to deny them the capacity to meaningfully participate in elections. It's difficult to communicate with many voters in an electoral district when all you can spend is a little over \$3,000.

However, at the same time the court was taking away our rights to campaign effectively in elections as a third party, it was making it easier for us to register as a political party and to do more than we could ever do as a third party. In *Figuroa v. Canada*, a constitutional challenge that began in Ontario, the court ruled that the federal government's requirements for registering a political party were unconstitutional. Today, because of *Figuroa*, federally registering a political party requires the support of only 250 electors and a declaration by the leader of the party that "one of the party's fundamental purposes is to participate in public affairs by endorsing one or more of its members as candidates and supporting their election." We have registered the Animal Alliance Environment Voters Party of Canada and will be enjoying all the benefits and be subject to all the obligations of a registered political party once the writs are dropped for the next federal election, or if there's a by-election, prior to the federal election.

The Supreme Court of Canada has in effect decided some aspects of electoral law in Canada, and their deci-

sions will constrain provincial governments. In particular, provincial governments can now restrict spending of third parties, but they must also reduce the barriers to registering political parties. Ontario has the highest barriers in Canada to forming a political party: the support of 10,000 electors or the nomination of candidates in 50% of the electoral districts. Moreover, while the party is working to become registered, it is not permitted to raise any funds.

If we are to ensure that Animal Alliance Environment Voters can campaign in Ontario elections and not be limited by any third party restrictions, which the Ontario government might promulgate in the democratic renewal process, our only course is to become a registered political party in Ontario.

Today, my attorney is filing the necessary documents asking the Ontario Superior Court to rule that sections of the Ontario Election Finances Act that pertain to the registration of political parties be declared contrary to the Canadian Charter of Rights and Freedoms. Our argument is, of course, based on the Supreme Court of Canada decision in *Figuroa*, which means—not to prejudge the Superior Court's decision—that it is likely we will prevail and that the Ontario Chief Election Officer will be required to register not only the Animal Alliance Environment Voters Party of Ontario, but also the over 130 other parties in Ontario that have been denied registration.

As a registered party, we and our supporters will enjoy the benefits and be subject to the obligations and restrictions on registered political parties that this committee is now considering. With those obligations and restrictions in mind, I would like again to turn the microphone over to Mr. Best to talk about Bill 214.

**Mr. Best:** Our concerns with Bill 214 are more mundane than making protection of the environment good politics, planning election campaigns or challenging the constitutionality of Ontario's election legislation. Our concerns have to do with the reporting of political contributions.

The changes to the Election Finances Act proposed in Bill 214 would require registered political parties to, "Within five days after a contribution is deposited ... file with the Chief Election Officer a report about the contribution."

I believe that there is general agreement that the financing of political parties should be transparent, that the public has a right to know who is paying for the campaigns of their elected representatives. There is no question that elected representatives and political parties are sensitive to and appreciative of individuals, corporations and organizations that contribute to their campaign contributions. There is also a valid concern—and ample evidence, most recently from Toronto and Ottawa to justify the concern—that this financial support can result in undue influence possibly on legislation and certainly in the awarding of government contracts.

Transparency in political contributions is perhaps one way to diminish, if not eliminate, this problem. However,

excessive transparency that will have no effect on the problem of undue influence merely increases the reporting burden on political parties.

Last year, F.J. Barrera gave \$170 to the Ontario Liberal Party; Mr., Mrs. or Ms. P.F. Baston gave \$160; and R.N. Black gave \$120. This information, despite it being public and posted on the Elections Ontario Web site, does nothing to improve or clean up politics and democracy in Ontario. The amounts are too small to raise concerns; the identifying information is too limited to be usable. Filing reports of contributions like these within five days of deposit will not change those facts.

If the Ontario Superior Court finds Ontario's political party registration regulations unconstitutional and the Animal Alliance Environment Voters Party of Ontario is registered, we can expect that most of our supporters—as many as 90%—will make small contributions, giving less than \$500 a year. But most, because of the tax benefits, will contribute over \$100. Given that it is barely a possibility that we'll ever elect an MPP, and an impossibility that we'll ever form a government, it is difficult to imagine how having the Animal Alliance Environment Voters Party of Ontario and the 130 or 200 other smaller parties that might be formed send weekly reports to the Chief Election Officer improves democracy in Ontario.

#### 1050

As a political strategist, I understand the propaganda value of the five-day filing period for political contributions over \$100, but perhaps that marginal value might be set aside in the interests of regulations that truly enhance transparency and are not an undue and unnecessary burden on political parties, particularly smaller parties.

In anticipation of the Chief Election Officer having to register perhaps dozens or even hundreds of smaller parties, our request of this committee is that the five-day filing requirement be reconsidered and a more reasonable and practical filing regime be considered. Perhaps contributions of less than \$2,500 or \$5,000 a year can be reported annually with higher amounts reported more frequently. At the very least, the regulations should be commensurate with the issues and the concerns that they're intended to address and should not place undue and unnecessary burdens on political parties, particularly smaller parties that are unlikely to elect anyone or form the government and therefore will never be in a position to return any favours other than saying thank you for a political contribution.

**The Chair:** I'll need you to sum up fairly quickly.

**Mr. Best:** One last summation is that in the last federal election, I did a third-party campaign for a group called the Lubicon Legal Defence Fund. We were asked by the chief federally as a third party to register all the contributors to that campaign: names, addresses, telephone numbers and the amount given. We sent a letter to the federal Chief Electoral Officer and said we were not going to do that until we had information from the privacy commissioner about the process of revealing those names and amounts. We withheld that and, to this

day, have not received anything from either the Chief Electoral Officer at the federal level or the privacy commissioner about our request.

With that, we thank you for hearing our concerns and would be pleased to answer any questions, if there are any.

**The Chair:** Thank you very much. That concludes the time you have available this morning. Unfortunately, there won't be time for questions.

#### ROBERT WILLIAMS

**The Chair:** Our next deputation is Mr. Robert J. Williams, if he's in the room. The clerk informs me that members will find notes for this and the next deputation at their desks. Mr. Williams, welcome this morning.

**Dr. Robert Williams:** Good morning. Thank you, Mr. Chairman.

**The Chair:** You have 20 minutes to make your point. Should you use less than the 20 minutes, the remaining time will be divided among the parties to ask you probing questions. Please begin at your leisure; the floor is yours.

**Dr. Williams:** I'll do my best to stay within that time limit. My remarks really only address two parts of the bill. I'm generally supportive of the amendments dealing with the disclosure of contributions, at least in terms of what they do. There are a number of other issues that this bill doesn't deal with, but frankly I concentrated on the other two parts, and I would like to address my comments to them.

The first is the question of fixed election dates. Perhaps as part of an occupational hazard as an academic, I decided I would have a look at this question because there seems to be such general consensus that it's a good idea. In playing that role, I decided in the end, perhaps reluctantly, that I'm not sure that it's a very significant innovation after all, and I have three or four comments that I'd like to make about the particular provisions in Bill 214 that leave me saying, "Well, maybe this is not really as big a breakthrough as all that."

First of all, it was of course the 2003 election in October that served as the kickoff date for this particular arrangement. It seems like we've simply said, "Oh, the last election was in October, so we'll make the next election and all the other ones that follow happen in October." I'm just asking whether it's clear that, in consultation with Elections Ontario or anyone else, this is in fact an appropriate time of year to conduct an election in Ontario? Do we have the human resources to run that election? Are the locations that we might use for polling places available on a regular basis? In other words, is that October date necessarily the best one we should be looking at? I guess I'm saying I don't really see a compelling rationale for an election at that time of year in the support for this document, at least from what I've seen. The fact that it's consistent is one thing. I'm not sure that that necessarily makes it the most appropriate outcome.

Secondly, imposing a fixed election date seems to me to force the work of Parliament to conform to what we

might call an artificial cycle. We've basically said the work of Parliament is going to last four years. Whether it's worth four and a half years or three and a half years, it's got to be four years.

I suggest to some of you who have had chats along the way with individuals in the Clerk's office to go back to the example of what happened to petitions on the daily order paper. As I understand it, petitions have now become a 20-minute block of time, whether it's needed or not. I'm not sure that simply saying four years is the only way to do it is necessarily the right way to do it.

I'm also very concerned that it leaves undefined the conditions that might justify dissolution. There are provisions in there for an early dissolution, but I think it's impossible to try to spell out what those conditions are. To simply say the Lieutenant Governor could dissolve the House if conditions are right—what are those conditions? What have we really changed from all this? It's perhaps like imposing a time clock in a baseball game. It doesn't really fit to say it's got to be four years and that's that.

Finally, and very broadly speaking—I think all parties have spoken to this—it's defended on the grounds that it will make it difficult for a Premier to set election dates when it's politically opportune; if you will, when all the ducks are lined up to maximize the prospects for re-election. However, again wearing my academic hat, it's possible that we could argue the other direction: Premiers—not just this Premier but every Premier—will use every power and resource available to make sure all the ducks are lined up every October 4. The only thing that seems to have changed is when the call comes.

I suppose, taking another sports analogy, it's a bit like the difference between the end of a hockey game and the end of a soccer game. The end of a hockey game is a definite time, but in a soccer game, there's a bit of fudge time in there. That's what we've got now. We don't quite know when the call is coming, but we know it's coming. Now it simply says the time is fixed.

So does the provision for fixed election dates enhance democracy? In my opinion, not much. It's not a conclusion I started with, but I decided that perhaps it's not quite as straightforward as it looks.

The question of adjustments to electoral boundaries, I think, takes us to some of the principles of representation that can be applied to the Ontario Legislative Assembly. Again, I'm somewhat critical of these, and if anything, I guess the point I would make is that the bill doesn't really go far enough. There probably should be a much broader question that needs to be addressed in here, and I've set out some comments on that.

First, I argue that Bill 214 creates a system of representation that has no real coherence or consistency. This again touches on points I've already heard this morning. The Representation Act, 1996, aligned the boundaries for federal and provincial elections, partly on the grounds that this would be easier for voters. We wouldn't need an election commission; it would be done in Ottawa. We'd simply use their boundaries, and away

we go. We'd save money because we'd have fewer MPPs.

I'm not convinced that those advantages are as straightforward. In fact, I think they're highly debatable. Having gone through the discussions on MPP salaries and workloads, some of you would realize that those savings are not all that significant. More importantly, I think the two sets of boundaries are already out of sync. The Ontario House has had two elections on these boundaries; the federal House is already on to a new set of boundaries and could have yet another election on those new boundaries before this House is dissolved again. In effect, the rationale for having the two in sync really has disappeared. You might as well have your own system as try to pretend you're using the federal system—leaving aside, of course, the proposals that are here.

Bill 214 also breaks what I call the nexus of federal and provincial ridings by entrenching northern Ontario—is Parry Sound–Muskoka really northern Ontario? Anyway, it leaves the rest of Ontario to fit into the federal representation system, and the net result, it seems to me, is an election map that's driven by two different dynamics: one in the north, set on the basis of the 1991 census, which said seats were going to be of a certain size and pattern; and the other part fixed, at least if we still use the federal system, on the 2001 census, which has its own dynamic. So we've really got a thing that doesn't fit together and again, even that, leaving aside the question of Algonquin Highlands and whether it's one or the other, or whatever. In other words, the system is not really very coherent, in my view, and probably should be thought about in a different way. That's really the second part here.

#### 1100

I believe that Bill 214 perpetuates a system of representation that is largely shaped by the needs of the House of Commons, not the Ontario Legislative Assembly. In other words, the bill does not recreate or restore a representation system that addresses Ontario's own priorities. I've got about three points there. One, the representation in what I might call the rest of Ontario—that is, non-north, however defined—is determined by calculations and principles embedded in the federal Electoral Boundaries Readjustment Act and the process for boundary revisions that is implicit in it. Therefore, the number of seats in the Ontario Legislative Assembly is dependent upon a calculation related to the population of the other provinces and not a determination of the constituencies needed to provide Ontarians with effective representation within their own unicameral political system. In other words, what we end up with is largely a result of a federal process. That's one of the reasons the original expectation in 1995 was that the Ontario Legislature would have 99 seats. It ended up with 103 because that's what happened in Ottawa. We inherited that outcome.

Secondly, the notion of effective representation within Ontario's political system puts demands on MPPs that I think are quite different from those put on MPs—this is

not an original observation; it's made by many people. Dealings with municipalities, school boards and hospitals and other kinds of things that you as MPPs must do are not really the kinds of roles that are played by MPs. Yet it appears that it's the role of the MP that shapes the nature of constituencies in Ontario. I suggest that Bill 214 essentially perpetuates this rather poor fit between what an MP needs and what an MPP might be able to better serve.

The last point here is a very large one, and I suppose only old guys like me who look at Ontario history in a big perspective—I've been teaching courses in Ontario politics for over 30 years. I was immediately struck by, and am still somewhat uncomfortable with, the principle of the Representation Act, 1996, which essentially handed over to the Parliament of Canada the right to shape the representative components of the Ontario Legislative Assembly, which this bill perpetuates. Symbolically and practically, this arrangement appears to have disregarded a very long and acrimonious struggle—granted, it was in the 19th century—to try to establish Ontario's and the Ontario Legislative Assembly's independent status in relation to the Dominion Parliament. The Representation Act, 1996, in effect said, "Ottawa, you decide a key part of our representation system. We're happy to let you do it." I suggest that that is something we really ought perhaps to revisit, and think again about whether Ontario should decide for itself what its system ought to look like.

I'm not positive that I've got this information right, but on a symbolic level that point is reinforced in that I believe that when the redistribution process is going forward, members of Parliament are entitled to speak to the boundary changes, both in Parliament and to the commissioners, but MPPs are not. Even though you have to live with the boundaries, symbolically you are just a member of the public. Again, I think that's part of my concern. What we really should have is a system in which this is controlled in Ontario for Ontario's needs.

If you will, the final perspective from me is that Bill 214 doesn't go far enough. It should, in my view, re-establish the Ontario Legislative Assembly's right to determine the principles and practices under which its own members are elected. If that means the re-establishment of a redistribution commission, so be it. I think there are very important reasons why we need to go that far.

So my comments are more about what's not here than about what is here, but I'm happy to share those with the committee.

**The Chair:** Thank you very much for a deputation that I'm sure everyone thought was thoughtful, informative, incisive and very interesting. We have time for perhaps only one question per party, beginning with Ms. Churley.

**Ms. Churley:** Thank you very much. That was an interesting take on the process.

**Dr. Williams:** I'm not sure you'll all agree with it.

**Ms. Churley:** I agree with much of it, actually. My question for you—in such a short time frame, I have to

limit it to one—do you know of any other system based on the British parliamentary system, as this one is, that has a fixed date?

**Dr. Williams:** Other than British Columbia?

**Ms. Churley:** Other than BC.

**Dr. Williams:** No, I'm not aware of it, and that's part of my concern. I'm not sure that it really fits in too well. Certainly there are conventions. One of the ways perhaps to get around this—and I thought about it after I wrote this—is that maybe what we ought to be talking about is simply adjusting the maximum dates that the House can sit. If five years is too far out, maybe we'd bring it in a little closer or something of that sort. But no, I'm not aware of a situation in which there is a formal requirement of that.

**Ms. Churley:** Do you believe, then, that if we are going to be seriously contemplating it, it should be part of a bigger package; that is, looking at changing the system to some kind of proportional representation?

**Dr. Williams:** Just as a forewarning, part of what I'm here to do is thinking about the select committee. I am going to be appearing before the select committee in October and looking at the bigger issues.

I agree. I think this is only part of the way the Parliament and the election system ought to work. Perhaps it would make more sense to plug it in to some of those outcomes.

My second comments could also be thrown out the window if we get to an entirely new system. We'd end up having to do our own work.

**Ms. Churley:** I agree.

**The Chair:** The clerk informs me that Yukon also has a version of fixed election date.

**Dr. Williams:** Right, and Yukon does have a party system, but it's a very small one.

**Mr. Brad Duguid (Scarborough Centre):** I thought it was interesting, because I haven't thought about it this way before, but in fact you're quite right: Ontario's electoral boundaries are being set on national priorities, populations of other provinces and things like that. Thinking in that sense, I thought that's interesting. At the same time, I can't think of a reason why that's detrimental. I can't think of an example where that has served us wrong in terms of the current boundaries. My question to you is, did you look into the results to see whether in fact there is some kind of example where that hasn't worked for Ontario?

**Dr. Williams:** My sense is that that's probably overall an aggregate question, if you will. How many seats do we actually have? I haven't gone through to look at where the particular boundaries are. We know lots of things go on in the names, but it's more a question of how many seats we really need to do the work that's necessary. Although I didn't put the comment in here, Ontario, technically speaking, is probably under-represented in the House of Commons, which means this body is forced to work with a smaller number of seats than it might otherwise need, especially for representative connections to the communities, the school boards etc.

We're given a number based on calculations made elsewhere. Virtually every other province but Alberta and British Columbia get bonus seats. We don't get that. We get the bare minimum on a formula devised on a national average. I'm simply saying that we don't have a right, very easily—although this bill goes part of the way—to say, "Maybe our needs are different than the needs of the House of Commons." That's the kind of general message I was trying to bring here.

I'm not saying that the boundaries are necessarily affected by that, although in my own area, I suggest that your colleague Mr. Arnott's constituency certainly doesn't make a heck of a lot of sense as a provincial constituency, wrapping around over a county and a region. I don't know how many school boards or municipalities he's got to deal with. There is no real sense to it.

**The Chair:** Mr. Miller.

**Mr. Miller:** Thank you for your presentation. It's has been very interesting. I've got half a dozen questions I could ask you, but I think I only get to ask one. First of all, my riding is Parry Sound–Muskoka.

**Dr. Williams:** I knew that.

**Mr. Miller:** I guess I'm the beneficiary of this bill going through in terms of maintaining my own riding boundaries. From my own personal perspective, I'm pleased to have my riding stay intact, more or less. I think most MPPs would feel the same way, that it's nice to be campaigning in the next election where you've been doing your work.

1110

The problem I have with the process is that for the north, the government's really making the decision to have 11 ridings and to maintain ridings with fewer people, you could say. That's happened in the past, and the research department has given us lots of examples where electoral boundaries commissions have recommended ridings in the north that did not fall within the 25% tolerance of population. My only problem with the whole process is that it is the government deciding, not an electoral boundaries commission. Do you have any comment on that?

**Dr. Williams:** I would very much agree that this is a process that we have, in the last 30 years or so, entrusted to individuals outside elected office. I'm glad the boundaries that are going to be maintained were originally set by such a body, but the decision to actually now use them—you're right—has been taken on in a different way. Again, my bigger perspective would be that if we were to sit down and decide what we think Ontario needs, we might come up with a different pattern.

**The Chair:** Thank you very much for having come in today, Dr. Williams. Sometimes we're sorry that it's only 20 minutes.

**Dr. Williams:** I appreciate the time. Thank you.

ALAN HALL

**The Chair:** Is Alan Hall in the room? Welcome this morning. If you've been here more than a few minutes, you know the ground rules. You have 20 minutes for

your deputation. If you choose to use less than the 20, the remaining time will be divided among the parties for questions. The floor is yours. Please proceed.

**Mr. Alan Hall:** Thank you very much. First, I wanted to comment to the clerk that I've brought in some appendices to my report with some supporting numbers, which I've left on the table over there. Unfortunately, I spent quite a bit of time in Mr. Delaney's riding this morning, on the 401, so I came in a little bit after 10.

I'm here today as a private citizen, although this is an area that I know quite well. I worked for six years at Elections Ontario as a research assistant, and I've also worked for provincial boundaries commissions in Alberta and Nova Scotia. So this is an area I know fairly well.

I've looked through Bill 214, and I've decided to make seven different recommendations that I think will improve the bill and hopefully improve the democratic process in Ontario. The three areas are redistribution, particularly in northern Ontario, changes to the election law itself and then some fairly small technical issues regarding the wording of the bill.

Starting in northern Ontario, the government decided in its throne speech a couple years ago that it would retain 11 seats in the north, and obviously Bill 214 is the attempt to bring that into law.

Since the 1960s, independent electoral boundaries commissions have been used across Canada to create riding boundaries, because there's the very obvious concern of a conflict of interest in having the elected representatives choose the areas that they get to run in. I think preserving northern Ontario's representation is a laudable goal, but there have been so many changes in the north recently in terms of municipal changes, which have occurred across the province that there should be an independent electoral boundaries commission that is given the task of deciding where those 11 ridings should be.

What I've done for the second part is decided that if the Legislature decides not to create a boundaries commission and just to go right ahead with retaining the current 11 ridings, there are some areas in the north that should be looked at. I've mentioned them as being the city of greater Sudbury and the municipalities of Killarney, French River and West Nipissing, all of which were either created or expanded in the last 10 years with all the municipal boundary changes, but their current boundaries actually straddle provincial riding boundaries. I think these are some areas that should be looked at. Some of the populations are very small, so I don't think it's a major impact on any riding.

Also, there are a few what I would call anomalies in the north, where a community is linked by a road network to a major community but for some reason—probably historical reasons—has been put into a different riding. I think that is something that obviously a commission should look at. If the committee or the Legislature decides that it wants to bring in the boundaries directly, my recommendation would be to speak to the members from those areas and some of the local officials to see which riding would be most suitable for them.

Moving on to changes to the election law, the bill contains fixed dates for general elections. Without getting into the pros or cons of that, the one thing I would like to strongly suggest is fixed dates for by-elections. In the past, Premiers of different political stripes have sometimes held off holding a by-election for purely political reasons, because they didn't think they could win and they wanted to put it off as long as possible. It's kind of like going to the dentist: You put it off as long as you can get away with it. Actually, the first appendix I've added lists every vacancy that has occurred in the Legislature in the last 30 years and how long the seat was left empty. In my original proposal, I mentioned that there were seven cases where people went without representation for six months. That's only in cases where there was a by-election called eventually. There are many other cases where, because by-elections were never called and it just rolled into the next general election, people were left without a member for up to eight months. In the most recent example, John Snobelen resigned in March 2003, but there was no election called and the new member wasn't able to deal with some of the matters of the constituency until October. Some of the ones in the waning days of the Rae government were just ridiculous.

Because of some of these delays, back in 1993 a little-known MPP, Greg Sorbara, decided to introduce a bill, Bill 57, which would actually set by-election dates but still give the Lieutenant Governor in Council some flexibility if that date happened to fall on Christmas or March break or Yom Kippur etc. He suggested using 70 days and 100 days, I believe, as the two windows for by-elections. I've decided to change that to 60 and 90, because there's a shorter campaign period now than there was in place at that time.

Under what I'm proposing, for example, with the current vacancy in Scarborough–Rouge River, once the resignation took effect, there would be a writ of election that would be set for October 20. If October 20 happened to fall on Yom Kippur, then the government would still have the ability to move the date back or forward a couple of weeks but still within a 90-day time period. I think that would, as much as possible, take the politics out of when people can actually elect their representatives.

The second change to the Election Act that I wanted to propose is actually one that's currently before the committee: Bill 76, which was introduced by Richard Patten last year. It's one to provide party names on the ballot, and it's one that seems to occur every few years. It has occurred at least four times in recent history. I think one of the matters that gives it a bit more impetus this time is that a couple of years ago in the Figueroa decision, which was mentioned by a previous intervener, one of the key rights and responsibilities that a party enjoyed was to put their party name on the ballot.

**1120**

The Figueroa decision was more concerned about the rights of registered versus unregistered parties, but I think

the principle is the same, that voters deserve to know the political party of the candidates that are on their ballot, rather than as currently happens provincially. I believe there's a sheet of paper that the DRO keeps, and if you don't know the party of one of the candidates, you can go over and ask them. I think that's ridiculous. I think that should be removed, and it's a fairly simple matter.

The next three points are very minor. They deal with technical matters of the bill itself. The first one is regarding the effective date. I believe the effective date of September 1 was chosen because that's when riding name changes came into effect federally last year. However, since that date, the MPs realized they made an error in one of the cases, and they actually reverted to the original name. Changing the effective date of Bill 214 to February 24, I think, would be a more suitable time.

The next point is regarding the whole issue of name changes. The current Representation Act includes provisions that if a name changes federally, it also changes provincially. I know at least one member here who was sort of caught in that recently, where the riding name changed federally, so the name changed provincially.

**Ms. Churley:** Without consultation.

**Mr. Hall:** Without consultation. Actually, that name change is up for debate in Ottawa currently: Toronto–Danforth to Danforth–East York–Riverdale, as well as three other bills that are currently pending regarding federal name riding changes. So I think that if you're going to use the same boundaries and the same boundary lines, it makes sense to keep the same names. There should be some provision put into Bill 214 for that.

The last point is a fairly minor point. Up until the last Representation Act, every Representation Act that has ever been passed by the Legislature included the names and boundaries of all the provincial ridings. With Bill 214, if it passed unchanged, if someone wanted to know the names and boundary lines of the new ridings, they would actually have to unearth copies of the Canada Gazette from 1996 and from 2003. My simple solution would be just to add the riding names and boundaries to the bill as an appendix.

Those are my seven recommendations. I'm open to questions.

**The Chair:** Thank you very much. We should have time for two questions from each party. Mr. Sergio.

**Mr. Mario Sergio (York West):** I can't resist asking a question, since you seem to be well versed with the system.

Mr. Hall, you mentioned voters deserve to know, and I guess this is part of our process here as well. Some European countries use a number in front of the candidate's name, together with the political party. Would you agree that perhaps we could make it easier to get to know a particular candidate or who to vote for if we were to attach a number to a particular candidate's name?

**Mr. Hall:** I believe it already is in provincial elections. I believe there are numbers on the ballots.

**Mr. Sergio:** It is? I didn't see that.

**Mr. Hall:** I agree with you. I think, yes, that would be a good idea. But I think it already is current practice.

**Mr. Sergio:** It is? Not that I know of.

**The Chair:** Thank you.

**Mr. Sergio:** But you would go for that?

**Mr. Hall:** I think that's a very good idea, yes.

**The Chair:** Thank you. Mr. Hardeman.

**Mr. Hardeman:** Just a very quick question: You mentioned the issue—there's been a lot of debate about that—of the political party on the ballot. I recognize that the principle of our democracy is that you elect the candidate, and the party that elects the most candidates becomes the winning party and the leader of that party becomes the leader of the entity in the province, or federally.

We also have in the past—well, I suppose since time began—people changing parties after they were elected. Do you think that it would be required, if you put the name of the party on, that there is some commitment that when I run as a Conservative, I stay elected as a Conservative? If I don't want to be a Conservative member, I have to resign and run again?

**Mr. Hall:** I didn't know that you were considering changing political parties.

**Mr. Hardeman:** Oh, this is hypothetical. But I think it becomes important. I think the people are entitled to as much information as possible, but I think there's also a need for politicians to be held accountable for what they're telling people during an election.

**Mr. Hall:** I think that if a member decided to change parties, they should resign and run under their new colours. Actually, the provision regarding by-election dates would make that fairly easy, because if it was politically inopportune for the current government, they couldn't just let them dangle in the wind for six months. But I'm not sure if that could be enshrined in law.

**The Chair:** Mr. Miller.

**Mr. Miller:** Thank you for your presentation. You've obviously spent a lot of time and made some suggestions, most of which I think make a lot of sense.

I have a question to do with fixed election dates. On another committee on which I'm sitting, the select committee on electoral reform, we had the Chief Election Officer for Ontario, John Hollins, come before us a couple of weeks ago. One of the recommendations he made on the issue of voter participation was that the fixed election date should be on a weekend, on a Saturday, not mid-week. Actually, he was backed up by another person who came before the committee who cited an Elections Canada survey that showed that the number one reason why people are not participating in elections is that they're too busy. So it seems that there is some merit in that suggestion, and I was just wondering if you have any comments on that.

**Mr. Hall:** It's not an area I know a lot about. What I would suggest is that perhaps they could test it—I don't know what changes would be required—in a by-election. I know there is a provision in the current Election Act that the Chief Election Officer, with approval of the

parties, can use by-elections as a testing ground for changes to election procedure. So that might be a good way that they could test it out and see whether or not there would be a benefit to doing that.

**The Chair:** Ms. Churley.

**Ms. Churley:** Thank you very much for your very interesting and informed presentation. Were you here when Dr. Williams gave his presentation?

**Mr. Hall:** Yes, I was.

**Ms. Churley:** There are a lot of issues here, but one in particular: Do you agree with him that there is an inherent problem in having two different methods by which we are mandating boundaries now? This bill will allow a different system to mandate the northern boundaries, as opposed to the rest of the province, which is still aligned with the federal boundaries. Do you agree that that's a problem, and do you have a suggestion as to what we might do to fix it?

**Mr. Hall:** I don't think that's a particular problem. I think that it's up to the Legislature, obviously, to decide what are the terms of reference for where the riding boundaries should be created. I think that there should be an independent commission, whether it's piggybacked on the federal commission or a separate provincial one. But I don't think that that's a major concern. In terms of just whether 11 seats is proper in the north or 10 or 12, for this particular bill it's a moot point, because it was a commitment in the throne speech. I think that the Ontario Legislature should retain the right to decide how many members it's going to have and set the terms of reference for where the boundaries should be drawn, but I still think it should be an independent commission that actually does the—

**Ms. Churley:** But wouldn't you say, therefore, for the entire province, not just for one piece of it? Those of us from southern Ontario tend to think that that's not exactly equitable and fair. There are different rules for different parts of the province.

**Mr. Hall:** True, but I think it's maybe starting from two different places but ending up in the same place. Just looking at the boundaries that were chosen by the federal commission last time, based on the populations they had to work with, I think they did a very good job.

**The Chair:** Thank you for coming in today. While the Chair would be pleased to share with you some 401-avoiding commuting tips, the Chair also strongly suggests the excellent GO service at Meadowvale and Streetsville, soon to come from Lisgar.

1130

JACK SIEGEL

**The Chair:** Our next deputation will be from Jack Siegel. Mr. Siegel, as a complete stranger to this process, I'd like to welcome you.

**Mr. Jack Siegel:** Yes, a total and complete stranger to appearing before a provincial legislative committee.

**The Chair:** Let me explain to you the procedure. It's really not very difficult. You have 20 minutes to make

your deputation. In the event you leave any part of that unused, then it'll be divided among the parties for questions. Please proceed at your convenience.

**Mr. Siegel:** Thank you very much, sir.

By way of introduction, particularly to the three members of the committee to my right—I know most of the members to my left—I should make it very clear that I'm here in my personal capacity today as somebody who is quite interested in election law, but I am a very active Liberal federally and provincially.

By way of background, I am presently general counsel to the Ontario Liberal Party. I was the chief returning officer for one very late-night convention that elected Premier McGuinty as the leader of our party. I act on behalf of the party on the Chief Election Officer's advisory committee, something that I would highly recommend committee members learn more about if you're not familiar with it already, and I've acted as senior election counsel to the central campaigns federally and provincially since 1993.

Again, I stress I'm here on my own. I have not cleared my remarks with any of the powers on high to this side of the table.

I'd like to talk first about fixed election dates. Quite frankly, I think it's a fine idea whose time has come. In the last election campaign, as one of the people attending in our party's war room in the days leading up to the issuance of the writ, I couldn't describe the amount of hand-wringing and anxiety over just when the Premier was going to see the Lieutenant Governor. Just a few hours of lead time in knowing that the writ is issued can make a huge difference in booking advertising time. Any party that wants to take a chance because they think they know what the Premier is about to do is taking a chance on having a lot of commitments that they can't properly use at a later date.

But certainty has another side to it, advertising in particular. We have a blackout period right now at the beginning of campaigns for about a week. An American campaign, on the other hand, that has fixed election dates, works on roughly a 75-day cycle. They will start advertising most of their campaign process gradually, but building, as early as Labour Day. If that holds true in Ontario with a fixed date of the first Thursday in October, we could be looking at advertising blasts throughout most of the summer. I have to ask, do any of us—voters, politicians, campaign organizers; self-interest here—really want a campaign that runs that long? You should also take into account that this pre-writ phase, which could conceivably run from Canada Day to Labour Day, would have no spending limits. A well-heeled party could spend as much as it wanted without constraint during that period, subject only to its bank account.

I'd urge the committee to consider two possible adjustments that might accommodate this kind of thing. One might be to lengthen the writ period as part of fixing the election date, possibly to 75 or even as many as 90 days, and have it start perhaps fairly close to Canada Day, with a lengthy advertising blackout that would

apply to parties, third parties, candidates, everybody. In other words, we'd have a quiet period for two thirds of the writ. Another possibility—it might go a little more outside of convention still—would be to have a pre-writ advertising blackout imposed, the same concept as exists in the Election Finances Act, but where the election is held on the fixed date, campaign advertising paid for by parties, candidates and third parties would be prohibited for 60 days beforehand.

A second aspect of fixed election dates would be consideration of when nomination day is. On a 29-day writ—presently, and for quite some time in Ontario even when it was longer—nomination day is day T minus 14. That allows a very short window for advance polls. Ballots have to be printed for the first advance poll within 48 hours of the deadline, and there's only a total of six days available for advance voting in the returning office and elsewhere.

If we know when the day is, it's not as if we're getting out of the starting post on day 29 anymore. It seems to me that it might be reasonable to advance nomination day, at the very least, up to day 21. Allow a larger window, allow greater opportunity for people to vote in the returning offices, and for your own interest, I suppose, for you to know who your opponent is.

Moving then to the subject of real-time financial reporting, it's a concept that I certainly support, but I do have some concern about the administrative burden that this would place on party staff and volunteers in all parties. On a five-day turnaround, the potential for an innocent error is rather large. The potential for somebody simply to miss a deadline due to illness, particularly in a more volunteer-driven leadership campaign, is substantial.

As well, I'd like to point out that the \$100 threshold that is included in the bill would seem to have its root in the 1975 Election Finances Reform Act. It hasn't been adjusted since then, as the reporting limit under the Election Finances Act. It seems to me this that would be a perfect opportunity, as we expand the scope of reporting, to catch up with the times and modernize that limit. I would suggest a reporting threshold, for all purposes of election finances, of \$500 to \$1,000.

There's been a call, and I'm aware of a private member's bill, for constituency associations to be included in the notion of real-time reporting. With the greatest of respect to the member behind that bill, I'd urge some caution in that regard. Constituency associations are 100% volunteer-driven operations. As somebody who has worked in every aspect of riding associations from rank-and-file member through the executive—I've been a CFO for a campaign, and I've been legal adviser to CFOs in many campaigns. CFO is the one political job I absolutely refuse to do. I think that refusal would be much more contagious if you impose a five-day turnaround on even small donations upon volunteers. Perhaps if the whole thing is moderated, it's something that could be explored at a later date, but I would urge the greatest of caution.

With respect to the reporting timelines, the five-day turnaround: Under the federal system, the only other one that I'm aware of in Canada that requires reporting more than annually, it's a quarterly cycle. No province has a financial disclosure requirement—again, to the best of my knowledge—that requires more frequent reporting than annually. I'd suggest that a 30- to 60-day reporting turnaround would result in an immense reduction in the administrative overhead of these processes, and the data that would be released would still be quite fresh for public consumption and for any political advantage that any partisan might want to take of the situation.

With respect to penalties—and this is the last point I'd like to raise—it's an odd provision. As a lawyer, you don't see many statutory provisions that say that if one person does something, another person is convicted and pays a penalty, but this bill does that. It has a twin-edged penalty: If the CFO of a party or a leadership campaign knowingly breaches the act, not only is that individual, the person who did something wrong, liable for a fine of up to \$5,000, but the party or leadership candidate is guilty of an offence and is subject to a penalty of up to twice the amount of the contribution at issue. Now, if you look at the federal elections act, it has some pretty onerous provisions where somebody, such as an official agent federally, fails to meet a timeline, a member of Parliament can lose their right to sit in the House of Commons if the deadline is not met. But there's a relieving provision in the act. The candidate, as opposed to the CFO or official agent, is not liable for these penalties if "it occurred without his or her knowledge or acquiescence; or he or she exercised all due diligence" to prevent it from happening. I would suggest that a similar provision should go into this legislation with respect to both the parties and the candidates for leadership who would be affected. If you do all you can to prevent an offence from taking place, it seems to me nothing short of bizarre to say that you still have a penalty to pay.

Hopefully, I've got some time to take questions.

**The Chair:** We should have time for about two to three minutes of questions per party, beginning with Mr. Hardeman.

1140

**Mr. Hardeman:** Thank you very much for the presentation. I don't know if you were here when we started the meeting. Some of the concerns you've brought up, I've had as I was reading the legislation. I appreciate it and hope the government is looking at that, that some of those changes can be made to make it more workable.

**Mr. Siegel:** Excuse me. I need to stress that I'm not here for the government. I've had conversations—

**Mr. Hardeman:** No, no. I said I hope that they're listening to you.

**Mr. Siegel:** I thought you said you appreciate—

**Mr. Hardeman:** Apart from the fact that there is always the tendency, if you are working for them, that they wouldn't listen to you, I'm sure that as an individual with your knowledge, they'll listen to your presentation and look at changing some of the things that are in there,

and particularly the disclosure clause. First of all, the low threshold, at \$100, I think is going to be very difficult to manage and follow up on. I don't think the parties have the staff. I don't think Elections Ontario has the enforcement capabilities of making sure that everyone has reported in five days, not six. I think that's one of the big issues.

I also appreciate the comments about being found guilty of something that you didn't do only because you didn't pay enough attention to it happening. I suppose there's a law sometimes that the buck stops at the top, so someone gets caught with it.

The fixed election dates: The one I'd like to hear a little bit more about is the issue of continual campaigning. One of your suggestions was that you would maybe put in a blackout period pre-writ, or prior to the election being called. Is that not a problem with constitutionality or freedom of speech? If there is no election, how can you say that no one can talk about the election? Furthermore, would there not be a problem with the government being able to do whatever message they wanted to get out during that period, using taxpayers' money and putting the province of Ontario's name on it, and then no one else could use it—I don't say this government, but any government. Your comments on that?

**Mr. Siegel:** On your latter point, I'd like to thank you for the opportunity to promote my friends who have legislated against any action of having government advertising like that.

**Mr. Hardeman:** They just wouldn't put the government's name on it.

**Mr. Siegel:** If they're spending government money, they're accountable.

On the second question, the charter issue and limitations conceivably on freedom of speech, I've considered that. That's why I put that as an alternative. I think it would need to be explored. I'm more comfortable with the constitutionality of an extended writ period to cover off my concern. But if I had that brief to argue before a court, I would say that the mischief of the extended campaign and the lack of financial coverage before the writ is sufficient to make that restriction demonstrably justifiable in a free and democratic society, and that it would escape charter scrutiny as a result.

**The Chair:** Ms. Churley.

**Ms. Churley:** Thank you very much for your presentation. On that note, you walked right into that one. Everybody here knows what I mean.

I thought it was passing strange that the Conservatives stopped putting the signature of the minister responsible for elevators on the licence in the elevators. I got a lot of bang for my buck having my name on every licence in an elevator in Ontario.

**Mr. Duguid:** Some are still there.

**Ms. Churley:** Some are still there, and I warn people not to go into those elevators. They haven't been inspected in a while. But I still get the jokes from time to time: "Ms. Churley, I go up and down with you every day." Everybody thinks they're original when they say it.

You're coming at this as a party person, and you're coming at it mostly from a practical point of view: how this would work for the parties. I think it's good to have it looked at from that perspective as well as what's best for the people.

I wanted to come back to real-time disclosure. I agree with you about the smaller amounts, but I do think that riding associations—and perhaps there could be some different rules around it and limits raised a bit—should also have real-time disclosure, because you know as well as I do that you can get some of the donations in through the back door through riding associations. What would you propose? Not leave them out completely, I would assume.

**Mr. Siegel:** It seems to me that if I've identified the concern you raise correctly, it's of the riding association not so much spending money locally but transferring large donations to the central party and escaping scrutiny. Am I correct?

**Ms. Churley:** Yes, that's right.

**Mr. Siegel:** Under the federal elections act, which is the scenario where I was an official agent, there is a practice that could address that, which is that where the riding association locally transfers funds to the candidate, the riding association must disclose to the candidate's official agent the source of the funds and the names and addresses of any contributor of more than, at the time I did it, \$100—it's now \$200—of those funds.

It seems to me that a similar requirement on constituency association transfers to a central party could meet your goal, rather than place the burden on the grassroots volunteer who has just finished a bookkeeping course and is anxious to try out their skills and who is now biting off a lot more than they can chew. I'd suggest that if a \$4,000 contribution comes into the riding association earmarked for the central, then the central, when it gets that money, would have the burden of identifying who it came from, not just the constituency association.

**The Chair:** Ms. Mossop.

**Ms. Mossop:** I want to thank you very much for bringing your grassroots expertise to this discussion, because there's no doubt that that's where a lot of the impact is felt. Maybe we haven't had as much input from that level as we should, so thank you for that.

I just wanted to get some clarification from you around the fixed election date, which you were talking about. If I understand correctly, you're talking about a longer blackout period or a longer campaign period or both. My concern about the longer campaign period is voter weariness. I think that's why shorter campaigns were moved toward. Can you maybe give us a bit more insight or direction as to how that might affect the grassroots and the volunteers?

**Mr. Siegel:** I think we have already bought into increased voter weariness with a fixed election date. Let's assume that we play out the October 4, 2007, scenario. There is no doubt in my mind that the campaign is not going to start the day the writ is issued; it's going to start when the organizers think it ought to start. Your

campaign managers are going to say, "OK, I need you in the street on August 1." Without controls, ads are going to go out and you're probably going to want an initial canvass of your riding before the writ is issued. The longer campaign period, I think, would almost be irrelevant to that. You're going to start when you're going to start.

If you set a 120-day campaign period, no organizer or candidate in their right mind will be going door to door for four months. It's going to develop into a natural flow of, when is it best strategically to start? We might not want to put the leader of our party on tour in July, or not a heavy tour with daily events—I don't think the media would pay attention, quite frankly—but certainly by the third week of August, whether we're in a writ or not, I'd lay a safe bet that the leaders of all three parties are going to be pretty busy.

**The Chair:** Mr. Duguid.

**Mr. Duguid:** Just briefly, because I know there's not a lot of time left, I was interested in your comments on constituency associations, because I know in your experience you've had an opportunity to work with a number of them. I think sometimes we think of constituency associations as associations where there are members elected, but we forget that there are a lot of associations out there where there is no member elected, there's no candidate even identified; there might be one or two people who, just through paperwork, are keeping it going. Maybe you can just expand a little bit on your concerns about those kinds of riding associations if they were to be subjected to some kind of a five-day reporting mechanism.

**1150**

**Mr. Siegel:** I quite frankly think that there will be more failures to meet the deadline than there will be successes. It's really that simple. I expand upon some of this in the material I provided in writing. I would eventually guess that in the first year of this process, every riding association will probably manage to twist somebody's arm into being the CFO. In the second year, there are going to be riding associations wondering how they can stay in business, or they're unable to stay in business, because nobody will serve.

**The Chair:** Thank you very much for coming in, Mr. Siegel. That concludes our time.

## GREEN PARTY OF ONTARIO

**The Chair:** The Green Party, Rob Newman. Good morning.

**Mr. Rob Newman:** Good morning.

**The Chair:** Just to give you an idea of the guidelines you should follow, you have 20 minutes for your deputation. You can use all or part of that. If you leave any time, it'll be divided among the three parties to ask you questions. The floor is yours. Please proceed.

**Mr. Newman:** Mr. Chair, members of the committee and guests, thank you for inviting me to speak to you today about Bill 214. We recognize this bill as another feather in the cap of the current government's commit-

ment to democratic renewal in Ontario, and we, the Green Party of Ontario, are here to help you keep your commitments. I'll speak to you today briefly about two things we like about this wide-ranging bill, one thing we'd like to see removed and another we'd like to see added.

To begin, the Green Party of Ontario is extremely happy to see an item from our platform in 2003 on its way to becoming law in Ontario. Fixed election dates allow citizens the ability to plan their lives around their desire to participate in the electoral process as candidates or campaign volunteers. For example, younger employees can now plan ahead for time off work, and mothers and fathers can now arrange for daycare well in advance of a campaign. We believe that with fixed election dates, every party in Ontario will be able to present a wider and more representative slate of candidates in 2007. Again, we congratulate the current government for trading away what used to be an advantage of the sitting government in exchange for greater participation in the democratic process by more citizens.

The readjustment of electoral boundaries is work that we respect needs to be done from time to time to reflect population changes in various regions. We believe the current bill strikes a compromise between the need to align as many provincial boundaries as possible with their federal counterparts, and also the need to address a shrinking population in northern Ontario and what would otherwise have been the expansion of already overly large ridings.

However, the increasing overrepresentation that northern residents will now have despite their shrinking population points out one of the problems with our current first-past-the-post electoral system. Much of the work here may be undone or even unnecessary depending upon any recommendations that come out of the citizens' assembly and the acceptance of those recommendations by the people of Ontario. Of course, the real problem here is a shrinking northern population, but that's not what we've been asked to discuss today, so I'll leave that alone.

The Green Party of Ontario believes that the portion of Bill 214 mandating real-time reporting of contributions over \$100 is an example of political posturing generated by a winner-take-all voting system spilling over, to ultimately be borne by the taxpayers of Ontario. Current election finances law requires the publishing of any contributions in aggregate over \$100 at the end of each year. Real-time reporting will only increase the work of Elections Ontario to collect this information year-round and the work of political parties to report it. Both of these cost taxpayers in the end.

We know that unions that support nuclear and coal make large contributions to the NDP. We know that developers and land speculators make large contributions to the Liberal Party of Ontario. We know that banks make large contributions to the PC Party. Knowing whether or not these contributions happened last week or this week does not address the problem of access to money that we believe is at the root of this discussion.

The Green Party of Ontario would rather see this item for real-time reporting struck from Bill 214 in favour of a more fundamental rethink that will take place before the citizens' jury on campaign finance reform. A citizens' jury was made possible with the passage of Bill 213, as was the creation of the citizens' assembly on electoral reform. We look forward to speaking more to this issue of campaign finance before the citizens' jury and again remind you to keep your commitment. That's what we're here to help you do.

Finally, we'd like to ask the committee to include in Bill 214 the fine work done by Mr. Richard Patten in his private member's Bill 76 to include on the ballot at election the name of the political party endorsing a candidate. I've spoken with both Mr. Patten and the parliamentary assistant for democratic renewal, Dr. Kular, about this, and they each believe it to be a natural fit. Bill 214 will open up the Election Act, as will Bill 76. Including the item in Bill 76 as part of Bill 214 can only result in more efficient government on your end and a fairer ballot for voters in 2007. It's a great example of the elusive win-win we are always looking for in politics.

To close then, here is a summary of our recommendations: Stay true to your commitment to implement fixed election dates in Ontario, as Ontarians will get a more representative slate of candidates as a result; proceed with the readjustment of electoral boundaries, but understand that further readjustments may come out of the process of electoral reform; strike the requirements for real-time reporting from the bill, as they fail to address the true problem and only cost taxpayers in the end; and add to Bill 214 the items in Bill 76 currently before this committee to put on the ballot the name of the political party endorsing a candidate.

Again, thank you for inviting the Green Party of Ontario to speak to you today. We're preparing to be working alongside you as members of a future government, and we're excited to see that you are doing the same.

**The Chair:** Thank you very much. We should have time for about three and a half minutes per party, beginning with Ms. Churley.

**Ms. Churley:** Thank you very much for your presentation. I noticed that you mentioned all three political parties represented here getting donations from various sources. Does the Green Party have rules around who you can and can't accept donations from?

**Mr. Newman:** No, we don't, not as a party.

**Ms. Churley:** Not as a party. Are you suggesting that in electoral reform there should be limits on who can give parties money?

**Mr. Newman:** We actually like the limits. Something that we're working on as a party to make our policy at this year's upcoming AGM is to allow corporations and unions to give to the process by being able to give directly to Elections Ontario and still get a tax receipt, but not actually give to specific parties.

**Ms. Churley:** Would you be willing to take money from unions or big corporations, and have you to date?

**Mr. Newman:** You know, it's not the letters "I-N-C"; it's what they do.

**Ms. Churley:** But I'm curious: Have you, and do you?

**Mr. Newman:** We've taken money from corporations, yes.

**Ms. Churley:** I was just wondering. You mentioned three other parties that do take donations, but you didn't mention your own in there, and I thought that was interesting and that we need to get that on the record.

**Mr. Newman:** To clear up, it's not the letters "I-N-C"; it's what they do. If a corporation wants to make a million dollars composting, good for them, and I invite them to contribute to the political process in Ontario by giving to Elections Ontario to help that process, because that's really what I think they intend to do. If they're only giving to a certain party because they get certain access, I'd love to hear them admit that.

**Ms. Churley:** Then do you think that the Green Party would suggest that some corporations and unions should be banned from giving donations?

**Mr. Newman:** Oh, no. Again, if they want to contribute to the process in Ontario, I invite them to do so.

**Ms. Churley:** And would the Green Party then look at the money that's put into the pool you're suggesting and determine who you would or would not accept donations from, depending on their philosophy or what they're producing?

**Mr. Newman:** I believe that everybody has an equal say in what happens in Ontario; so do all companies and so do all unions. The money would be spread out to the parties in a per-vote subsidy, much like now but with a lower threshold.

**Ms. Churley:** I think I understand what you're saying.

In terms of real-time disclosure, you're saying that isn't the issue. One of the reasons I've been calling for that is that recently the Liberals have had huge, high-priced big dinners and some smaller ones where the Premier and the finance minister have been available at those events, in the middle of, say, the greenbelt legislation and those kinds of things. Wouldn't you say, therefore, that if people are buying that kind of access, it's important at least that the public know in real time, especially when it's happening right in the middle of new legislation?

**Mr. Newman:** I think the public already does know.

**Ms. Churley:** But they don't know who's giving it to them.

**Mr. Newman:** I don't think these donors are new. You can see them at the end of last year's return. We know it happens, and I don't think that real-time reporting addresses the root cause. It may be a short-term band-aid, absolutely, but it doesn't address the root cause. All it's going to do is create more work for political parties and, as Mr. Siegel said earlier, more work for CFOs in ridings.

**The Chair:** Ms. Mossop.

**Ms. Mossop:** First of all, I just want to take the opportunity to thank you very much for coming today

and making your presentation, but also to just commend the Green Party on its contribution to this debate and to democracy in general. I have to tell you that there was a Green Party candidate in my riding in the last election who made an excellent contribution at every debate and to the whole process. So I commend you on that. I'm looking forward to your participation as we go forward.

**1200**

This is really an evolutionary process, I think. People have talked about, "Should we do it all in a lump? Should we be doing pieces?" and all the rest. But I think what we're embarking on is something, as you can tell, that's very large and evolutionary, and we are doing it in pieces, but with an overall vision and with a direction of evolving into the future. So thank you for that.

Mr. McMeekin, I think you had something you wanted to ask.

**Mr. McMeekin:** I just want to join my colleague Ms. Mossop in thanking you for coming. I really appreciate what you've said here. You obviously have given it a lot of thought.

I want to ask you a question about the real-time reporting, because frankly, I've had some problems with it too. Personally, I think the amount is probably too low, and some people have made the comment, "Is the time period perhaps too short?" I think even an insider has suggested that there may be some truth to that.

Let's assume a worst-case scenario, that real-time reporting maybe does have an element of political posturing—I'm not conceding that it does, but let's assume it might—and therefore is going to stay in the bill. If it were to stay in the bill, what would your suggestion be with respect to appropriate real-time reporting and the amounts that would be appropriate to have reported in a real-time way?

**Mr. Newman:** Having to choose a number is difficult. I didn't look at it like that before I came. I mean, to say \$500, is that really the bar? I hadn't looked at it.

I don't know about the amount. Even the five days—I respect the work that Elections Ontario has done to facilitate it. They've done good work. They've given people a spreadsheet that offices can fill out to send back in. They've done what they can.

The thing is, if it's the law, I respect that all of the parties in the province are going to adhere to the law. What it means is that they'll end up not doing other work or they will end up having to hire another person to do the work. So it can be done. It's just, what are we giving up by having to do it for only \$100?

**Mr. McMeekin:** Yes, I want to give you your shot, though. Assuming it's going to be there, what would your best advice to us be?

**Mr. Newman:** Maybe something like \$1,000. You look at a party contribution limit as \$8,400 in a year. For CAs, it's only \$1,000, which is not a relatively large amount of money. Something I do respect about our elections law is that elections are relatively cheap to run. They could cost a lot more, but the limit is only \$80,000, because they're relatively low-tech affairs.

**Mr. McMeekin:** Just so I'm clear, would that be \$1,000 within five days or would you extend the reporting period as well?

**Mr. Newman:** Something more than—maybe two weeks; 10 business days may be a little more reasonable, yes.

**Mr. McMeekin:** Thank you. I appreciate that.

**The Chair:** Mr. Miller.

**Mr. Miller:** Thank you, Rob, for coming in. You're spending a lot of time around Queen's Park. You were here a couple of weeks ago before the select committee.

A couple of questions, first of all to do with the north, because I represent one of the 11 northern ridings. As I said before, I'm really a beneficiary of this bill, in that my riding more or less stays the same, and certainly, as most members would probably say, that's something you like to see. You like to be doing work in the riding you're going to be elected in.

The only problem I have with this process that we're going through is that the decision to keep 11 northern ridings is being made by the government, not by an electoral boundaries commission. Now, it may be that this is just for this election, because if the government follows through on its promise of a citizens' assembly, we might be having a referendum on October 4, 2007, that will change the system.

But I'm just wondering if you have comments about the fact that the government is deciding to keep 11 northern ridings, not an elections boundary commission.

**Mr. Newman:** Well, they were the boundaries, as determined in a previous readjustment process. I'm not sure whose government it was, but to say, "The federal government is looking at these things anyway. Let's save some cost and adjust, because 103 is a pretty fair number of MPPs"—again, given that we're looking at a more fundamental change in the way we vote anyway, I think a lot of this work will probably be undone. We look at something that's—

**Mr. Miller:** So it's possible that it'll be in place for six years at least, though, because the next election, in October 2007, would be based on the old system, with a referendum that might change it for the election afterwards.

**Mr. Newman:** I find myself in a difficult position. On the one hand, are citizens in the north going to be overrepresented? Yes. But again, the deeper problem there is, why is the population shrinking? I can understand the point that if they have one less representative, that just contributes to the problems of why they're not getting the services and the population is shrinking. So I respect that government's doing something to address that, and it may be for six years.

**Mr. Miller:** As a step, a sort of interim measure.

**Mr. Newman:** I think it's something we could live with in the short term

**Mr. Miller:** On fixed election dates—I brought this up before—It was suggested by the Chief Election Officer that Saturday makes more sense than Thursday because of an Elections Canada survey that showed that

the number one reason people don't vote is that they're too busy, which is a pretty poor excuse; however, that's what the survey showed. Do you think Saturday should be considered?

**Mr. Newman:** Again, that's another item we're putting forward at our AGM in October this year, to actually have elections be on a Saturday. That actually comes from the example, I believe, of Australia, where elections are on a Saturday. One of the great benefits is that because—I know, growing up here in Ontario, that voting in elections was something my parents did when I wasn't around because I was in school and I didn't see it. When you talk with people in Australia, with elections being on Saturday, they grow up going to the polls with their parents. It becomes something that people just do.

**Mr. Miller:** Of course, in Australia it's mandatory as well.

**Mr. Newman:** It's also mandatory. But independent of it being mandatory, again, because the kids go with them, it's not this thing that adults do over there and what is it? Kids understand what it is when they're four, eight, 13. They're going to the polls with their parents because it's on a Saturday.

**Mr. Miller:** I certainly can't see a downside to Saturday. Can you?

**Mr. Newman:** There are going to be some people, like essential services, who find it difficult to get any day off. We still think it's important to keep it to one day, though, and Saturday—we like that idea.

**Mr. Miller:** Is the reason that you want to have the name of the political party on because it enhances the chances of the Green Party?

**Mr. Newman:** I think it enhances the chances of all the parties. There are some people in this province who vote for the party because they like the leader, and they may not know the local representative. Northern ridings are a great example. They're so large. A lot of people there may never meet their MPP, but they know they like what the party does.

**Mr. Miller:** On a last, quick point: the length of a campaign. As an elected politician, the idea of a 75-day campaign is not something I would look forward to, that's for sure. I like the idea of 30-day campaigns. But at the same time, there need to be some rules about either a blackout period for advertising before or—there need to be some rules. Have you got any ideas to do with that?

**Mr. Newman:** Yes. When you get fixed election dates, when everybody knows—the campaign started the day they announced fixed election dates. Let's face it, we know when the date is. They can put a flag in the sand in the future and they can work toward it. Again, it's something that's of great benefit. I can see the need, though, to do a blackout around election advertising.

*Interjection.*

**Mr. Newman:** I think 28 days works well for people.

**Mr. Miller:** So just spending on the election only in that period, and just a blackout. How long would the blackout extend?

**Mr. Newman:** We hadn't thought about that. It's an interesting question, though.

**The Chair:** Mr. Hardeman.

**Mr. Hardeman:** Thank you very much for the presentation. It's much appreciated.

I was just going to the comments about who donates to which party and who we would accept or not accept donations from. You made the comment about the Green Party supporting the principle of people donating to Elections Ontario and it being distributed to all parties. Could you explain that to me a little bit more? Recognizing that corporations, unions and everyone else, the same as you and I, donate to a cause because we believe in a cause, how would that work if you donated to Elections Ontario to support your cause?

**Mr. Newman:** I would still think that individuals have the right to donate to a cause, to a party, for that matter, because elections are for individuals. Elections are for citizens, so citizens and residents should still be able to contribute to a party with the same limits. It's just not for corporations and unions. They're organizations, and I believe they would support the process. I think that's

why they give now. Again, if it's different, that would be interesting to find out afterwards. It's coupled also with lowering the bar on what the post-election subsidy is to parties now. I think that for any riding in which you get 15% of the vote, you get five cents per elector. Lowering that bar would require more money, and it would come from having corporations and unions give directly to the process. I'm happy if corporations want to contribute to democracy in Ontario. Good for them, if they want to do it.

**The Chair:** Thank you very much for your deputation here today.

Is Susan Smith in the room? As our final deputant is not in the room, we will take a five-minute recess to see whether or not the final deputant can be located. The committee stands recessed until 1215.

*The committee recessed from 1210 to 1215.*

**The Chair:** Can the committee just come to order for what may be a few moments. Is Susan Smith in the room? Going once, going twice. Not seeing our final deputant, I declare this hearing adjourned.

*The committee adjourned at 1216.*



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