



ISSN 1180-5218

Legislative Assembly
of Ontario
Second Session, 41st Parliament

Assemblée législative
de l'Ontario
Deuxième session, 41^e législature

Official Report of Debates (Hansard)

Monday 14 November 2016

Journal des débats (Hansard)

Lundi 14 novembre 2016

**Standing Committee on
General Government**

Election Finances Statute Law
Amendment Act, 2016

**Comité permanent des
affaires gouvernementales**

Loi de 2016 modifiant des lois
en ce qui concerne
le financement électoral

Chair: Grant Crack
Clerk: Sylwia Przedziecki

Président : Grant Crack
Greffière : Sylwia Przedziecki

Hansard on the Internet

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

Index inquiries

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 416-325-3708.

Le Journal des débats sur Internet

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

Renseignements sur l'index

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 416-325-3708.

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



Service du Journal des débats et d'interprétation
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

CONTENTS

Monday 14 November 2016

Election Finances Statute Law Amendment Act, 2016, Bill 2, Mr. Naqvi / Loi de 2016 modifiant des lois en ce qui concerne le financement électoral, projet de loi 2, M. Naqvi	G-49
--	------

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES**

Monday 14 November 2016

Lundi 14 novembre 2016

The committee met at 1405 in committee room 2.

**ELECTION FINANCES STATUTE LAW
AMENDMENT ACT, 2016
LOI DE 2016 MODIFIANT DES LOIS
EN CE QUI CONCERNE
LE FINANCEMENT ÉLECTORAL**

Consideration of the following bill:

Bill 2, An Act to amend various statutes with respect to election matters / Projet de loi 2, Loi visant à modifier diverses lois en ce qui a trait à des questions concernant les élections.

The Chair (Mr. Grant Crack): Good afternoon, members of the committee, legislative research, Hansard, Madam Clerk, ladies and gentlemen. Welcome to the Standing Committee on General Government. I'd like to call the meeting to order.

Today, we are going to do the process of clause-by-clause consideration regarding Bill 2, An Act to amend various statutes with respect to election matters. As is tradition, I would ask: Are there any questions or comments before we get into clause-by-clause consideration? Mr. Baker.

Mr. Yvan Baker: Chair, if I may, I'd like to present a motion for unanimous consent. May I do that now?

The Chair (Mr. Grant Crack): Go ahead, sir.

Mr. Yvan Baker: I seek unanimous consent for the committee to stand down sections 1 to 26, such that the committee first consider motion 36 to amend section 27 of the bill, following which the committee may resume consideration from section 1.

The Chair (Mr. Grant Crack): Mr. Baker is requesting unanimous consent to stand down sections 1 through 26 in order to consider motion 36 to amend section 27 of the bill. Is there further discussion? No? Do we have unanimous consent? We have agreement.

Okay, so we are going to motion number 36, which is a motion to amend section 27. It is a government motion, so I will ask Minister Lalonde.

Hon. Marie-France Lalonde: I move that section 32.1 of the Election Finances Act, as set out in section 27 of the bill, be amended by adding the following sub-sections:

“Constituency association allowance

“(3.1) The Chief Electoral Officer shall determine, for each quarter of a calendar year commencing with the 2017 calendar year, an allowance payable to each registered constituency association.

“How allowance calculated

“(3.2) Each registered constituency association's allowance for a quarter is the amount calculated by the following rules:

“1. For each electoral district, take \$6,250, multiplied by the exhaustion factor determined for the calendar year under section 40.1.

“2. Subject to paragraphs 3 and 4, divide the amount determined under paragraph 1 among the registered constituency associations of the electoral district, based on the percentage of the total number of valid votes the registered candidates associated with the registered parties of the constituency associations received in the electoral district at the most recent election.

“3. No amount is payable to a registered constituency association where the registered candidate associated with the registered party of the constituency association received fewer than two per cent of the valid votes cast at the most recent election.

“4. If, since the most recent election, a redistribution of electoral districts has necessitated changes regarding registered constituency associations in order to align registered constituency associations with the redistributed electoral districts, the amount shall be divided among the registered constituency associations of the redistributed electoral district in a manner determined by the Chief Electoral Officer.

“Condition of payment

“(3.3) An allowance is only payable to a registered constituency association for a quarter if all documents that it was required to file with the Chief Electoral Officer in the four-year period immediately before the quarter have been filed and are complete.”

The Chair (Mr. Grant Crack): Further discussion on government motion 36? There being none, I shall call for the vote.

Those in favour of government motion 36? Any opposed? I declare government motion 36 carried.

1410

Now we shall go back to the beginning. Are there any other questions or comments regarding the bill prior to the commencement of clause-by-clause?

There being none, I will begin clause-by-clause consideration.

We have a new section proposed under PC motion number 1, which is a new section 0.1, subsection 17.1(1.1) and section 53 of the Election Act.

Mr. Hillier.

Mr. Randy Hillier: I move that the bill be amended by adding the following section:

“Election Act

“0.1 Section 53 of the Election Act is repealed and the following substituted:

““Declined ballot

“53(1) An elector who has received a ballot may return it to the deputy returning officer with the word “declined” or “refusé” written on the back of it.

““Consequence

“(2) An elector who declines a ballot under subsection (1) forfeits the right to vote and the deputy returning officer shall preserve the ballot, have it returned to the returning officer and cause an entry to be made in the poll record that the elector declined to vote.”

The Chair (Mr. Grant Crack): Thank you, Mr. Hillier. I have reviewed this particular motion. This motion seeks to amend an act, which is the Election Act, that is not open in the bill before us. It is, in my opinion, beyond the scope of the bill, and therefore I’m ruling it out of order on those grounds.

Mr. Randy Hillier: Did you say that because it is an amendment to the Election Act it is out of order? So any amendments to the Election Act would be ruled out of order?

The Chair (Mr. Grant Crack): If certain parts of the Election Act that are not comprised in this bill—any amendments to any other of those sections would be out of the scope of the bill. So it is out of order. It’s not something to debate. I’m ruling—

Mr. Randy Hillier: No, no, it’s not for debate. It’s for understanding, just for clarification, Chair. You said that because it was an amendment to the Election Act, that’s—

The Chair (Mr. Grant Crack): Not open. It’s part of the Election Act that is not open in this bill, so therefore it’s beyond the scope.

Mr. Randy Hillier: So it is beyond the scope of the present bill?

The Chair (Mr. Grant Crack): Pardon me?

Mr. Randy Hillier: It is beyond the scope of the present bill?

Mr. Randy Hillier: This is not the Election Act. What you’re seeking to do is amend the Election Act, and that is out of the scope of the bill. Thank you.

Mr. Randy Hillier: Thank you.

The Chair (Mr. Grant Crack): Okay. We’ll move to section—

Ms. Catherine Fife: Chair?

The Chair (Mr. Grant Crack): Question, Madam Fife?

Ms. Catherine Fife: I just wanted to ask for unanimous consent to stand down section 2 until we consider section 30.1.

The Chair (Mr. Grant Crack): Okay. We’re not there yet. What was the question again? You’re asking to stand down section 2—

Ms. Catherine Fife: Section 2, until consideration of section 30.

The Chair (Mr. Grant Crack): I would sense that we could still do section 1, but when we get to section 2, we could ask for unanimous consent.

Ms. Catherine Fife: I just wanted to get it on the record. Thank you.

The Chair (Mr. Grant Crack): All right. So we are at section 1. We have NDP motion number 2, which is an amendment to subsection 1(0.1), subsection 1(1) of the Election Finances Act, definition of “campaign expense”.

Ms. Catherine Fife: I move that section 1 of the bill be amended by adding the following subsection:

“(0.1) The definition of ‘campaign expense’ in subsection 1(1) of the Election Finances Act is amended by adding ‘or’ at the end of clause (j) and by repealing clauses (l) and (m).”

The Chair (Mr. Grant Crack): Discussion on NDP motion number 2?

Ms. Catherine Fife: As you know, this has been a long, long, long journey in this bill. You’ll remember that we did try very hard to remove the exemptions of research and polling and travel expenses from campaign expenses covered under section 1(1) of the Election Finances Act, thereby including them in the ceiling.

We heard from delegations around the value of research and polling and the cost of research and polling and the competitive advantages of research and polling when parties have those funds to conduct extensive research and polling, and of course travel expenses. We feel very strongly, as does the public in general, that by not including research and polling and travel expenses under the ceiling of campaign expenses, it’s really off-the-books spending. The entire objective of this committee, and certainly a lot of the rhetoric that we did hear, was around levelling the playing field. If you don’t include research, polling and travel expenses in the campaign ceiling, then you are actually building in systemic inequities between the parties. This is just a fact.

We’re trying to right this wrong, hoping that the Liberals—after this four-month journey now, and into the fifth month of this committee work—after hearing from citizens from across the province and the Chief Electoral Officer as well, that the government would recognize that polling, research and travel expenses are unfair advantages from a fundraising perspective if they’re maintained as is. So we are looking to right a wrong through this motion and hoping to see some support from the government side of the House.

The Chair (Mr. Grant Crack): Mr. Baker.

Mr. Yvan Baker: Ontario already has the lowest spending limits in Canada, other than Quebec. This bill seeks to enhance the fairness and transparency of the

electoral process by limiting contributions by corporate and union donors, by restricting third-party advertising, and by limiting political advertising in the six months prior to a general election. Including travel expenses would put candidates in geographically large ridings at a disadvantage. That's why I recommend voting against the motion.

The Chair (Mr. Grant Crack): Mr. Hillier.

Mr. Randy Hillier: As we did hear from quite a number of deputants to the committee, including the Chief Electoral Officer, I believe you'll find that in his recommendations as well. We also heard it from people such as Jean-Pierre Kingsley and others, who are exceptionally knowledgeable and considered experts on this subject, that there was overwhelming consensus that all expenses be captured, including the ones identified in this motion and brought forward by the NDP.

I heard some comments but I didn't actually hear any real justification or challenge to the Chief Electoral Officer's recommendation, or any grounds, why research—and as mentioned by many in the committee, research is just a big grab-all bag. You can put just about anything under research and it would not be captured as an expense. Travel is a little better defined; polling is better defined. Still, those three elements make up the vast majority of a party's campaign expenses, and they're excluded from Bill 2. We heard that both at the deputation stage, when the bill was in its former form, under Bill 201, and its current form, under Bill 2.

Maybe members of the Liberal Party could explain why they want to not allow these expenses to be captured under the scrutiny of the Election Finances Act.

The Chair (Mr. Grant Crack): Further discussion? Mr. Baker.

Mr. Yvan Baker: I think I've already explained it in my prior comments. Ontario already has the lowest spending limits in Canada, other than Quebec. That's it.

The Chair (Mr. Grant Crack): Ms. Fife.

Ms. Catherine Fife: I guess what I would say to that is that the explanation that we already have low limits is not really a good explanation on the whole.

We heard this morning that the government hired a company and did some polling to find out that hydro rates are high. The role of the pollster in our political system and the culture of our system has become what the Premier might call a political actor. These are actors who are—

Ms. Lisa M. Thompson: Bad actors.

1420

Ms. Catherine Fife: Who sometimes are bad actors, actually.

Even watching the election to the south, the Trump campaign was able to hire certain pollsters who did certain polling, who then shared certain information of that polling. The nature and the culture of research and polling and the impact that these players have in our political system lends itself to further review, which is why we want it captured. We want it captured in the overall campaign expense ceiling.

Mr. Hillier raises the issue around research. Research does encapsulate so much. Any political party could do this: just bury a whole bunch of stuff under research, including doing FOI searches on individual candidates, certainly doing background checks, and then that information is used in a way that is used against the candidate. Here we have tried to incorporate and embrace this concept of third-party advertising and the role that third-party groups have. Well, researchers and pollsters are in that group; they are.

Certainly, the travel expenses—I mean, if these are legitimate travel expenses, then they should be contained under the campaign expenses.

Once again, we're starting off in front of almost 68 amendments. We are on amendment number 2, and already we have a very clear sign from the government that they're not looking to significantly or substantively change the culture of fundraising around political campaigns.

Just to get it on the record, the Chief Electoral Officer has serious issues with the campaign expenses not being inclusive of travel expenses, research and polling. He has said so on two separate occasions, in his official capacity as an independent officer of this Legislature. Once again, we see a government that is not willing to embrace a substantive change around fundraising around elections.

The Chair (Mr. Grant Crack): Further discussion? Mr. Hillier.

Mr. Randy Hillier: I've heard one comment, that because we as a province have somewhat, in relative terms, lower spending limits—I'm not sure if that's a factual statement; I don't have the evidence before me to deny or accept that. But that in and of itself is a pretty empty reason. I would say it's more of an excuse than it is a reason.

With this motion and the discussion that this committee has heard and the conversations that we've had, one word is predominant or has dominated the discussion, and that is transparency. All the expert advice that this committee heard always centred around transparency. It wasn't a case where the bill was seeking out to prevent an action or an activity but to provide sunshine and transparency to the actions of political parties and political representatives.

Once again, the Chief Electoral Officer clearly spelled out that his objective in attending all these committee hearings was to bring the playing field level. In order to achieve or even approach levelness in the playing field, it required transparency. So this motion brings transparency to the bill, and it's consistent with the advice that the committee members have heard.

I would say, further to the NDP member's assertion, in the House this morning we saw clearly what happens when there isn't transparency. There were questions in the House this morning about the polling conducted by David Herle, who is also the campaign chair for the Liberal Party, using taxpayers' money to do polling for, one would argue, political or partisan purposes.

But where I'm going with this is that we're left with uncertainty and we're left with doubts because there was no obligation for the government to divulge what it had spent or how it had spent money to find out that 94% of Ontarians think that their hydro bills are too expensive. We don't want to leave elements in the bill that allow for actions and activities with public dollars to go unseen and unaccounted for.

Chair, I'll say this: We know that amendments within this bill—and we just passed one—are providing significant public dollars to constituency associations. That amendment has already been passed. The minister moved it and the committee adopted it. That's \$25,000 times 122 constituency associations. This amendment would provide transparency to the public, so that the public has assuredness that those public dollars are being spent in a manner that can be scrutinized.

I would like to ask Mr. Baker, or any member of the Liberal Party, why is it that you are afraid of transparency, and what it is that is being contemplated—or is there something being contemplated with the use of that public money that you don't want the public to know about? Maybe you can explain that, and maybe we can then understand your opposition to this NDP motion.

The Chair (Mr. Grant Crack): Further discussion? Mr. Baker.

Mr. Yvan Baker: I'll just add a short comment. This amendment is not about transparency; it's about amending the definition of campaign expenses to include expenses related to research, polling and travel. That's what this is about, first of all.

Secondly, the member opposite talked a lot about fairness. When I think about the impact of this motion, I think about a riding like Timmins–James Bay, for example—it's just one example, but it's a geographically vast riding—and the impact that passing the motion that has been proposed by Ms. Fife would have on candidates who are campaigning in such vast ridings.

For this reason, and because the bill does enhance fairness and transparency of the electoral process by eliminating contributions by corporate and union donors, by restricting third-party advertising, by limiting political advertising in the six months prior to the general election, and because Ontario already has the lowest spending limits in Canada other than Quebec, I recommend voting against the motion.

The Chair (Mr. Grant Crack): Further discussion? Mr. Hillier.

Mr. Randy Hillier: Listen, I'll say that the geography of Ontario has not changed for quite some time. When we set our spending limits, we know how much geography is included in the province and within our ridings.

But it seems to me that Mr. Baker is now saying that they would be willing to include polling and research as a contribution. He gave an argument on why not to include travel. I don't want to put words in the member's mouth or stake a position for the Liberal Party, but I heard clearly an opposition to the travel component, but I did

not hear any opposition to the research and polling component. So I'm wondering if amending this motion by removing travel from it would get the government's support for this motion.

1430

The Vice-Chair (Mr. Lou Rinaldi): Ms. Fife?

Ms. Catherine Fife: Thank you, Chair. I was going to suggest the same thing, because that's what I heard, unless the member would like to correct his record.

If the main objective for us is to ensure that transparency is possible with research and polling, which we have said we want to accomplish, and if the travel expenses are the only thing that is holding the government back—by including them in campaign expenses—then we would be more than amenable to amending this amendment—more than amenable to that.

I'll just go back to the comment, though, that the member opposite made—I'm just trying to figure this out. He said that, by including these expenses, this would not be transparent. That's exactly the objective: to open the books and get the off-the-book costs of campaigns out into the open, which is what the Chief Electoral Officer also recommended. So I'll leave that with you. If we have a fundamental difference around what the definition of transparency is, then that would explain a lot of the angst that we've had as a committee for the last almost five months.

As I said, I'd like to give the member an opportunity to clarify. If it's the travel that the government has a concern with, then we would be more than happy to remove travel expenses but include research and polling in the campaign ceiling.

The Vice-Chair (Mr. Lou Rinaldi): Yes, Mr. Baker.

Mr. Yvan Baker: Chair, I've spoken adequately to this and given multiple reasons for our position on the motion.

The Vice-Chair (Mr. Lou Rinaldi): Any further questions? Mr. Hillier.

Mr. Randy Hillier: Well, I'd like to correct the record: We haven't heard multiple reasons why they're opposing. We've heard that, because Ontario is a big place, we shouldn't include travel in eligible or mandatory expenses reporting. We've heard, somehow, without any backup evidence, that we have some of the lowest spending limits. We have not heard any commentary, other—I did hear some commentary, but let me clarify for Mr. Baker and for the government members. With all this new additional public money that is going to go to political parties and to constituency associations, surely there must be a recognition that we need greater oversight and greater transparency when we're dealing with publicly funding political parties.

The status quo is not acceptable. On one side of the ledger, we're expanding public dollars into political parties, but at the same time, on the other side of the ledger, the government is attempting to keep transparency and accountability diminished, even though there's a rise in public funding. I believe that that position is

neither reasonable nor responsible. How is that money going to be spent? The public has the right to know. We're using our lawful authorities to tax people and then redistribute those revenues, those tax dollars, out to political parties. Certainly, the Liberal members on this committee would feel an obligation to report on how that money is being spent and not allow it to be hidden through these catch-all components such as research and polling.

I do think that the travel is sort of a specious argument. I could see, if somehow the geography in this province was expanding and uncertain, that we would want to mitigate that uncertainty by not reporting on travel dollars, but our riding associations, our electoral districts, are known. The size of our province is known. Our spending limits that we have included recognize the geographical boundaries of the province. If there needs to be some refinement for large northern ridings, then that can be dealt with.

Ms. Lisa M. Thompson: It's being discussed.

Mr. Randy Hillier: Actually, it is being dealt with in Bill 45 that's before the House right now.

Bill 45 creates a far northern election boundaries commission to look at that very topic that Mr. Baker has raised. He used the riding of Timmins–James Bay. Well, for the committee members, the Far North boundaries commission is explicitly tasked with looking at the boundaries of Timmins–James Bay, so that argument gets put off to the side. It's being dealt with through Bill 45. That will invariably come up with alterations to the size of that electoral district and also offer up any recommendations for alterations to the election financing components in those large northern geographical ridings.

But I still come back to the question and the response from the Liberal Party today in our questioning in the House regarding David Herle's polling, who is campaign chair for the Liberal Party. They don't want us to know what they're spending, how they're spending those public dollars on polling. They want to keep it hidden from us. The Deputy Premier, I believe, whom the question was posed to today, had the opportunity to reveal to the Legislature how many public dollars were spent to the campaign chair for polling, but chose not to.

We know that this whole bill was triggered by what appeared to be abusive processes and the abuse of process by cabinet ministers in soliciting and receiving funds from people who do business with their ministries. And once a light was shone on it, the government ran; they scurried. If I remember this correctly, the Premier scurried to her kitchen table with a napkin and wrote up Bill 201. That's what shedding some light—that's what transparency does.

I would say to the members of the Liberal Party: Why wait for another abuse of process and make your Premier scurry off to the kitchen table with another napkin to draw further amendments? Just provide the transparency and the oversight that this NDP motion speaks to.

The Vice-Chair (Mr. Lou Rinaldi): Any further questions or comments? Then I shall call the question.

Ms. Catherine Fife: Recorded vote, please.

The Vice-Chair (Mr. Lou Rinaldi): Recorded vote. That's on NDP motion number 2.

Ayes

Fife, Hillier.

Nays

Baker, Berardinetti, Colle, Hoggarth, Vernile.

The Vice-Chair (Mr. Lou Rinaldi): The motion is lost.

We'll move on to motion number 3, which is a PC motion: subsection 1(1) of the Election Finances Act, definition of "contribution".

1440

Mr. Randy Hillier: I move that the definition of "contribution" in subsection 1(1) of the Election Finances Act, as set out in subsection 1(1) of the bill, be amended by striking out "nomination contestant" wherever that expression appears.

The Vice-Chair (Mr. Lou Rinaldi): Any comments? Mr. Hillier.

Mr. Randy Hillier: Of course. Thank you, Chair.

I want to draw committee members' attention to the recommendations by the Chief Electoral Officer in his deputation on both Bill 201 and Bill 2, and also to his expressed desire that if we include nomination contestants, first off, Elections Ontario will not be able to meet that demand on January 1, 2017. He has asked that they be at least provided till July to bring that implementation forward.

Of course, we can see that there are problems already developing by including nomination contestants in the act. The Progressive Conservative Party and the opposition—well, all three parties have already nominated candidates, for example, not only for the by-elections that are happening right now, but also for the general election in 2018. If those nominations are completed now, they're subject to one set of rules; the ones done later, next year, will require a different set of rules. So contestants in different ridings and different parties will have different obligations to fulfill. It should be obvious from the outset that that is a less-than-desirable process.

Also, the Chief Electoral Officer has expressed very significant reservations and apprehension about deriving any benefit for the public or the levelling of the playing field—if there would be any benefit whatsoever by including nomination contestants under this act. The answer has been very clear throughout: There is no benefit to the public, and there is no improvement of the nomination playing field.

There are serious concerns that have been raised by the Chief Electoral Officer as well that including nomination contestants under this act may act as a barrier for people to enter the political forum, the political environment, that either members of smaller parties or inde-

pendent members will be facing a barrier that many of them will not be able to overcome with the inclusion of nomination contestants under the act.

I hope it is not the government's intention to limit participation in our democracy, but including nomination contestants is a barrier, and we know that a barrier will limit participation.

Listen, I understand the reasoning behind this inclusion of nomination contestants. We know that the government is trying to deflect responsibility and deflect owning the abuse of process that they were caught in, with their ministers engaged in private champagne cocktails with their stakeholders who were getting contracts for renewable energy programs and other things. Now they are attempting to cast a dark shadow over all players in the political field for the wrongdoing of the ministers of the crown. I get that. If they can cast the blame further afield, it dilutes the responsibility that they're so eager to try to get the public to buy into.

But listen: Even if we accept that argument, that the government is entitled or right to try to dilute its ownership of the abuse, we cannot accept that we are going to prevent legitimate independent or small-party candidates from entering the political field, putting their name forth and asking the public for their endorsement. That would be a terrible abuse, that would be a terrible tragedy, if, in order to limit the scorn and limit that responsibility for Liberal abuses, we now limit effective representation, effective democracy, by placing undue and unwarranted barriers in front of candidates.

Again going back to my initial point, in having hundreds of nomination contestants from all parties in the next general election operating under different rules, some of them requiring audited statements, some of them requiring chief financial officers, some not—equality before the law is equality of application—

Interruption.

Ms. Lisa M. Thompson: Chair, come on. We deserve some respect on this side. Chair?

The Vice-Chair (Mr. Lou Rinaldi): He's dealing with it. Sorry.

Mr. Randy Hillier: We need to have equal application of the law. Having some contestants required and others not, I would say, is just—and, Mr. Baker, this is not funny, you know, grinning and whatnot. This is important business. It's so important that your government, your member of the government, brought this legislation forward. That should be a wake-up call to every member that this is not fun time, playing with BlackBerrys and chuckles and smiles. This is about doing our job and making sure that we get it right, that we don't disadvantage people who want to be engaged in our democracy.

The Vice-Chair (Mr. Lou Rinaldi): Ms. Fife?

Ms. Catherine Fife: While we do share some of the concerns, of course, around limiting the burden on nomination candidates, there is a concern for us regarding the parameters around some of the other amendments around disclosure of the costs. I think there is something that could be done on this issue. But there is obviously—this

is just a pattern of frustration that I think the opposition parties feel going forward.

I would just like to say that I will be asking for a 20-minute recess at the recorded vote, Chair. Okay?

The Vice-Chair (Mr. Lou Rinaldi): Before the vote?

Ms. Catherine Fife: When we go to the vote, I am going to ask for a 20-minute recess.

The Vice-Chair (Mr. Lou Rinaldi): Any further questions? Yes, Mr. Baker.

Mr. Yvan Baker: I just wanted to comment on the motion. We believe that nomination contestants should be regulated in a way that is consistent with the regulation of other political actors. Nomination contestants can ultimately become members of the Legislative Assembly and cabinet, and the same principles regarding transparency, access and limiting undue influence should apply to all actors seeking election. So regulating nomination contestants will help ensure that their activities are guided by a clear set of rules at every step of the election process, starting with nominations.

1450

The Vice-Chair (Mr. Lou Rinaldi): Any further comments? Mr. Hillier.

Mr. Randy Hillier: I find it interesting that the Liberals argued against transparency on the previous amendment and now are the champions of transparency on this amendment. However, Mr. Baker said they believe that nomination contestants ought to be regulated. Of course, they already are regulated, Chair. They have all manner of regulations at the present time, and every member on this committee knows that because we've all been engaged in nomination contestants. We were regulated. We had filings to report, correspondence to complete.

But the Liberal member said they need to be regulated in the same fashion because they may become a member; they may become a minister. Of course, the Chief Electoral Officer's view—and I share it, and I think others do—is that the regulations be applied not because they may but when they become members of the Legislature. There would be a higher duty and a higher recognition of regulation, just as all our present legislation also recognizes that with cabinet ministers. Cabinet ministers are under a higher regulatory threshold than MPPs. That's because they have greater influence. They have greater responsibilities with their office. The Members' Integrity Act makes very distinct regulations applicable to ministers of the crown—than they do for MPPs.

Now we're seeing this view propagated by the Liberals that everybody, regardless of rank of office or whether they're the Premier, whether they're a minister of the executive, whether they're a member on an opposition or a government side—the same restrictions will apply equally to all, including those who have not even been elected to office, those people who are desirous of entering into the game maybe as an independent, maybe with one of the new start-up parties or whatever it may be.

Again, the Chief Electoral Officer and others have said that this does not benefit society. This does not

benefit transparency. It doesn't benefit or create a level playing field. It actually raises the barriers up for those who are disadvantaged from entering politics to begin with, those people from smaller parties or independent candidates. So it is unreasonable to include nomination contestants in the same vein and under the same threshold of responsibilities as a minister of the crown.

I'm sure every member over there, should they be provided an opportunity to speak, and if we listened in to their conversation with their constituents or with the media, would say that, yes, ministers of the crown require a far greater level of scrutiny. They need to have a higher regulatory threshold to ensure that their increased influence and ability to effect policy change is recognized, that it's far greater than a nomination contestant for the Trillium Party or for the Libertarian Party or for the Freedom Party or for the Family Coalition Party, and on and on and on. Really? Somebody seeking a nomination?

Bear this in mind as well: Mr. Baker said that they "may" become, but the odds are—and it's not just odds; statistically, most will not become members. That's just a statistical fact. If there are two contestants for every party in every riding, we know that only one for every party will win. There are 122 times three of just the major parties' contestants that won't.

Then we also know that the majority of people who run for office are unsuccessful. Again, if we just look at three major parties running in each riding, only one can be successful. Two out of three are going to be unsuccessful. So why do we capture all these people who cannot and will not be ministers of the crown, will not be MPPs, and put them all under the same basket of regulations as a minister of the crown? It's ludicrous.

I cannot understand why the government is so dismissive of the expert advice provided by the Chief Electoral Officer, and by Jean-Pierre Kingsley, and by Guy Giorno, and by many others who said exactly that. It does nothing to level the playing field, it does nothing to benefit the public, it does not improve accountability, but imposes barriers.

I get the dilution of the scorn and trying to dilute your responsibilities for the actions that members of your government have undertaken. But to do it in a manner that actually spikes democracy—it spikes it—and prevents others is atrocious. It's an untenable position. I would really ask the members of this committee to look forward in saying: Do you want to be recognized as the people who limited participation in our democracy?

Interjection.

The Vice-Chair (Mr. Lou Rinaldi): Yes. Sorry, Ms. Thompson. I had to wake up.

Ms. Lisa M. Thompson: Thanks, Vice-Chair. Very good.

I just want to add my comments to this particular aspect of the debate because I feel that the manner in which this bill comes forward, and this particular section that we're trying to correct through our amendment, are very concerning. I really hope the members opposite

understand the importance of an open and fair, transparent process. By not supporting this particular amendment, it concerns me that they, too, the five members present across the table in this committee, along with their caucus, feel very strongly that for reasons that are not transparent to us, they want to limit participation.

I'm reflecting on my own nomination in 2011. We had over 1,000 people come out for that nomination process. It was wonderful, because it was a fair and open nomination where anyone interested in sharing ideas and making a difference was able to exercise their voice.

Honestly, when it comes down to this handcuffing approach that has been embraced in Bill 2, it makes me wonder if this particular government—we've seen it done in the past where they parachute candidates in after the election has been called. Is that the best person to represent that geographic area?

I think it's an absolute slap to democracy if they handcuff people interested in seeking the nomination. Again, reflecting on my own, we had over 1,000 people. There were mail-outs; there was contact; there were meetings to be held. Certainly, my immediate family and I made a conscious decision that it was going to be an investment, and we did it together.

Honestly, the rigidity coming out in Bill 2 just shows how desperate this particular government is, in their attempt to keep those fair and honest people from coming forward to try and make a difference. That's really a shame. All of Ontario is going to be negatively impacted because of that.

The Chair (Mr. Grant Crack): Further discussion?

Mr. Randy Hillier: Chair, while you were away from the Chair's position, the NDP member asked for a 20-minute recess prior to any vote on this amendment.

The Chair (Mr. Grant Crack): Okay, very good. I appreciate that. Mr. Rinaldi?

Mr. Lou Rinaldi: Chair, in light of your absence—I believe the standing orders say otherwise. The member has to ask for the recess just before the vote is called. I think you should verify that with the Clerk.

The Chair (Mr. Grant Crack): Thank you.

Mr. Mike Colle: I thought she said after the vote.

Interjections.

The Chair (Mr. Grant Crack): Okay. A 20-minute recess is in order if it's requested prior to the vote. I don't think, in the standing orders, it indicates the exact time before. If there is no further discussion, I'm prepared to call a vote.

Mr. Randy Hillier: In the absence of the NDP member, I will call for a 20-minute recess for her benefit.

The Chair (Mr. Grant Crack): That is in order. A 20-minute recess is in order. I shall grant that. We shall be back at 3:23. Thank you very much.

The committee recessed from 1503 to 1523.

The Chair (Mr. Grant Crack): I call the meeting back to order.

Prior to the 20-minute recess, I was about to call for the vote on PC motion number 3.

Mr. Randy Hillier: Recorded vote.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote, so at this time we shall entertain that.

Ayes

Hillier.

Nays

Baker, Berardinetti, Fife, Hoggarth, Rinaldi.

The Chair (Mr. Grant Crack): I declare PC motion number 3 defeated.

We shall move to PC motion number 4, which is an amendment to subsection 1(2), definition of “nomination contest period.” Mr. Hillier?

Mr. Randy Hillier: I move that the definition of “nomination contest period”, as set out in subsection 1(2) of the bill, be struck out.

The Chair (Mr. Grant Crack): Further discussion? Mr. Hillier.

Mr. Randy Hillier: Thank you, Chair.

I just want to read what that clause reads now on the nomination contest period. Under subsection 1(2): “‘nomination contest period’ means, with respect to a nomination contestant, the period that begins when the contestant first receives or spends funds for the purpose of achieving the endorsement, and ends when the candidate for the electoral district is selected.” Now, if you read that clause with the perspective of a major party, or any party, you can see that that all makes sense.

I’ll go back again to Mr. Baker’s arguments and rationale that the Liberal Party wants to capture everybody who may become an MPP, but looking at the nomination contest period, independent candidates are excluded from the rules of all other nomination contestants because you declare and the day that you declare is, at the same moment, the time that you’re selected. So the nomination contestant period is only applicable to parties, not to independent candidates.

I would like members from the government side to explain why they’re creating an exemption for independent candidates which is not included for candidates of political parties. Again, the statement was clear. The government wants to capture everybody who may become an MPP, but purposely has written this clause to exclude independent candidates from those same requirements. If I could hear an answer on that, it would be much appreciated.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Hillier. Any further discussion? Mr. Baker.

Mr. Yvan Baker: I will simply say that we believe that nomination contestants should be regulated in a way that is consistent with the regulation of other political actors. Nomination contestants can ultimately become members of the assembly and members of cabinet, and the same principles regarding transparency, access and limiting undue influence should apply to all actors

seeking election. Regulating nomination contestants will help ensure that their activities are guided by a clear set of rules at every step of the election process, starting with nominations.

The Chair (Mr. Grant Crack): Further discussion? Mr. Hillier.

Mr. Randy Hillier: I don’t believe the Liberal talking point captured the thrust of my argument. It’s the same talking point that we heard on the previous amendment, but this amendment is about the nomination contest period, not nominations or not the individual. It’s about the period of time that is required or the period of time that is captured by the legislation.

Again, “nomination contest period” means, with respect to a nomination contestant, the period that begins when the contestant first receives or spends funds for the purpose of achieving the endorsement, and ends when the candidate for the electoral district is selected. As soon as an independent candidate declares that he or she is a candidate, the obligations that all other candidates would be obliged to follow end—they end.

This bill was written up with a perspective that only political parties exist, that independent candidates don’t actually exist, but goes completely against the rationale provided to this committee by Mr. Baker that the government wants to capture everybody who may want to become an MPP.

So to answer my question will require some thinking here. It will not be addressed by the talking point that they’ve been handed by the corner office. Why have you created an exemption for independent candidates not to fall under the same obligations as all other nomination contestants?

The Chair (Mr. Grant Crack): Mr. Baker.

Mr. Yvan Baker: Because independent candidates don’t have a nomination.

Mr. Randy Hillier: And that’s my point.

Mr. Yvan Baker: So having the same rules—therefore, this is about making sure that nomination contestants who are political actors—there are certain rules that apply to them. But suggesting that independent candidates should abide by rules the nomination contestants have to, within a nomination period, doesn’t make sense since they don’t go through a nomination. They’re independent.

1530

Mr. Randy Hillier: So you’re arguing that different people should have different rules or different laws.

Mr. Yvan Baker: I’m not suggesting that. I’ve been clear.

Mr. Randy Hillier: That’s what was just said. An independent would have to be—

Mr. Yvan Baker: That’s not what I said.

Mr. Randy Hillier: Chair, I don’t understand. It must be entirely uncomfortable to argue in favour of hypocrisy and contradictions by members of the Liberal Party on this.

Certainly, if they wanted to actually include everybody, including independents, then they would have the

nomination contest period end not when the person is selected but at the start of the writ period, not at the end of the selection process, because as we've just stated—and Mr. Baker has agreed—there is no contest period for an independent. So most of the obligations that all other nomination contestants will have to adhere to are not applicable because the nomination contest period didn't exist in the first place.

As we go through these amendments, you'll see the entanglements that are being created by this bill for all people involved in wanting to be a candidate for election. The entanglements will be severe; they will be difficult. I've mentioned some of them in the previous amendments that we've talked about. We've seen that the Chief Electoral Officer has requested, and even—I believe it's motion number 7 where even the government recognizes the entanglements and has delayed the requirements for nominations to be enacted later on, that they will not come into effect at the same time as the rest of this bill. So there is an implicit recognition that there are entanglements being created.

We also had the Chief Electoral Officer provide written responses to this committee on this very subject of nominations. One of the questions was, how is Elections Ontario going to manage the increased workload required to register each nomination contestant? There are usually at least three nomination contestants per riding, per party, so this registration process will be three times bigger than it is for the general election. It's a bigger process for the nomination contestants than for the general election in the province. The response was that Elections Ontario will need additional staff and resources to handle this workload. That's the response, right?

Nowhere do we know or see—and it's not included in this bill—what that entails financially. Just how much more is going to be required? How much more revenues? How much more funding will have to be provided to Elections Ontario? How many more staff will be required to be employed by Elections Ontario? It's all, again, to capture a facet in the Election Act that provides no benefit or value to the public. Those are the words of the Chief Electoral Officer. So all these additional expenses and all these additional employees—and it's unknown; we just know that there will be more, for something that the Chief Electoral Officer has said will provide no benefit.

What sort of consideration is going on here? What sort of contradictions are in play by the Liberal members of this committee and the government? I know they're just doing what they're told to do and they have a talking point for every amendment, even if they're not relevant, but surely as individuals, as members of this society, everybody here on the Liberal side must be scratching their heads and saying, "Why are we going to all this additional expense without any benefit?"

I think there's another element of that that ought to be recognized, and maybe I'll bring it up in the next one. But if I could ask the Chair—I believe everybody was provided with the written responses to questions by the

Chief Electoral Officer. Of course, let's face it and understand the role of the Chief Electoral Officer: He's there to provide advice. He's not there to provide policy. That's our job. It's the job of legislators to develop policy. His words have to be read and understood in that light, that it would be usurping the legislative role for an independent officer of this Legislature to engage in anything that would appear as to be developing public policy. But looking at it in that light, you see that his reservations are substantial. His concerns are legitimate, and it behooves us, it's incumbent upon us, that we not dismiss his concerns lightly.

Here's another one: "Assuming that there are approximately three nomination contestants per nomination contest, can the province afford to pay three more audit subsidies per riding per party? The Chief Electoral Officer's response is, "Affordability is a policy question for legislators to decide." I agree, but we don't know what the amount is. We're being asked to give acceptance to a bill where we have no idea what the cost is going to be. Affordability is a proper discussion point for this committee to take into consideration.

There are also concerns that he's raised that there's going to be—and here's one: How will political parties be able to handle and afford the increased workload with these additional nominations, to deal with 122 volunteer CFOs with high turnover and adding another 300 CFOs? How are we going to train and monitor them and deal with the increased workload? Of course, once again, rightly, the Chief Electoral Officer says, "That is not a question Elections Ontario can answer." It's a legitimate question. It's just not possible or reasonable to ask him to comment on how policies of parties are going to have to be altered to accommodate the inclusion of nomination contestants.

Once again, we can all see the folly here. The government's desire to capture everybody has failed, but it has and will bring significant entanglements and difficulties for all parties. It will be barriers to all those wishing to enter the environment of politics in this province. It's all so that the culpability of the abuse of process that was engaged in by members of the Liberal Party appears to be reduced, or that's the attempt. The narrative will be that their culpability is diminished by capturing all these other nomination contestants.

1540

The Chair (Mr. Grant Crack): Mr. Baker.

Mr. Yvan Baker: I'll just simply say that the member opposite is investing a tremendous amount of time trying to put words in my mouth, which is really disappointing given the significance of what we're trying to debate here.

Independent candidates do not undergo a nomination. Therefore, the rules that will apply to independent candidates are the same rules that apply to any other candidate and that are contained within the act. But nomination rules don't apply to independent candidates because they don't go through a nomination.

The Chair (Mr. Grant Crack): Further discussion? Mr. Hillier.

Mr. Randy Hillier: I would challenge—I don't believe I put any words in anybody's mouth who didn't already vocalize them first. But let's be very clear: There will be no requirement for an independent candidate to get a nomination CFO, because there is no contestant period for them. I or Mr. Baker or anybody else here seeking nomination will have to get a chief financial officer and have our nomination period audited. The independent candidate will not, because there is not a contesting period. The requirements of this bill on nomination contestants is confined to the nomination contest, period. If there is no period, then there is no obligation.

So that's been the thrust of my—I think it should be clear what I'm saying. It goes against the very argument that Mr. Baker advanced on the last amendment about nomination contests, that the Liberal Party wants to capture everyone. I would say it's not purposeful; I think it's just inadvertent and accidental, like so many other elements of this bill, that they've created another loop-hole, this time accidentally or inadvertently as compared to maybe some of the other clauses in the bill.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote.

Those in favour of PC motion number 4? Those opposed? I declare PC motion number 4 defeated.

We shall move to PC motion number 5, which is an amendment to subsection 1(3), subsection 1(1) of the Election Finances Act, definition of "person."

Mr. Hillier.

Mr. Randy Hillier: I move that the definition of "person" in subsection 1(1) of the Election Finances Act, as set out in subsection 1(3) of the bill, be amended by striking out "a nomination contestant".

The Chair (Mr. Grant Crack): Further discussion? Mr. Hillier.

Mr. Randy Hillier: I think enough has been said on that section 1 up until subsection (3), so I'll leave my arguments standing without reiterating them.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on PC motion number 5.

Those in favour of PC motion number 5? Those opposed? I declare PC motion number 5 defeated.

We shall move to NDP motion number 6, which is an amendment to subsection 1(4), subsection 1(1) of the Election Finances Act, definition of "political advertising."

Ms. Fife.

Ms. Catherine Fife: I move that subsection 1(4) of the bill be struck out.

Members of the committee will know that this pertains to political advertising. This amendment would retain the existing definition of political advertising.

As many of you know, we did hear from delegations from across the province around the issue of issue-based advertising. The Chief Electoral Officer identified this as an issue going forward—where you would have advocacy groups who were interested in, for instance, weighing in on the budget, on policies of the government

and putting forth their concerns in a very public way. The Chief Electoral Officer identified some challenges in that regard. He said that it would be like a line in the sand because one never really knows what may become a political issue. Some of us didn't know that the autism issue, for instance, in the last budget would become such a profound issue that we would face, because on the surface it looked very good.

Since we had environmental groups, social justice groups and poverty reduction groups coming to the committee and speaking on the issue of political advertising, I think we have a responsibility to listen to those concerns and go back to the original definition, which did allow for some political advertising.

The Chair (Mr. Grant Crack): Further discussion? Mr. Baker.

Mr. Yvan Baker: I recommend voting against this motion, and I say that because it's obviously critical that we allow legitimate debate on policy issues. That's important. I think the definition of political advertising proposed in Bill 2 will strike a better balance between ensuring that third parties can continue to advertise on the issues, while protecting the integrity of the election process by identifying some issue advertising for what it is: political advertising. So we recommend voting against the motion.

The Chair (Mr. Grant Crack): Further discussion? Mr. Hillier.

Mr. Randy Hillier: Political advertising has been a contentious element of the bill. Again, this was discussed at length by the Chief Electoral Officer. I don't believe we've got it right here yet, although we may be approaching it. He described the defining of political advertising as a line drawn in the sand on a windy day. I would have more confidence in the clause the way it stands in the bill if there was a known, competent body that would be the arbiter of political advertising—

Ms. Lisa M. Thompson: Like the AG?

Mr. Randy Hillier: —like the Auditor General.

As we know, the Liberal Party has been very adamant not to allow the Auditor General, another independent officer of the Legislature, to have any purview over political advertising. They've gone so far as to significantly diminish her authorities this year.

Although I understand the third party's view on this and I appreciate the rationale behind bringing this amendment forward, we do need to have some definition for political advertising. Striking out subsection 1(4) of the bill doesn't improve the situation, in my view. I know that there are some amendments later on that the committee will be discussing with respect to the Auditor General and returning her mandate of overseeing political advertising. We've also seen, in previous discussions, that the government does not want to be transparent or accountable in that area as well.

1550

I do appreciate the third party move, putting this forward. I do think where we're weak on political advertising in the bill as it is right at the present time is on who

will be the arbiter of what is political advertising and what is not. Hopefully, the Liberal members on this committee will get new talking points before we get to the amendments on the Auditor General and have a change of heart and not be voting for hypocrisy when those amendments come forward.

The Chair (Mr. Grant Crack): Further discussion?

Ms. Catherine Fife: I just wanted the committee to fully understand what the motivation was with this particular amendment. I think it comes from a place of where we position ourselves, as legislators, in our community and in this political culture, and where the citizens do. The government has been highly criticized, I think, by the Auditor General for overstepping their ability, their use of public dollars, to portray and to communicate information. She gave us four very tangible examples throughout the committee sessions. In particular, the one that strikes me today would be the promise of the infrastructure dollars when the government can make no real commitment to those dollars because it will be two or three terms away from now and, potentially, a different government.

When we brought forward this amendment, we were essentially trying to almost give the voices back to the people in this regard, because the government was reluctant to address the Auditor General's criticism, which is well founded. We wanted to address the power imbalance that we see very clearly, that any government, going forward, under this legislation, would have the ability to use the airwaves as they see fit, communicating the messages that they feel are appropriate. When they removed the Auditor General's oversight in this regard in the budget 2015, we had a serious decline, if you will, or a deficit, of trust around government advertising.

We see it as inherently unfair that the government is in a position where they can stifle and tamp down, if you will, the voices of citizens when they have legitimate concerns around public policy in the province of Ontario while at the same time they have a well-documented advantage on their part, that they have the money and they have the power, and there is no true oversight around that advertising.

That was the motivation for this amendment coming forward.

The Chair (Mr. Grant Crack): Mr. Hillier.

Mr. Randy Hillier: I just want to draw where it's especially weak, the existing clause in subsection 1(4).

First off, it describes and defines political advertising. Maybe I'll read a little bit of it: "political advertising" means advertising in any broadcast, print, electronic or other medium with the purpose of promoting or opposing any registered party or its leader or the election of a registered candidate and includes advertising that takes a position on an issue that can reasonably be regarded as closely associated with a registered party or its leader or a registered candidate...."

That's all fine and good. We understand that's not bad language. It's not definitive. If we had a good arbitrator, it would probably work. But then let's read that last

sentence: "...but for greater certainty does not include," and then it lists five subsections of what does not get captured in political advertising.

I'll draw the committee members' attention to subsection (c): "communication in any form directly by a person, group, corporation or trade union to their members, employees or shareholders, as the case may be."

Reading that section of the bill, it says that all this stuff is recognized as political advertising but for greater certainty does not include communication by unions or corporations to their members, their employees or their shareholders. So we've got this other huge exemption and loophole created under this bill. The union, or the business, whatever—if they send out a newsletter to their employees that says, "Don't vote for the Liberals," that's okay under this bill. If the union says the same thing, "Don't vote for the Liberals; vote for the Conservatives"—the whole purpose of bringing political advertising was to capture it and make sure that it has restrictions and limits on the money spent. But here we're saying, according to my reading of this, that if the communication is directly to its members or employees, then they're free to do whatever they want.

Ms. Ann Hoggarth: That's right.

Mr. Randy Hillier: I hear the member from Barrie saying, "That's right," and I'm astonished because another major theme of this bill was to place proper limitations on political advertising by third parties.

I would like to see if any member on the Liberal side has a talking point about why they've excluded communication by corporations to their employees, or unions to their membership—that they can engage in partisanship, but other individual people or other associations can't. We talked a lot about the need for allowing grassroots associations to have a voice. We gave examples of autism and a host of different ones. So why is it that the Liberals are purposely creating—or is it another accident? Maybe I shouldn't use the word "purposely." Is this just another accident, or was this purposeful—that they can allow some friendlies to engage in political partisan advertising where others are excluded?

The Chair (Mr. Grant Crack): Further discussion? Ms. Thompson.

Ms. Lisa M. Thompson: I find it interesting. I'm listening intently to my colleague. He's doing a great job eloquating on real-life issues that come to the table.

I'm taken by the reaction across the floor, Chair, because they're saying, "Oh, come on. Really? That's not us. That doesn't happen." But I can tell you in very specific terms that each and every one of us in ridings that were not held by Liberals were, in 2014, deliberately targeted by parties that were outside of the political sphere. I even had very concerned retired folks contacting me and saying that their privacy was being disrespected because they were getting notes and suggestions as to how they should vote, because of their past work experience and things like that. They were totally disgusted with the effort that the third parties were trying to play.

1600

My colleague brings up a very good point. People across the floor can shake their heads, Chair, but it is the reality of the type of efforts that the government of the day tries to facilitate under a cloak of innocence. It really has to stop. If we were truly geared toward proper reform that was equal for all, we would not see a bill that is so full of opportunity for just the Liberal government. I'm just calling it the way it is.

The Chair (Mr. Grant Crack): Further discussion? Mr. Hillier.

Mr. Randy Hillier: I'm not getting any response. Why is this exemption in the bill? Why is it that we want to limit and constrain all other voices under that political advertising scope, except for unions and corporations? Listen, that's a key element here.

The other main thrust of this bill is prohibiting union and corporate financial contributions into the political process. We've all recognized—everybody has agreed—that people vote and that democracy is for people. We're going to prohibit union and corporate dollars from gaining undue access to ministers and to politics. We're going to prohibit contributions from unions and corporations to skew or to develop public policy, or be influenced by union and corporate money in the development of public policy. That has all been prohibited in Bill 2.

But now we make this glaring exemption under political advertising: that union and corporate influence in political advertising will be open season. Again, it's hypocrisy of the highest order, and it's irrational for the government to provide and promote a bill under a certain objective that doesn't achieve it and goes against the grain.

Surely the discomfort level must be—if not seen directly, I know there will be an epiphany one day by these members that they really screwed up.

Thank you, Chair.

The Chair (Mr. Grant Crack): You're welcome. Further discussion?

There being none, I shall call for the vote on NDP motion number 6.

Ms. Catherine Fife: Recorded vote, please.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote, which shall be entertained.

Ayes

Fife.

Nays

Baker, Berardinetti, Colle, Hoggarth, Rinaldi.

The Chair (Mr. Grant Crack): I declare NDP motion number 6 defeated.

We shall move to government motion number 7, which is an amendment to subsection 1(7)—

Ms. Lisa M. Thompson: Chair?

The Chair (Mr. Grant Crack): Is this a point of order?

Mr. Lorenzo Berardinetti: No, I was going to speak to this motion.

The Chair (Mr. Grant Crack): Okay, thank you very much.

Ms. Lisa M. Thompson: I thought it might have been a call to recess or something like that.

The Chair (Mr. Grant Crack): Okay, so I'll continue. Let's move to government motion number 7, which is an amendment to subsection 1(7), subsection 1(3) of the Election Finances Act. Mr. Berardinetti.

Mr. Lorenzo Berardinetti: I move that subsection 1(7) of the bill be struck out and the following substituted:

“(7) Subsection 1(3) of the act is repealed and the following substituted:

“Application re nomination contestants

“(3) The requirements of this act respecting nomination contests, nomination contestants and registered nomination contestants apply on and after July 1, 2017.”

The Chair (Mr. Grant Crack): Further discussion? Mr. Berardinetti.

Mr. Lorenzo Berardinetti: This is based on advice we received from the Chief Electoral Officer. We believe that nomination contestants should be regulated the same way as other political actors.

The Chair (Mr. Grant Crack): Further discussion? Mr. Hillier.

Mr. Randy Hillier: Maybe the parliamentary assistant could expand on the Chief Electoral Officer's recommendation. You didn't give much background. This is, of course, forestalling the enactment of the provisions with respect to nomination contestants, and you've stated that it's on the recommendation of the Chief Electoral Officer. Would you care to elaborate for the members of this committee?

The Chair (Mr. Grant Crack): Further discussion? Mr. Berardinetti.

Mr. Lorenzo Berardinetti: He was here twice and we heard him talk, and this was one of his recommendations.

The Chair (Mr. Grant Crack): Mr. Hillier.

Mr. Randy Hillier: I find it interesting that—and I appreciate that the parliamentary assistant did recognize that the CEO was here twice. Actually, he was here for the entire duration of Bill 201 and was also here for Bill 2.

What I find odd is that they're acting on one small recommendation by the Chief Electoral Officer and not the other ones. Maybe it was only that the Liberal members heard the Chief Electoral Officer on two occasions, but he was here quite often for the duration, and there's a whole list of recommendations that he has provided, written commentary and recommendations which have not been acted upon.

I could ask the question: What is it with this recommendation that the Liberal Party, the Liberal members, view as worthwhile and worthy of their attention? But, of course, we know the answer. It is impossible for the

Chief Electoral Officer to implement these undertakings under Bill 2 under the time frame of the rest of the bill. As I discussed earlier, the entanglements and the problems are significant. The Chief Electoral Officer has said that. In response to the other comments, a significant number of employees and resources and funding will be required.

Chair, I want to also bring up this: This government amendment forestalls the implementation of Bill 2 with respect to nomination contestants, and, as I said in an earlier commentary, we will have some nomination contestants falling underneath the current legislation and we'll have others that will be compelled to and be obliged to follow these new restrictions.

But also, thinking back to the first motion that was passed, motion 36, where there's public funding for constituency associations, I'm drawn to another hypocrisy with this bill when I look at motion 36. That motion provides for public funding to all political parties, as long as they get greater than 2% of the vote. Right? We've heard from Mr. Baker and from others that the Liberal Party want to capture everybody with Bill 2. It strikes me as odd, hearing their arguments, that they want to capture everybody under the law under Bill 2, but they don't want to provide funding equally for everybody under the law. I find this quite interesting.

1610

I don't know if anybody has looked at it from this light on the government benches, but the independent candidates and the smaller fringe parties will not benefit from the public subsidy, or many of them will not. But they'll still have to abide by the rules for those small fringe parties, but they won't enjoy any of the benefits of the public subsidy. Then, looking at that as well, the independent candidate will have no nomination contest period and will be exempted from the rules.

I'm looking at this and I'm saying that this is really creating an incentive for political parties to do away with the nomination process altogether and just assign people to be candidates, knowing that it's very likely that the smaller parties will fall off the radar. They will not be able to raise funds. They'll not get any public funding. For a political party just to assign a candidate absolves them of all the provisions of the nomination process, and I'm wondering if that is the end game for the Liberal Party here. Is this what is being attempted, that we do away with the local constituency riding associations and the benefit and the value of having contested nominations and do away with the smaller fringe parties? We know that the public subsidy will always be an advantage to the incumbent party. The incumbent party will have the most votes. It will enjoy the greatest benefits from the public subsidy.

I hope I'm wrong in my analysis, in my examination here, but it certainly appears that the Liberal Party is stacking the deck in a way where the only loser is democracy and the only winner is the Liberal Party.

The Chair (Mr. Grant Crack): We'll go to Mr. Berardinetti. I think you had indicated you wanted to respond, or should I go to Ms. Fife first?

Mr. Lorenzo Berardinetti: To Ms. Fife.

The Chair (Mr. Grant Crack): Okay. Ms. Fife.

Ms. Catherine Fife: We are going to be supporting this motion. We're supporting it because the Chief Electoral Officer has basically said, because he was not consulted prior to some of these changes being made in Bill 2, he requires time to process this, and there are so many outstanding questions.

The CEO really did keep his temper and keep his cool and was very professional throughout the entire committee work, but you could tell that he was completely taken aback by some of the changes as they relate to the nomination contestants and the constituency association contribution limits, and some of the questions that are still outstanding there have to do with how his office is going to take on this new responsibility of dealing with nomination contestants, tracking the money that they raise, and ensuring compliance with some of the legislative requirements. And it needs to be stated: Because some of these changes are truly precedent-setting, there's no model to look to. There's no other jurisdiction to examine the pros and the cons, the barriers, the challenges, what worked well and what did not.

The Chief Electoral Officer basically said to us in this very room that he couldn't answer our questions because he was not part of the process. It was not a consultative process, and he was not able to meet the timelines of this committee on this particular issue, for sure, as the act appertains to nomination contests or nomination candidates. Pushing the date to July 1, 2017, while the rest of the act is going to come into force at royal assent—which will probably be at some point in January, I would think—at least gives him some opportunity as an independent officer of the Legislature to try to inform the House in a responsible way.

To that end, we will be supporting this motion.

The Chair (Mr. Grant Crack): Mr. Berardinetti?

Mr. Lorenzo Berardinetti: I agree with what Ms. Fife said. We're changing the way that we're doing fundraising, and it's not going to be easy. Any change is always going to hurt.

We're making some changes. I think they're all good changes and we're going the right way. If we go back in time and go back to when Mike Harris or Bob Rae were in power, they didn't do anything about changing the rules. We're doing something good.

The Chair (Mr. Grant Crack): Mr. Hillier?

Mr. Randy Hillier: I'm not quite sure who or what was being hurt. It wasn't clear from the parliamentary assistant's comments. I will agree that there will be injurious and negative consequences to people; I've outlined a number of them through this process. If the parliamentary assistant would like to expand or clarify just who and what is being hurt, that might give us a better idea of their view and maybe why they're bringing forward a bill that they know will hurt or harm somebody.

Listen: Just for clarity's sake, the Progressive Conservative Party will be supporting this. It would be absolutely irresponsible not to, right? We know that the

Chief Electoral Officer has stated quite clearly that he can't meet the timeline that's in the bill. He can't meet it, so to vote against an extension in time to try to assist the Chief Electoral Officer and try to mitigate the time frames that he has so clearly spoken about would be irresponsible.

But I'll also say it is totally irresponsible to cherry-pick the Chief Electoral Officer's recommendations and place on the Chief Electoral Officer's office this burden which he has clearly stated is not necessary and provides no benefit, but then to offer up a small trinket: "We're still going to make you do the wrong thing, Chief Electoral Officer; we're just going to give you more time before you're required to do the wrong thing."

That's what this amendment is all about: "You're going to do the wrong thing, but we're going to give you another six months before you have to start doing the wrong thing."

We'll be supportive of it. We do not want to be seen as irresponsible—

Interjections.

Mr. Randy Hillier: Well, I already said that it would be irresponsible not to support this amendment. But hopefully the members on the Liberal side can understand the context that I just explained, and understand that you can still be supportive of something—I guess the term that we would use is "the lesser of two evils," and surely everybody on the Liberal side understands that.

The Chair (Mr. Grant Crack): Ms. Fife.

1620

Ms. Catherine Fife: I just wanted to point out that when the Chief Electoral Officer did come here, he essentially asked us for additional time. There was obviously some frustration that he had expressed as well, particularly around the way that nomination meetings will be operated and conducted, and the auditing of the financial statements.

One of the questions that came out of that was: How is consolidating the maximum contribution limit to nomination contestants and constituency associations going to be even possible to administer when one is tax-receipted and the other is not; when one is audited, and the other is not; when the contribution information is not available to the CFOs of each registered entity; and when the party has no authority over the separate bank accounts of each of the registered entities to determine if deposits were even made? Over-contributions won't be discovered until long after they've been reported and spent, which could cause unplanned financial deficits for the constituency associations once they have been discovered by Elections Ontario.

I think the premise of this discourse on nomination meetings is that there are so many unknowns. The Chief Electoral Officer needs the time to process this and then to feed that information back to this committee. As I said, it's unprecedented.

When I did say to the Chief Electoral Officer—none of us expected to be in this place on this issue. While some of the language that was put forward by the PC

Party was very broad around accountability, I do share the concern that we may be putting an undue hardship on local riding associations and their capacity to monitor what, in some instances, are very contentious nomination meetings. They're not all equal. Some of them are very amiable. Each constituency has a very different culture. Some are very politicized and very high-pressure, with lots of media attention. Others are very quiet.

As an electoral officer, I think he definitely has his work cut out for him going forward. But, certainly, we're supportive of him having additional time to try to figure this legislation out.

The Chair (Mr. Grant Crack): Ms. Thompson and then Mr. Berardinetti.

Ms. Lisa M. Thompson: Thank you very much. I just want to make sure it's recorded on record that we'd be remiss if we didn't take to heart the fact that the member from the third party mentioned earlier with regard to the lack of consulting.

There's a disturbing trend that continues within this current government of the day. It doesn't matter whether it was Bill 172, Bill 151 or Bill 2 here today; it's astounding how this government just thinks they can have their way and bulldoze through to make themselves—to prop themselves up, I guess is a better phrase, in order to achieve their goals to keep them in power.

The people of Ontario are on to them. They are absolutely tired of this ramming through of policies; the time allocations, be it in debate or here in committee. The lack of consulting is absolutely unacceptable. I would respectfully ask the members representing the government of the day to please go back to your caucus and say, "If we're going to do due diligence and be sincere and transparent on any bill that we bring forward, for goodness' sake, let's start consulting properly."

The Chair (Mr. Grant Crack): Mr. Berardinetti and then Mr. Baker.

Mr. Lorenzo Berardinetti: Recorded vote, please.

The Chair (Mr. Grant Crack): Okay. When I get to the point, I would expect that you would make that request. We're having further discussions.

Mr. Baker and then Mr. Hillier.

Mr. Yvan Baker: I just think now that the opposition has raised concerns about the process, it's astounding to me how the opposition, and the members of the Conservative caucus in particular, are treating this process.

It took us five hours to organize around this bill. We were in that meeting; we spent five hours to organize how we were going to move forward with the bill. There were motions introduced in the House to stall this process, and now it has taken two and a half hours to get through seven motions, some of which the members opposite are supporting. I think that these are even the motions that the opposition members agree with.

If we're talking about process, I think it's important to highlight that it really appears as though the PC caucus members are trying to filibuster and slow this bill down and not allow its passage and not allow election financing to become more transparent and more accountable.

The Chair (Mr. Grant Crack): Mr. Hillier.

Mr. Randy Hillier: Well, obviously, Mr. Baker hasn't been involved in too many filibusters to know the difference between having a conversation and raising concerns over elements of a bill and—to even suggest that if we're supportive of an amendment that we ought not to speak to the amendment, that's just foolhardy. I know the members on the Liberal side don't take their advocacy in the same light as I and members on this side take advocacy and our role as responsible legislators, but just because you want to have a diminished role in this Legislative Assembly, don't expect me to accept that lowering of the bar for myself.

Chair, the member from the third party raised good points about consulting. They did listen to one recommendation from the Chief Electoral Officer, and that's what we see in this government motion number 7: a forestalling of putting into effect. But as we heard from the Chief Electoral Officer, he was not consulted. He was astonished that there wasn't any consultation with him. I want to draw all members' attention to, again, the Chief Electoral Officer's written response to the questions that we gave him.

The question was this: Are the auditors, the certified public accountants of Ontario, aware that the number of audits that they might have to perform in an election year could be increased exponentially with all these additional nomination contests having to be audited? Do the deadlines conflict with their marketplace?

So Elections Ontario's response to that was that Elections Ontario is not aware if the government has consulted with the professional body regulating auditors. The body will have to be asked if they are concerned with the timing or the workload.

That's a recommendation from the Chief Electoral Officer, and maybe somebody on the Liberal side can respond. You didn't enter into consultations with the Chief Electoral Officer. Did anybody on the government side enter into discussions with the certified public accountants of Ontario about these new mandates, and if they will be able to accommodate? Clearly, the Chief Electoral Officer can't accommodate it at the present time and needs a delay. Has anybody done the same with the certified public accountants?

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote.

Mr. Lorenzo Berardinetti: Recorded.

The Chair (Mr. Grant Crack): There is a request for a recorded vote. I shall call the vote.

Ayes

Baker, Berardinetti, Colle, Fife, Hillier, Hoggarth, Rinaldi, Thompson.

The Chair (Mr. Grant Crack): I declare government motion number 7 carried.

We shall move to PC motion number 8, which is an amendment to subsection 1(7), subsection 1(3) of the Election Finances Act.

Mr. Hillier.

Mr. Randy Hillier: Thank you very much, Chair.

The Chair (Mr. Grant Crack): You're quite welcome.

Mr. Randy Hillier: I move that subsection 1(7) of the bill be struck out.

The Chair (Mr. Grant Crack): Further discussion? Mr. Hillier.

Mr. Randy Hillier: Thank you, Chair. It seems like you're becoming predictive.

Listen, we just voted in favour of amendments to subsection 1(7) of the bill. That is in accordance with the Chief Electoral Officer's desire to—if you're going to make him do the wrong thing, at least give him enough time to be able to put the wrong thing into play. This motion, PC motion number 8, is to do the right thing: To strike out 1(7) of the bill and do not obligate the Chief Electoral Officer to do things that are of no benefit or value to the public.

The Chair (Mr. Grant Crack): Mr. Berardinetti.

Mr. Lorenzo Berardinetti: The government will be opposing this motion—no surprise. We believe that nomination contestants should be regulated in the same way, consistent with the regulation of other political actors. We've been debating that this afternoon and we think nomination contestants—we've all been through it, most of us, and the government believes they should be regulated in the same way as other political actors.

The Chair (Mr. Grant Crack): Mr. Hillier?

Mr. Randy Hillier: We're now on motion number 8, and it's interesting that I've heard the same talking point parroted seven times from the Liberal benches and not once having anything unique or relevant to the particular amendments offered up. Just so that the government members know, we're keeping a little scorecard of the parroting of the same talking point along the way.

The Chair (Mr. Grant Crack): Further discussion on PC motion 8?

Mr. Lorenzo Berardinetti: Recorded vote, please.

The Chair (Mr. Grant Crack): There being none, I shall call for the vote. There has been a request for a recorded vote. It shall be entertained.

Ayes

Hillier, Thompson.

Nays

Baker, Berardinetti, Colle, Hoggarth, Rinaldi.

The Chair (Mr. Grant Crack): I declare PC motion number 8 defeated.

We shall move to section 2—

Interjection.

The Chair (Mr. Grant Crack): Sorry. That's correct. Thank you, Madam Clerk. I was just getting too excited there for a second.

There is an amendment to section 1. Is there any further discussion on section 1, as amended? There being none, I shall call for the vote.

Shall section 1, as amended, carry? I declare section 1, as amended, carried.

We shall move to section 2. Ms. Fife.

Ms. Catherine Fife: Chair, this was the amendment which I wished to defer until schedule 30 because it relates to time disclosure.

The Chair (Mr. Grant Crack): Thank you very much.

Ms. Catherine Fife: I seek unanimous consent, please.

The Chair (Mr. Grant Crack): Ms. Fife is requesting unanimous consent to stand down NDP motion number 9, which is—I'll just read this: "This motion is dependent on future motion number 42, which proposes a new section 34.2 of the act that this amendment refers to, and without the passage of motion 42, this motion, if passed, would create an inconsistency in the act."

So section 2 is being requested to be stood down. Do we have unanimous consent?

Mr. Randy Hillier: Chair, could I take just a moment to read motion 42 so that I would be knowledgeable about how this is impacting?

The Chair (Mr. Grant Crack): Usually there's no discussion, but I'll allow you a few seconds to read it.

Mr. Mike Colle: A five-minute recess so we can read?

The Chair (Mr. Grant Crack): Okay. Ms. Fife has requested unanimous consent to stand down section 2, as I had explained earlier. There was a request to take some time for everyone to become updated with what motion 42 was. In return, there has been a request for a five-minute break. I shall ask the committee if it is the consensus of the committee to take a five-minute break at this particular point.

Interjection: Sure.

The Chair (Mr. Grant Crack): We shall take a five-minute break prior to the unanimous consent request.

The committee recessed from 1634 to 1640.

The Chair (Mr. Grant Crack): Back to order, everyone. Prior to the break, there was a request for unanimous consent to stand down section 2. Do we have unanimous consent? We have unanimous consent. That is granted. As such, we will deal with section 2 after we deal with motion 42, in the future.

We shall move to section 3. There are no amendments to section 3. Is there any discussion on section 3? Mr. Hillier.

Mr. Randy Hillier: I've got some comments on section 3. You can see this, in section 2, in NDP motion 42, where it gives meaning to what is going to happen with nomination contestants.

I will just put this on the record: The PC Party will be voting against those sections that incorporate nomination contestants.

The other reason that I haven't conveyed yet—it's clear to me that making nomination contestants and their volunteers, such as chief financial officers etc., have the same obligations as members of the Legislature—I have a fear, and I think it's a reasonable and justified fear, that we're going to find ourselves, down the road, with a lot of nomination contestants who are breaking the law. They're going to get captured under the Election Act for breaking the law, not because of an intent to break the law, not because there is any intent to do wrong. These people are not going to have the party apparatuses behind them to convey what this all means and what they will have to do. The smaller parties and independents—and indeed, maybe even some of the nomination contestants in the major parties—will run afoul of the election laws.

Earlier, when I spoke to this, that these could be barriers for people to be engaged in democracy—that's one of the barriers. When the law that they have to comply with is so complicated and so complex and expensive, we inadvertently capture people as lawbreakers. Every member on the Liberal side of this committee should see the justification in that statement. Indeed, we have a number of Liberal members and Liberal operatives who have been alleged to be doing wrong under the Election Act.

We don't want our laws to be complex. We want them to be known and understood and easy to comply with.

We'll be voting against section 3. We'll be voting against section 4. We'll be voting against those sections of the bill which may, and most probably will, inadvertently turn people who want to be engaged in our democracy into lawbreakers. That would be a tragic and unfortunate situation, as I hope everybody would agree.

The Chair (Mr. Grant Crack): Further discussion on section 3? There being none, I shall call for the vote on section 3.

Shall section 3 carry? I declare section 3 carried.

We shall move to section 4. Is there any discussion on section 4? Mr. Hillier.

Mr. Randy Hillier: A reiteration of the same comment on section 3, on 4.

The Chair (Mr. Grant Crack): There is no further discussion on section 4. Those in favour of section 4? Those opposed to section 4? I declare section 4 carried.

Sections 5, 6, 7, 8, 9: There are no amendments. Shall we bundle them? I was waiting for that request. Is it the consensus of the committee that sections 5, 6, 7, 8 and 9 be bundled into one?

Interjections.

The Chair (Mr. Grant Crack): Yes, they will be.

Is there any discussion on those sections? There being none, I shall call for the vote. Those in favour of sections 5, 6, 7, 8 and 9? Those opposed to sections 5, 6, 7, 8 and 9? I declare section 5, section 6, section 7, section 8 and section 9 carried.

We shall move to section 10. We have an amendment, PC motion number 10. Mr. Hillier.

Mr. Randy Hillier: I move that subsection 16(1) of the Election Finances Act, as set out in subsection 10(1) of the bill, be amended by striking out “nomination contestants”.

The Chair (Mr. Grant Crack): Further discussion? Mr. Hillier.

Mr. Randy Hillier: Just for the record, I do want to recognize and I appreciate the Liberal members asking for a recess at the time when the third party asked for unanimous consent. It’s nice to see them providing an opportunity for the committee to take a break, have a recess and consider the request from the third party on standing down that motion at the time.

Subsection 10(1) of the bill: This is who may contribute. Contributions to parties, constituency associations—and that terrible thing, “nomination contestants,” is included once again. The amendment is to strike out “nomination contestants,” for all those same reasons that I’ve spoken so much about: barriers to democracy; inadvertently capturing people as lawbreakers under the complexities of the Election Act who only want to put their name forward; the additional cost and burden; the increase in employment that the Chief Electoral Officer will have to undertake—all those things, and also the contradictions that we’ve already exposed.

I know that the Liberal members may not like hearing this, but we will be determined to put it on the record and advance and advocate for those things that the Chief Electoral Officer himself has stated, and others—that the legislation should be a benefit which ought not to just create laws for the sake of creating laws. We ought not to create public policy in the hope of diminishing the Liberal government’s culpability in the abusive processes that they undertook with their ministers in engaging in cash-for-access and cash-for-public policy. Those are abusive and horrendous activities. The Liberal Party remains culpable for those actions. Setting out a bigger, broader net to capture nomination contestants will not—will not—reduce the culpability of the Liberal Party for their actions.

1650

The Chair (Mr. Grant Crack): Further discussion? Mr. Berardinetti.

Mr. Lorenzo Berardinetti: I just have a question for Mr. Hillier on this motion. If it carries, nomination contestants will be able to receive contributions from corporations, unions or other organizations. How do you justify that?

Mr. Randy Hillier: It does still state that corporations and unions are not allowed to contribute. Okay? They’re not allowed to contribute. What we’re saying is that this and all those facets of this election act ought not to apply to nomination contestants. They have no ability—no ability—to affect public policy. They have no ability to engage in contractual arrangements on behalf of the government. They have no ability or influence in public policy. Why would we include nomination contestants,

who have no ability to influence, no ability to engage in contracts—why would we have that person subject to the same restrictions as a minister of the crown? That’s the question that needs to be asked.

Mr. Lorenzo Berardinetti: Well, why not?

Mr. Randy Hillier: Because he can’t or she can’t influence public policy. He or she can’t engage in a tender or award a tender. He or she can’t sign a contract. He or she cannot bestow grants—all those things that a minister can and does do. So we do not want the people who can effect change to be influenced by corporate or union dollars. That ought to be obvious.

The Chair (Mr. Grant Crack): Further discussion? Mr. Berardinetti?

Interjections.

Ms. Lisa M. Thompson: Say it, Ann. Don’t ask for permission.

Mr. Lorenzo Berardinetti: Oh, sorry. I’m not sure who’s next, Mr. Chair. Am I next, Mr. Chair?

The Chair (Mr. Grant Crack): Sorry? Yes, Mr. Berardinetti.

Mr. Lorenzo Berardinetti: Again, I hope you have an answer for me because it’s a slippery slope. Once you enter the political process, you can become a minister, you can become a Premier, you can become someone that can influence public policy.

Mr. Randy Hillier: Not until you’re elected.

Interjections.

The Chair (Mr. Grant Crack): A little bit of order would be nice here. Mr. Hillier?

Mr. Randy Hillier: Listen, the rules ought to be different for people who are elected. Those are people who can effect change. A nomination contestant cannot effect change.

Here’s the comment that I started off from earlier today: Most nomination contestants will never be elected. Statistically, it is impossible for most nomination contestants to be elected. Even if there was an uncontested nomination, only one out of three, at the minimum, of people who run for election can be elected, because every riding is contested by at least the three major parties, I would say, and I believe the Green Party had candidates in every riding as well. So statistically it’s impossible for most people to get elected. Once you look at the nomination process and capture that as well, then it becomes exponentially more unlikely and improbable that a nomination contestant will ever get elected.

In my own nomination, there were three contestants. Only one can win. The Liberal Party had multiple nomination contestants in my riding as well, as did the NDP, going through that whole vetting process. Maybe 10 people tried, but there’s only one individual who can succeed. Why make those other nine be subject to the same requirements as the one who was successful?

The Chair (Mr. Grant Crack): Further discussion? Yes, Mr. Berardinetti?

Mr. Lorenzo Berardinetti: But logically—in some ridings, there’s only one nomination contestant, believe it or not.

Mr. Randy Hillier: Pardon?

Mr. Lorenzo Berardinetti: In some ridings, there's only one nomination contestant.

Mr. Randy Hillier: No, that's factually incorrect.

Interjection: No, it's not.

Mr. Randy Hillier: No. There may be one for a party, but there's—

Mr. Mike Colle: Through the Chair, please.

The Chair (Mr. Grant Crack): Thank you, Mr. Colle. Mr. Hillier?

Mr. Randy Hillier: Yes. Factually, that's incorrect. Every riding is contested by at least the three parties. At a very minimum, two contestants will lose, and at the most, one will win. The assertion that there are some ridings where there is only one nomination contestant is factually incorrect.

The Chair (Mr. Grant Crack): Further discussion?

Mr. Lorenzo Berardinetti: I'll let it go.

The Chair (Mr. Grant Crack): Okay. If there's no further discussion, I shall call for the vote on PC motion number 10. Those in favour of PC motion number 10? Those opposed? I declare PC motion number 10 lost.

We shall move to PC motion number 11, which is an amendment to subsection 10(2), subsection 16(2) of the Election Finances Act. Mr. Hillier.

Mr. Randy Hillier: I move that subsection 10(2) of the bill be struck out.

The Chair (Mr. Grant Crack): Further discussion?

Mr. Randy Hillier: I don't believe there's much further I can add on nominations—

Mr. Lou Rinaldi: Really?

Mr. Randy Hillier: —at this time.

Interjection: At this time.

Mr. Randy Hillier: I may come up with some additions later on, but at this time I think we just had an amendment to subsection 10(1) to strike. This is subsection 10(2) to strike. The same reasons apply, and we'll let it stand at that.

The Chair (Mr. Grant Crack): Thank you, Mr. Hillier. Further discussion on PC motion 11?

I shall call for the vote. Those in favour of PC motion 11? Those opposed? I declare PC motion number 11 defeated.

We shall move to PC motion number 12, which is an amendment adding new subsection 10(2.1), new subsection 16(2.1) of the Election Finances Act. Mr. Hillier.

Mr. Randy Hillier: I will read the motion in. I move that section 10 of the bill be amended by adding the following subsection:

“(2.1) Section 16 of the act is amended by adding the following subsection:

“Information about contributions

“(2.1) An individual who makes a contribution in excess of \$100, whether as a single contribution or an aggregate of contributions made in a year, to a party, constituency association, candidate or leadership contestant registered under this act shall disclose the following information to the chief financial officer of the party,

constituency association, candidate or leadership contestant, as the case may be:

“1. The name and mailing address of the individual.

“2. If any, the occupation of the individual and the name and mailing address of the individual's employer.”

The Chair (Mr. Grant Crack): Further discussion, Mr. Hillier?

Mr. Randy Hillier: Sure.

The Chair (Mr. Grant Crack): The floor is yours.

Mr. Randy Hillier: As we heard through the deputations to the committee, one of the things that was seen to be a weakness in the legislation was the identification of contributors to the political process and if their contributions would be in any way indicative of some influence. We also heard that this is a common practice in many states for election finances, that disclosure be mandated.

Of course, that goes back to our original discussions earlier today on the need for transparency. You can't have transparency without disclosure. It's just impossible. In that instance, we were talking about the transparency of polling, research and travel, and how it is hidden from the public view because it's not required to be disclosed. It's not identified as a campaign expense.

1700

The same principle is in play here on the contributions side. If an individual makes a contribution, it ought to be recorded and known—the name and address of the individual, and, if any, the occupation of the individual and name and address of the employer. This allows for people to view and look if there are patterns developing. If, for example, in corporation XYZ, if every employee of that corporation makes a donation of \$1,200, then one might assume that there's something askew. But without knowing who the employer is, you have no way of actually determining if everything is legitimate and above board.

We've seen examples of this that have gone on, where corporate or union contributions are prohibited but some people try to circumvent and get around the rules, try to go through the back door when the front door is closed. If we want to be sincere about limiting and prohibiting corporate donations and union donations, then we require disclosure of their address and disclosure of their employer and/or occupation.

The Chair (Mr. Grant Crack): Further discussion?

Mr. Lorenzo Berardinetti: Just a question to Mr. Hillier: Why put down the name of the employer?

The Chair (Mr. Grant Crack): Mr. Hillier.

Mr. Randy Hillier: I think I just tried to explain that. Without knowing the contributor's employer, it becomes impossible to discern and determine if there is corporate money being funnelled through employees into the process. We've seen that. We've seen it happen here in this province. We've seen it happen in our country at the federal level, where corporate donations are prohibited but employees were donating significantly.

Again, if we want to be honest and sincere about this, if we want to close up the loopholes and clearly prevent

corporate and union donations, we have to have some way of finding or looking for the needle in the haystack.

I don't know if any member here on this committee has actually tried to search the Elections Ontario database for commonalities between contributors. You get a name: John Smith donated \$100. You get another name: John Smith donated \$200. But that's all that is revealed in the database, so you have no way of knowing if John Smith who donated \$100 is the same John Smith who donated the \$200, because the address is unknown, is not revealed, nor is the employment or occupation revealed.

That information—the address and whatnot—is already identified, to a degree, but you have to actually go down to the Chief Electoral Officer's headquarters and manually search records, which, as we might say, is at least inconvenient if not impractical for most research applications. So this would, as I said, have disclosure of employment and/or occupation and the name and address of the individual.

The Chair (Mr. Grant Crack): Further discussion? Mr. Berardinetti.

Mr. Lorenzo Berardinetti: So if someone who owns a factory—Joe makes a contribution to the Conservative Party and the owner finds out. The owner of the factory supports the NDP and finds out that Joe made a contribution to the PC Party. Isn't there a risk that—

Ms. Ann Hoggarth: Retribution.

Mr. Lorenzo Berardinetti: —there would be some kind of retribution, or perhaps stop the openness of political participation? Wouldn't it scare Joe, who wants to make a donation to the PC Party, that his boss is a strong NDPer and the boss finds out that Joe made the contribution to the PC Party? What happens then?

The Chair (Mr. Grant Crack): Mr. Hillier.

Mr. Randy Hillier: Well, we have the Employment Standards Act and a host of labour legislation that would make that activity unlawful. They would be breaking the law.

Mr. Lou Rinaldi: You know that happens.

Mr. Randy Hillier: Well, you've asked a question. Our labour law does not provide for unjust dismissal—dismissal without cause. I don't know of any employers and I don't know of any evidence or any history of an employer searching the Elections Ontario database for employees who may have contributed. I've never seen any evidence that employers do this. I would think most employers these days in Ontario are so beside themselves and so preoccupied with trying to stay alive and pay their hydro bills that they would never have time to search the Elections Ontario database, for one.

But if that is a legitimate concern, Lorenzo, I would say that our labour law—you were parliamentary assistant to the labour minister as well, so you would know that our employment standards laws and a host of labour legislation as well as collective bargaining agreements would all provide, and do provide, significant protection to employees.

In my experience, I would say that the employers that I know, that I've had direct interaction with, encourage

their employees to be engaged in the democratic process and would never think to be punitive to an employee who is engaged in democracy.

Mr. Lorenzo Berardinetti: So just one final point—

The Chair (Mr. Grant Crack): Mr. Berardinetti.

Mr. Lorenzo Berardinetti: Not to belabour this point, but I've also practised labour law, and if an employer decides to fire someone without reason, it's called constructive dismissal and they fight it out in the courts.

So getting back to Joe and the factory: He gives money to you guys, to the Conservatives. The boss doesn't like that; the boss supports the NDP, and says, "I'm going to fire you. I'm not giving you a reason. If you want to take me to court, we'll work it out in the courts, and we'll see how much money I owe you." They're not getting the job back, plain and simple.

You're basically trying to provide too much information here by having to disclose who your employer is. So, I mean—I'll just stop there.

1710

The Chair (Mr. Grant Crack): Mr. Hillier.

Mr. Randy Hillier: Well, I would respectfully call that a big, huge, trophy red herring, Lorenzo.

We do know that the courts are there to uphold the law. We also know that we have things such as the Ontario Labour Relations Board. We also have a host of inspection and compliance officers engaged and employed by the Ministry of Labour.

So it seems to me what I'm hearing is that we're going to allow wrongdoing to happen—that we have seen evidence of wrongdoing of that nature in the past. You're willing to allow that wrongdoing to happen in order to prevent a wrongdoing that has never happened from happening. Okay? I think that's a foolish proposition, to leave and create loopholes for wrongdoing to happen, unless, of course, again, maybe all this isn't accidental and inadvertent. Maybe this is all purposeful, in that there is a desire by the Liberal Party to create loopholes for the Liberal Party to exploit. That's a view that I'm starting to draw a conclusion to with your position on these amendments: that you want to have loopholes available and you want to throw trophy-sized red herrings out onto the table to distract discussion and distract the public's attention. But it's not going to distract me. I think, at the end of the day, people will understand why the Liberals are creating so many loopholes. It can only be for one reason.

The Chair (Mr. Grant Crack): Further discussion?

Mr. Lorenzo Berardinetti: Just one thing.

The Chair (Mr. Grant Crack): Mr. Berardinetti.

Mr. Lorenzo Berardinetti: I'll stop; I'll shut up.

I'm going to keep going on the same point. If we don't put the name of the employer on there, then there won't be a red herring and there won't be a loophole. His motion is creating just that.

The Chair (Mr. Grant Crack): Mr. Hillier?

Mr. Randy Hillier: Just for verification, could you repeat the first part of that, because I don't think I understood it.

The Chair (Mr. Grant Crack): Mr. Berardinetti, do you wish to clarify?

Mr. Lorenzo Berardinetti: The motion provides—there’s a provision in there to require an individual to disclose a significant amount of personal information, including the name of their employer. I’m saying that the government is against that. The reason is, if the employer finds out all the information about the employee, you create red herrings, you create loopholes, and you create problems that are not necessary. That’s all. Thank you.

The Chair (Mr. Grant Crack): Mr. Hillier?

Mr. Randy Hillier: Clearly we have a different understanding of what a red herring is. But listen: Let me just reiterate again that these provisions—we heard from many deputants on the value and the merit to it. We also heard of many different jurisdictions that already incorporate those provisions. Nowhere have we heard that employers use this disclosure mechanism as a means to be punitive to their employees. If there was some evidence of that, Lorenzo, I would be happy to consider your argument. But in the absence of evidence, in the absence of fact, it just becomes another opinion that is not substantiated with anything. I think if we’re going to put value—for opinions to have value, they need to have some substantiation. That’s what I mean by a red herring: There is no substantiation to the opinion or the argument.

We know that disclosure is not a bad thing. In a free, democratic society, disclosure is what we ought to be striving for, not hiding from. Thank you.

Mr. Mike Colle: We’re still waiting for Mr. Trump’s taxes.

Mr. Randy Hillier: What was that?

Mr. Mike Colle: We’re waiting for Mr. Trump’s taxes.

The Chair (Mr. Grant Crack): Further discussion on PC motion number 12?

Mr. Mike Colle: And Hillary’s emails.

The Chair (Mr. Grant Crack): There being none, I shall call for the vote on PC motion number 12. Those in favour? Those opposed? I declare PC motion number 12 defeated.

We shall move to PC motion number 13, which is an amendment to subsection 10(3), subsection 16(3) of the Election Finances Act.

Mr. Hillier.

Mr. Randy Hillier: I move that subsection 10(3) of the bill be struck out.

The Chair (Mr. Grant Crack): Further discussion? Mr. Hillier.

Mr. Randy Hillier: I don’t believe there’s any further discussion required from me on this important amendment, Chair. I believe we’re going to get the same response from the Liberal members that they want to continue to reduce their culpability by extending the bill into nominations.

The Chair (Mr. Grant Crack): Further discussion? There being none, I shall call for the vote on PC motion number 13. Those in favour? Those opposed? I declare PC motion number 13 defeated.

There were no amendments to section 10 that carried. Therefore, is there any discussion on section 10?

Interjection.

The Chair (Mr. Grant Crack): No. There were no amendments, Mr. Hillier, to section 10. I was just asking, prior to the vote, if there are any final comments on section 10.

Mr. Randy Hillier: Do we not have another NDP motion here, motion 14 for section 10.1?

The Chair (Mr. Grant Crack): No.

Mr. Ralph Armstrong: Section 10.1 is a distinct section, sir.

Mr. Randy Hillier: Oh, okay. Pardon me.

The Chair (Mr. Grant Crack): There is no further discussion, I take it, then, on section 10. I shall call for the vote. Those in favour of section 10 carrying? Those opposed? I declare section 10 carried.

We shall move to new NDP section 10.1, which is a new section 10.1, new section 16.1 of the Election Finances Act.

Ms. Fife.

Ms. Catherine Fife: I move that the bill be amended by adding the following section:

“10.1 The act is amended by adding the following section:

““Solicitation of contributions

“16.1 No candidate or leadership contestant shall personally solicit contributions from a person or organization if it would place the candidate or leadership contestant in a conflict of interest or in an apparent conflict of interest.”

The Chair (Mr. Grant Crack): Further discussion? Ms. Fife.

Ms. Catherine Fife: We’ve introduced this amendment to Bill 2 primarily because the underlying issue of cabinet ministers soliciting support and funds from direct, sector-specific stakeholders still exists. Bill 2 does not address the conflict-of-interest issues. We have argued—push the practice underground. There the government would point to progress by saying that sector-specific stakeholders cannot—

Interjections.

Ms. Catherine Fife: Am I interrupting over here? I don’t know what’s going on.

The Chair (Mr. Grant Crack): The floor is yours, Ms. Fife.

Ms. Catherine Fife: Thank you. So sector-specific stakeholders: They push it from \$9,975 to \$1,200, but any minister can still sit in his office or her office or the corner office and go through their Rolodex and place personal phone calls or emails or by any other means except face to face.

The issue of conflict of interest, for us, was one of the key issues that we wanted to address with Bill 2. This came, of course, when we did learn that there were ministers who were meeting with stakeholders who had specific interests, for instance, in the sell-off of Hydro One and were looking for avenues to access those finan-

cial contracts and financial services to help facilitate the sell-off of Hydro One. They were paying very big ticket prices to actually access those boardrooms.

1720

I did, of course, have to file a complaint with the Integrity Commissioner, because the only avenue we have right now is MPPs asking the Integrity Commissioner to conduct an investigation. For me, not only is it uncomfortable and untenable, in many respects, but I don't think that MPPs should be policing ourselves and our colleagues in this regard. When the Integrity Commissioner did come to the committee, he did express some frustration that the act that oversees his office is very weak. He does not have the proper oversight and powers to conduct independent investigations, thus prompting a member to file a complaint, which is very different than other jurisdictions and other provinces.

This motion seeks to address the fact that conflict of interest still exists. There are still many loopholes with regard to conflict of interest. I would just cite the CEO recommendations, where he points out that Bill 2 does not "address the problem of apparent conflicts of interest between political parties and third parties as well as possible collusion among third parties by adopting:

"—a rule that prohibits coordination, or the appearance of coordination, by defining categories of person who are deemed to be conflicted;

"—clearer provisions on advertising that is deemed to be coordinated;

"—stricter application and registration requirements;

"—stricter conflict requirements for appointments"—this is going down to the constituency level—"of CFOs;

"—stricter conflict requirements for appointments of auditors" who are doing the work at the local level around nomination meetings.

I would hope that after all of this time we would recognize that candidates or leadership candidates cannot solicit funds in a way that places them in a conflict of interest. This is really extending that conflict-of-interest net, if you will, using the same rationale that the government has used around nomination contestants, around filing audited reports, and extends it to candidates or leadership contestants not seeking sector-specific—or soliciting funds in a way that places them in a direct conflict.

The Chair (Mr. Grant Crack): Mr. Hillier.

Mr. Randy Hillier: We'll be supporting this amendment. Yes, the Integrity Commissioner spoke at length to the committee and identified weaknesses in the Members' Integrity Act. Of course, there was a ruling by the Integrity Commissioner during the sittings of this committee on conflict of interest, specifically with regard to cash-for-access and cash-for-policy-influencing that triggered and motivated Bill 201 and Bill 2 in the first place.

The Integrity Commissioner was very clear that the deficiencies in the current legislation not only prevented him from finding any conflict, it would always prevent

him from finding any conflict. The bar is set so high that it's really an impossible threshold to meet.

Those were the same arguments we heard from the Chief Electoral Officer on justifying changing the legislation with respect to third-party advertising, from one of collusion to that of coordination. The Chief Electoral Officer said that collusion was too high a bar for us to ever actually use or meet, but coordination is the appropriate threshold to find.

The way this is worded as well: "if it would place the candidate or leadership contestant in a conflict of interest or in an apparent conflict of interest." That was the weakness that the Integrity Commissioner identified to the committee. He couldn't rule on things that were an apparent conflict of interest.

I will have to make mention as well, Chair, that I'm pleased to see that the NDP amendment would apply to candidates or leadership contestants, and that they haven't broadened it out to include nomination contestants. I imagine that might be one of the reasons why the Liberals will oppose this, because it doesn't capture nomination contestants. But I'll be waiting patiently to hear what their rationale is and what their talking point is for voting against the NDP motion.

I think that it's a valid motion. It's one that is representative of the discussions and the comments and the advice given by the Integrity Commissioner. I should make mention of this as well: The Integrity Commissioner mentioned that he was hopeful and that he was of the opinion that the Members' Integrity Act required a review. If my memory serves me correctly, there was some telegraphing by the government that amendments with regard to members' integrity—that they were accepting of the fact of bringing forward a review of the Members' Integrity Act to address the Integrity Commissioner's concerns.

However, as of this date, no review has been initiated by the government. That commitment and that desire of the Integrity Commissioner remains unfulfilled. In the absence of fulfilling that commitment, I think that it would be reasonable for all members to support this NDP motion.

The Chair (Mr. Grant Crack): Mr. Berardinetti, and then Ms. Thompson.

Mr. Lorenzo Berardinetti: The government will not be supporting this motion, and I'll tell you why. There isn't a definition here in this motion of what a conflict of interest is or what an apparent conflict of interest is. A candidate or leadership contestant would have no way of knowing whether they're in compliance of the provision or not, because there is no definition here for what a conflict of interest is. The government won't be supporting this motion.

The Chair (Mr. Grant Crack): Ms. Thompson.

Ms. Lisa M. Thompson: Oh, Chair. It's interesting to hear some of the comments coming from the opposite side here, because there are so many examples of con-

flicts of interest that we've seen come to light over the last 13 years.

We will be supporting this motion, because I have to tell you that, if he needs an example shared in this room today, all I have to say is, "Green Energy Act, 2009." There is no greater or more blatant example of pay-to-play than all of the wind companies that have come forward and so generously donated to the Liberal Party.

I have to tell you, it is an absolute disgrace to see how this government stickhandled the whole evolution of their perceived green energy—first of all, ripping autonomy away from municipalities, because they knew that people close to the issue would see through this pay-to-play scheme. When the residents affected by the development of wind farms dig down and do the research, it's very clear that senior policy advisers associated with the Liberal government are principals and have benefited directly and significantly through the development of their industrial wind turbine scheme.

1730

I must conclude by saying that this is just one of many schemes in which we have pointed out time and again that pay-to-play access has been very present over the last 13 years, and I think it's so hypocritical that they choose to vote against this one amendment that would make such a difference for Ontarians. Again, the five members representing the Liberal government today have an opportunity to stand up for Ontarians and think about what their policies that have been paid for have done throughout this province. This would be their time, thinking specifically of the Green Energy Act, 2009. This would be their chance to stand up and finally say, "We recognize what we did was wrong."

For goodness' sake, the industrial wind companies are laughing at this government. They're selling their shares, their ownership, in industrial wind turbines. They've taken their money and they've run far from the province of Ontario. I can tell you that Samsung, which paid to play and got a secret \$1.9-billion deal—and no one was allowed to know the contents of that contract—have sold their shares in the K2 Wind farm in my riding as well as the Armow.

Mr. Mike Colle: The \$15-billion 407—

Ms. Lisa M. Thompson: Other wind farm proponents are shopping around. They're shopping around—

Interjection.

The Chair (Mr. Grant Crack): Order from the government side, please.

Ms. Lisa M. Thompson: My comments are very relevant. They're getting a little antsy, Chair, because they know I'm hitting the mark. The fact of the matter is, with regard to pay-to-play, this government has been taken advantage of, and they're running.

Mr. Mike Colle: The \$15 billion—

The Chair (Mr. Grant Crack): Mr. Colle, come to order, please.

Ms. Lisa M. Thompson: Suncor is another example. They're shopping around their wind farms near Ripley

and Grand Bend. This government has, time and time again, sold out Ontarians, and we are going to pay for it for generations to come.

Mr. Mike Colle: We're paying for the 407 every day, to our Spanish friends.

Ms. Lisa M. Thompson: This is one example that their pay-to-play scheme has failed and they should be doing the right thing in supporting this particular motion.

Interjection.

The Chair (Mr. Grant Crack): Second time.

Ms. Lisa M. Thompson: Thank you, Chair.

The Chair (Mr. Grant Crack): Further debate? Mr. Hillier.

Mr. Randy Hillier: Just going back to the parliamentary assistant's comments on why they'll be opposing this amendment: He stated that there is no definition of "conflict of interest." When I heard him say that, I near fell off my seat—that there is no definition of conflict of interest. So I took the opportunity to look up the legal definition of "conflict of interest." For the parliamentary assistant's benefit, and for others, "conflict of interest" does have a definition and I'll read a short part of it to you: "A term used to describe the situation in which a public official or fiduciary who, contrary to the obligation and absolute duty to act for the benefit of the public or a designated individual, exploits the relationship for personal benefit, typically pecuniary."

I can go on a fair more at length. Maybe this last paragraph: "In certain relationships, individuals or the general public place their trust and confidence in someone to act in their best interests. When an individual has the responsibility to represent another person," such as elected members and ministers, "whether as administrator, attorney, executor, government official, or trustee—a clash between professional obligations and personal interests arises if the individual tries to perform that duty while at the same time trying to achieve personal gain. The appearance of a conflict of interest is present if there is a potential for the personal interests of an individual to clash with their fiduciary duties, such as when a client has his or her attorney commence an action against a company in which the attorney is" also "the major stockholder."

I found it surprising that the parliamentary assistant, who I understand is a member of the bar and is a lawyer, stated that there is no definition of conflict of interest.

Ms. Ann Hoggarth: Here.

Mr. Randy Hillier: It is in our Members' Integrity Act. It is already included. We know what a conflict of interest is. The Integrity Commissioner explained in wholesome detail the difference between apparent, perceived or real conflicts of interest. There are definitive ways to know if something falls into any of those categories.

I trust, now that the parliamentary assistant knows that there is a definition to conflict of interest, his objection to this amendment has been allayed, and that we will now see the Liberal members vote in favour of this amend-

ment, unless there is some other element that I am not aware of.

The Chair (Mr. Grant Crack): Mr. Baker and then Ms. Fife.

Mr. Yvan Baker: It's a shame to me that the PC members are trying to use this clause-by-clause process, which should be used on the bill, to try to score political points. It really isn't what we're here to do.

I think that the member, Ms. Thompson, uncharacteristically for her, has tried to allege that somehow the members of the government aren't focused on serving the people of Ontario, citing donations that members of the government caucus have received. It's interesting that she seems to have forgotten the source of a number of the donations that she's received in her role as critic.

In the context of that, I would suggest that we refocus on the matter at hand, which is to focus on the bill, which the people of Ontario, whom I'm here to serve and my colleagues on this side are here to serve, would like to see us move forward as quickly as possible.

The Chair (Mr. Grant Crack): Ms. Fife?

Ms. Catherine Fife: Speaking to the bill and speaking to the amendment, and already hearing that the government is not willing to support this motion, that the parliamentary assistant has already declared it's not necessary, you can see why that is so frustrating.

I referenced where you have cabinet ministers who are not aware that they're in a conflict of interest when they're in a boardroom with high-paying people who have a direct interest in their ministry and in the contracts that they want from that ministry. They did not see that as a conflict of interest. Then the Integrity Commissioner, of course, doesn't have the legislation to support an investigation in that regard.

So what this motion seeks to do—and it's very simple—is that it extends the responsibility, the education piece, the duty, really, of candidates and leadership contestants to fully understand that when they are running they cannot directly solicit private funds with the promise of influence and with the promise of contracts. With this motion, there's no good reason, no strong rationale and no principled place that you can actually argue against it.

We're trying to extend the net, if you will, of accountability and transparency. The problem is that we have cabinet ministers and we have members of provincial Parliament who don't fully understand that. In order to ensure that when they become MPPs, we are shifting the culture already at the early stage for nomination contestants and for candidates, so that they fully understand that they have to be cautious. They have to be careful. They have to fully engage in a democratic process without promising influence and pecuniary interests, financial interests, going forward. The reason that it is such a huge problem is that even when the Integrity Commissioner investigated the Minister of Finance and the Minister of Energy, in his report he said that a reasonable person would conclude that there is an apparent conflict of interest here—a reasonable person.

1740

So what we had hoped to do by introducing this motion is extending that rationale of what is reasonable. What is reasonable? Is it reasonable for a leadership contestant to accept \$1,200 and then say, "Do you know what? When I get in there, I'm going to be able to do this and this for you"? No, it is not. Can any candidate promise that? No, they cannot, nor should they.

That's what this motion brings to this floor, to this committee, for their consideration. It has been dismissed very, very early on without even due consideration. That is obviously a point of frustration for us after five months of this committee, Mr. Chair.

The Chair (Mr. Grant Crack): Ms. Thompson?

Ms. Lisa M. Thompson: Yes, I feel it very important that I have a moment to respond to the allegation that was thrown across at me by Mr. Baker here, because I am going to—

Interjections.

Ms. Lisa M. Thompson: Look at this.

The Chair (Mr. Grant Crack): Order, please.

Ms. Lisa M. Thompson: Thank you.

Interjections.

The Chair (Mr. Grant Crack): Mr. Colle, Ms. Hoggarth, order.

Ms. Lisa M. Thompson: On record, I would like to suggest that he take it outside where we could deal with it just in the manner in which your Liberal government has, because the truth be known, he was referring to a comment that was shared by the member from Beaches–East York—

The Chair (Mr. Grant Crack): Okay, order. I'm just going to interrupt. I think we should stay focused, Ms. Thompson, on the amendment, NDP motion 14. It's before the House. I know there's a little back and forth here. I'd ask everyone—you know, we have 19 minutes left. Let's stay calm.

Ms. Thompson.

Ms. Lisa M. Thompson: Thank you very much. In terms of a suggested conflict of interest that has been projected onto me, I'm going to correct the implications that have been shared.

The member from Beaches–East York, while I was not in the House, suggested that I received upwards of \$1,000 in a donation that dated back to over a—

Mr. Mike Colle: Talk to the bill. Mr. Chairman, this is completely out of order.

Ms. Lisa M. Thompson: This is conflict of interest and how people mislead. And nothing was further from the truth—

Mr. Mike Colle: Point of order.

The Chair (Mr. Grant Crack): Point of order, Mr. Colle.

Mr. Mike Colle: The member from Beaches–East York is not here, and the member from Beaches–East York is not a point of debate for this bill.

Interjections.

The Chair (Mr. Grant Crack): Excuse me. Mr. Colle is making a point of order here, please.

Mr. Mike Colle: I think we should stick to the agenda item, which is the motion before us. Let's not bring other members of the Legislature into this for what they said in the House. Let's talk about the matter before us.

The Chair (Mr. Grant Crack): Okay. Thank you for bringing up your point. It's not a point of order, in my opinion. I know that Ms. Thompson is making comments with reference to comments a member of the government has said. I'm going to remind the member to stay focused on the conflict of interest that's in the bill.

Ms. Thompson.

Ms. Lisa M. Thompson: Well, thank you. I just want to conclude by saying that nothing is further from the truth in what was trying to be implied earlier, and I have my records to show it.

The Chair (Mr. Grant Crack): Ms. Fife, and then Mr. Hillier.

Ms. Catherine Fife: Thank you, Mr. Chair. I'd like to request a 20-minute recess.

The Chair (Mr. Grant Crack): I can ask the committee at this point. When it's time for a vote, that is the normal process, but if the committee wishes to take a recess at this point, we could do so.

Mr. Lorenzo Berardinetti: Is it automatic?

The Chair (Mr. Grant Crack): It's not automatic. It's the same as if someone would have requested five minutes; Ms. Fife is requesting 20.

Mr. Mike Colle: Let's wait for the vote to be called.

The Chair (Mr. Grant Crack): Do we have unanimous consent to have a recess of 20 minutes? There is none, so we'll continue with the discussion until such time as it's time to vote, then, at that time.

Mr. Hillier?

Mr. Randy Hillier: A final comment: We have had some really good conversation this afternoon. Our arguments obviously have not swayed the government side, but it is disappointing to see the disorderly conduct from the Liberal members. When—

Interjections.

Mr. Randy Hillier: Thank you, Chair.

The Chair (Mr. Grant Crack): Okay, thank you. Any further discussion on NDP motion number 14?

Mr. Mike Colle: Call the vote.

Ms. Catherine Fife: Recorded vote, please.

The Chair (Mr. Grant Crack): Okay. There has been a request for a recorded vote so, as such, I will—

Mr. Randy Hillier: And a recess.

The Chair (Mr. Grant Crack): I didn't get the recess. I'm about to ask for the vote—

Interjections.

The Chair (Mr. Grant Crack): They said no to that, so now I'm at the vote. I'm prepared to call for a vote because there's no further discussion.

There has been a request for a recorded vote. I shall entertain now the recorded vote.

Ayes

Fife.

Nays

Baker, Berardinetti, Colle, Hoggarth, Rinaldi.

The Chair (Mr. Grant Crack): I declare NDP motion 14 defeated.

We shall move to section 11. There are no amendments. Is there any discussion on section 11? Mr. Hillier.

Mr. Randy Hillier: No discussion on section 11. When it comes time for the vote, I will call for a recess.

The Chair (Mr. Grant Crack): Is there any further discussion on section 11? There being none, I shall call for the vote on section 11.

Mr. Randy Hillier: And a recess.

The Chair (Mr. Grant Crack): I have a request for a recess of—

Mr. Randy Hillier: Twenty minutes.

The Chair (Mr. Grant Crack): —20 minutes. That shall be granted. When we return on Wednesday at 4 p.m., we will deal with a vote on section 11.

At this particular point, the 20 minutes will take us past 6; therefore, I adjourn the meeting.

The committee adjourned at 1746.

STANDING COMMITTEE ON GENERAL GOVERNMENT

Chair / Président

Mr. Grant Crack (Glengarry–Prescott–Russell L)

Vice-Chair / Vice-Président

Mr. Lou Rinaldi (Northumberland–Quinte West L)

Mr. Yvan Baker (Etobicoke Centre / Etobicoke-Centre L)

Mr. Mike Colle (Eglinton–Lawrence L)

Mr. Grant Crack (Glengarry–Prescott–Russell L)

Mrs. Lisa Gretzky (Windsor West / Windsor-Ouest ND)

Ms. Ann Hoggarth (Barrie L)

Ms. Harinder Malhi (Brampton–Springdale L)

Mr. Jim McDonell (Stormont–Dundas–South Glengarry PC)

Mr. Lou Rinaldi (Northumberland–Quinte West L)

Ms. Lisa M. Thompson (Huron–Bruce PC)

Substitutions / Membres remplaçants

Mr. Lorenzo Berardinetti (Scarborough Southwest / Scarborough-Sud-Ouest L)

Ms. Catherine Fife (Kitchener–Waterloo ND)

Mr. Randy Hillier (Lanark–Frontenac–Lennox and Addington PC)

Hon. Marie-France Lalonde (Ottawa–Orléans L)

Ms. Daiene Vernile (Kitchener Centre / Kitchener-Centre L)

Clerk / Greffière

Ms. Sylwia Przewdziecki

Staff / Personnel

Mr. Ralph Armstrong, legislative counsel