

Zoom meeting on Bill 171

Joyce Hall <joycehall.fairvote@gmail.com>

Wed 2020-06-10 4:02 PM

To: Standing Committee on Social Policy <comm-socialpolicy@ola.org>; Tabuns - CO, Peter <tabunsp-co@ndp.on.ca>; Bell-CO, Jessica <JBell-CO@ndp.on.ca>; Blais-CO, Stephen <sblais.mpp.co@liberal.ola.org>; Sabawy, Sheref <sheref.sabawy@pc.ola.org>; Thanigasalam, Vijay <vijay.thanigasalam@pc.ola.org>; Rasheed, Kaleed <kaleed.rasheed@pc.ola.org>

Hello,

Thank you to members of the Standing Committee on Social Policy plus the other attendees who were present at yesterday's Zoom meeting. In addition to my appreciation for the opportunity to express my views on Bill 171, I would like to add a couple of notes.

First, the final part of my presentation expresses the views of Fair Vote Ontario. Secondly, I want to respond to the last question put to me by the Committee, specifically by MPP Robin Martin, and which I did not have a chance to answer fully. Ms. Martin referred to Israel as an example of proportional representation not working well.

Interestingly, Dennis Pilon of York University, an expert on electoral systems, has pointed out that it is only due to PR that Israel has been able to contain the many factions and sects that compete vociferously and forcefully for power. Professor Pilon's comments on PR in Israel can also be viewed at <https://www.fairvote.ca/2020/01/22/what-about-israel/>

Thanks again for the opportunity to speak yesterday and for your kind attention.

Joyce Hall

RR 1

Markdale, ON

N0C1H0

416 341 0331

Submission to the Standing Committee on Social Policy, Joyce Hall, June 9, 2020

Good afternoon, Ms Kusendova and members of the Standing Committee on Social Policy. Thanks for the opportunity to speak to you on Bill 171. My contribution to the discussion will consist, first, of some points raised by the Canadian Environmental Law Association (CELA) in their submission to Ms. Kusendova on March 19, 2020, plus points raised by elected members during the Second Reading of the Bill on February 24 and in subsequent telephone conversations. Then, I will raise concerns about the process used to draft this Bill.

First of all, CELA expressed concerns about changes to the Expropriations Act, RSO 1990, specifically the exclusion of “hearings of necessity” to adjudicate expropriations, and the replacement of those hearings by ministerial discretion. In addition, Bill 171 specifically excludes the Statutory Powers Procedure Act (SPPA) from applying to the new Ministerial process.

The legal provisions for “hearings of necessity” exist because of the historical experience of governments that have gone before this one. They are checks and balances to reassure citizens who might otherwise fear arbitrary and unfair actions taken against them by large government entities. This concern was also raised during the Second Reading, by the representative of the voters and citizens of University-Rosedale, Jessica Bell.

In addition to removing “hearings of necessity,” the Bill also bars lawsuits by individuals aggrieved by Bill 171 under “injurious affection.” This constitutes another unfortunate removal of due process that we would not have expected to see in a free society which respects individual rights.

Another matter raised during the Second Reading was unforeseeable and possibly never-to-be-calculated costs associated with the lack of co-ordination between utilities and prioritized transit projects. This measure, meant to speed construction, could too easily turn out to do the opposite and incur huge cost. As far as I know, this has not been resolved.

I am also concerned about the intention to shortcut the EA process. Under Bill 171, “early works” on the Ontario Line can be designed and built, including station construction, prior to the release of the draft Environmental Impact Assessment report, and long before the overall transit planning process has been completed.

This had red flags all over it. CELA calls this “piecemealing” “inconsistent with good environmental planning,” and remarks that “it has been discouraged under Environmental Assessment legislation for decades.”

.....

I come now to my main point: a call for co-operative, inclusive, evidence-based decision-making in planning all matters that relate to the well-being of Ontarians. What do your constituents want from you as their representatives during this important planning process?

I set about to learn more about the process behind the creation of Bill 171. So, over the past few days I have spoken to members of Ontario’s so-called “opposition” parties who have informed me that they were not consulted during the drafting of Bill 171. As an individual who believes in real democracy, I am concerned. I am not alone. Asked in a federal government survey in 2017, 70% of Canadians want a government where several parties agree before a decision is made.

I cannot help but feel that Bill 171 would look very different if it had been arrived at with all representatives of all parties sitting around the table collaborating in a way that would put citizens’ minds at ease that the best possible result would be arrived at.

Ernest **Naville** wrote in 1865, “In a democratic government the right of decision belongs to the majority, but the **right of representation** belongs to all.”

During the February second reading of Bill 171, an MPP said the following: “In June 2018, the people of Ontario voted overwhelming for a government committed to getting the province moving.” Well no. In Ontario we use first-past-the-post? In Canada, and Ontario, parties receive a majority of seats based on anywhere from 37 to 40% of the vote. This government in fact “won” the 2018 election based on 40.5%, which is not “overwhelming,” and the naked truth is that 59.5% of the voters voted for other parties. Given this defect of our system there is a moral imperative for the party who “wins” under our current system to consult in earnest with other parties to ensure that legislation will reflect the will of the majority or more of the voters.

Fair Vote Canada calls for a more collaborative approach to government, especially when one party forms government based on 37 to 40% of the vote.

As long as “winning” governments take advantage of their low threshold “majority” wins under first-past-the-post to make radical changes without consulting elected representative from other parties, our province will be a lurching, rudderless boat. Today’s government will make changes to certain Acts and in three years another government may well come along and reinstitute what has been removed. It’s quite possible, for example, that Bill 171’s removal of due process during expropriations will cause outrage, or that late-arriving environmental assessments will cause expensive delays or even necessitate demolitions. One of these could become a hot election issue in 2022. Then when the government changes, laws are reversed. And no one ever counts the cost because it is unfathomable. Yes, often laws need to be changed but the right of citizens to due process during expropriation, or the logic of doing an environment assessment before first steps are taken in a construction project are not among those things that need to be changed.

There is a new and burgeoning awareness among citizens in the era of COVID 19 of ourselves as interconnected and interdependent, called upon in our everyday behavior, to protect not just our immediate group but others, strangers. We are particularly dependent on workers we have taken for granted to perform their duties, made now more dangerous and onerous. Ordinary people are being called to high levels of ethics and responsibility. So, if every citizen is important in a time of crisis, should not each one have their representative at the table as social policy and planning take place.

So I finish by calling for the highest degree of respect for the input of all MPPs and interested stakeholders in reviewing Bill 171 and in the formulation of all legislation. Give Ontarians what they so long to see in the government to which they have no choice but to give their trust and their tax dollars: collaborative, inclusive, evidence-based, and most of all, democratic decision making.

Thank you.