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Mercredi 20 décembre 2006

**Standing committee on
government agencies**

**Comité permanent des
organismes gouvernementaux**

Chair: Julia Munro
Clerk: Tonia Grannum

Présidente : Julia Munro
Greffière : Tonia Grannum

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Wednesday 20 December 2006

Mercredi 20 décembre 2006

The committee met at 0942 in room 151.

SUBCOMMITTEE REPORTS

The Chair (Mrs. Julia Munro): Good morning. We'll have a look at the agenda here. The first item on the agenda is the subcommittee report, so I'd ask to have somebody read the subcommittee report.

Ms. Monique M. Smith (Nipissing): Your subcommittee on committee business met on Wednesday, December 13, 2006, to consider the method of proceeding on agency reviews and agreed to the following:

(1) That the order for consideration of the selected agencies in round 2 during the winter recess be:

—Tuesday: Ontario Power Generation (OPG);

—Wednesday: Workplace Safety and Insurance Board; and

—Thursday: Health Professions Appeal and Review Board.

(2) That the background information provided to the committee by the researchers also contain information on any bills before the House, press releases and/or articles relating to the selected agencies.

(3) That each caucus provide the clerk with a prioritized list of two stakeholder groups and two alternate stakeholder groups (per agency review) they wish to invite to appear before the committee.

(4) That each agency reviewed in round 2 be afforded additional time during the time allotted in the winter recess to rebut or respond to the stakeholder presentations.

(5) That the subcommittee meet prior to the start of report writing to give further direction to the researchers.

(6) That report writing be held in camera.

(7) That the report on each agency reviewed be based on information made available to the committee.

(8) That Hydro One—

The Clerk of the Committee (Ms. Tonia Grannum): Item (7)—

The Chair: Item (7): “up to....”

Ms. Smith: Oh, I didn't agree with that one, so I'm glad we've changed it. Sorry.

(7) That the report on each agency reviewed be based on information made available to the committee up to the receipt of the first draft.

(8) That Hydro One and the Ontario Lottery and Gaming Corp. be asked to reappear before the committee

during its regularly scheduled meeting time, once the House resumes in March 2007.

The Chair: Any debate? Any discussion?

Ms. Smith: Yes. Maybe if I could just outline the ones that I have no problem with, we could get those out of the way and then look at the others. So (2), (3), (5) and (6).

The Chair: If I might just interject, in (1), I think we should probably take out “Tuesday,” “Wednesday” and “Thursday” because of the fact that we are obviously at the discretion of the House leaders on their assigning the dates, which then might not be Tuesday, Wednesday and Thursday. So I would just suggest that we might want to take out the three—

Ms. Cheri DiNovo (Parkdale–High Park): This first, second, third?

The Chair: Yes, just “Tuesday,” “Wednesday” and “Thursday.” We would simply have the order stay as it is, but take out the days.

The Clerk of the Committee: First, second, third?

The Chair: Yes. Further discussion? Further debate?

Ms. Laurie Scott (Haliburton–Victoria–Brock): Okay, here we go. I wasn't in the subcommittee meeting. So Ms. Smith is proposing that—is (1) okay now?

Ms. Smith: Yes, (1) is okay now; that was my concern.

Ms. Scott: So (1), (2), (3), (5) and (6) are to be approved. What happens, then, with (4), (7) and (8)? Do we vote on them individually?

Ms. Smith: I have amendments to propose.

Ms. Scott: Oh, okay.

Ms. Smith: So if you want, I can go through the amendments if you're okay with those ones. Chair, is that all right?

The Chair: All right? Yes, that's good.

Ms. Smith: My amendments to (1) were to take those days out, so that's fine.

“(4) That each agency reviewed in round 2 be afforded one additional hour for each agency on a fourth day during the time allotted in the winter recess to rebut or respond to the stakeholder presentations.”

If I could just explain, in the subcommittee meeting we had a discussion about wanting to bring those people back. There was some concern that 10 minutes wasn't enough at the end of the day, so what we thought was we would then advise the proponents who were coming forward that they'll have a chance in the morning to make their presentation and to come back on what would

be day four for one hour to rebut. Then we would be able to ask questions. So each would be allotted an hour, and hopefully they would take 10, 15 or 20 minutes to respond, and then we would have some time to question them. That was in response to your colleague's concerns, Laurie.

Ms. DiNovo: That sounds fine to me.

The Chair: All right.

Ms. Smith: Also, that's why we wanted to amend "Tuesday," "Wednesday" and "Thursday," because we may want to switch now to go Monday, Tuesday, Wednesday and Thursday to get everything done.

That would be my amendment to (4). I'm fine with (5) and (6).

"(7) That the report on each agency reviewed be based on information made available to the committee up to the agency's final presentation."

That would be to the end of day four.

The Chair: Any comments?

Ms. Scott: I'm sorry; could you just repeat that again?

Ms. Smith: So it's to be reviewed based on information made available to the committee up to the date of the agency's final presentation, as opposed to up to the receipt of the first draft.

Ms. DiNovo: That's fine.

The Chair: I think, Larry, you might want to speak to a question with regard to that. Did you want to just add?

Mr. Larry Johnston: I wanted to ask for clarification. If members asked for additional information that isn't received until after that date, it's conceivable that, during the rebuttal time in questions, other issues might arise where information has to be returned to the committee.

The other possibility that occurred to me was that in the instructions to the researchers prior to report writing, I'm assuming that that might be a time when some of the recommendations that different stakeholders have brought are discussed, and it could be that the committee might want some clarification on some of those issues when they're discussed prior to report writing. Those are conceivable possibilities that this wording might cut off.

The Chair: Ms. Smith?

Ms. Smith: Our view would be that, based on the information made available to the committee, if we asked for clarification or for just further information based on the information that was given, that would be okay, but nothing new. So if we were asking our research staff to come back with a clarification, like—what was it?—the LCBO, when we asked, "Can you find out what their policy is? They talked about the policy around assigning agency stores. Can you find out exactly how they determine, is it 15 miles, is it 10?" and they came back and gave us that; that would still be based on the information that we got. It was just a clarification on that, and that we don't have a problem with. And then (8) we want deleted.

0950

The Chair: If I could just go back to trying to clarify the issue on (7), if there's information made available, it seems to me that the issue is around it being relevant to what we heard, as opposed to new. That seems to be what

the concern is. I just wonder, to make it very clear to anyone that we're looking at the matter of the relevancy, that it's relevant to the hearing process—I don't have the wording here to suggest exactly, but "the report on each agency reviewed be based on relevant information made available to the committee."

Ms. Smith: Or we could say, "be based on information made available to the committee to the date of the agency's final presentation, including any relevant information or clarification provided by research."

The Chair: Okay. I think we need to include some kind of direction—

Ms. DiNovo: Or "asked for by research."

Ms. Smith: Yes, "requested."

Ms. DiNovo: "Requested," yes, because that gives a little bit more leeway, I would think.

Ms. Smith: "Including any relevant information or clarification requested from research."

The Chair: Larry?

Mr. Johnston: Could I ask one further clarification, just a hypothetical? Research has been asked to find information on X, Y or Z. In the course of doing so, research finds some information that may address something else that was raised during the committee hearings that was not brought forward by a stakeholder or the agency but that may be information that the committee would like to consider. If we find something that contradicts what a stakeholder has said or what an agency has said, we will feel that we should be presenting that to the committee for their consideration. If the committee wants to leave that out, to decide that that's not relevant, that's the committee's decision. I'm just feeling that we're a little tied here in terms of what we can present to the committee.

Ms. DiNovo: Could we maybe add something about, "agency's final presentation, including any relevant information requested from research or provided by research"?—something like that so that it's a two-way street, so it's something that we've asked for and something that you might come up with.

Mr. Johnston: I would suggest that in the last round we went straight from the hearings into report writing. I think both my colleague and I were of the impression that the first stage, the first document that we gave back to the committee, was more an item for discussion, that it was a summary of evidence and recommendations that had been brought to the committee. We weren't exactly regarding it as a draft report, which is what it ended up being titled. We would like to be able to bring to the committee whatever we have found as we're preparing our summary of what the committee has heard and clarifications that the committee has asked for, that the committee have a fulsome discussion of that material before report writing, and then whatever we put in the report would be fully the committee's decision. I think that might address some of the concerns that there were items that ended up in the report that some members felt were not addressed or raised in the hearings.

Ms. Smith: No, I don't think that's appropriate. I don't think it's the researcher's role to be gathering more

information. The proponents come and make their presentations, the stakeholders make their presentations, and we have background information that we start with. But I don't know that it's the researcher's role to go and expand the review of the agency by finding more information.

The Chair: Any comments to that?

Ms. DiNovo: Personally, I like as much information as possible before making recommendations as a committee, so I don't see the problem with allowing research to have some input on this, as well as the stakeholders and the agencies themselves. In a sense, research does anyway, just in the collation process and everything else. I don't have a problem with the active role of research, but I'm not vested in this. It's up to this committee.

Interjections.

Ms. Smith: Laurie has something.

The Chair: Yes, sorry.

Ms. Scott: That's okay. You're commenting that if everyone on the committee agreed that we needed more research, we have to give them that direction as opposed to them uncovering something after the background was prepared.

Ms. Smith: Yes.

Ms. Scott: What if they brought it to our committee and they said, "You know, we've found this document. Do we have the committee's approval to bring it forward?" I don't know how to simplify this number 7. We're getting really bogged down. I'm just looking to try to simplify it.

Ms. DiNovo: I just think the two-way-street approach might work for this agency's final presentation, including "any relevant information requested from or provided by research." I can think of an instance, for example, where a stakeholder provides information as fact which research discovers is not fact and which none of our committee members has time to research and discover isn't fact. I would want to have the information, personally, that some information has been presented to us by a stakeholder that is simply inaccurate.

Ms. Smith: We could have used that on Dr. Williams.

"Requested from research or provided by research if deemed relevant."

Ms. DiNovo: That's fair enough.

Interjections.

The Chair: That was why I thought, in making the suggestion that we refer to it as "relevant information"—you're suggesting "deemed relevant." I don't know whether that's just a semantics issue. If you have it as "relevant information requested by or provided by"—

Ms. Smith: Then we can determine, if it's "provided by," whether or not it's relevant.

The Chair: Exactly. I think that's the conversation you have when you are apprised of the information available, so you deal with any issues regarding discrepancies in submissions or omissions from these submissions. That would then be deemed relevant.

So what we're looking at now is, "That the report on each agency reviewed be based on information made available to the committee up to the date of the agency's

final presentation, including any relevant information requested from or provided by research."

Ms. DiNovo: Sounds fine with me.

The Chair: Okay.

Interjection.

The Chair: That is the date of the agency's final presentation.

Interjection.

The Chair: That's right, which would then be the fourth day that we're dealing with, up on point (4).

Mr. Johnston: That's why I raised this. The whole point is—

Interjection.

The Chair: It comes up after. That is another aspect to the issue. If we're saying "the date of the agency's final presentation," it means, then, you are unable to request something from research after that final date of presentation.

1000

Ms. Smith: No, we're not saying that. It's "based on information made available to the committee up to the date"—or instead of "including," we could say "except for any relevant information or clarification requested from or provided by research."

The Chair: Okay, "except for" then leaves it open-ended, which is what you want.

Mrs. Carol Mitchell (Huron-Bruce): But it's focused on the presentation.

The Chair: That's right. So it would be "except for."

Ms. Smith: Madam Chair, could you read the whole thing again?

The Chair: "That the report on each agency reviewed be based on information made available to the committee up to the date of the agency's final presentation, except for any relevant information requested from or provided by research."

Ms. Smith: Could we change the word "information" to "clarification"? That's really what we're asking the researchers to provide us with: clarification. That would capture the report by some stakeholder that is erroneous. They could provide us with that clarification: "We found this document that says X."

The Chair: Further comment?

Ms. DiNovo: It seems to me that this kind of limits it a little bit, just in the sense that one can sin by commission or omission. I'm just thinking that if some stakeholder omitted something that was critical to our deliberations in terms of recommending something to the agency, we would want to know that too. So that's more than clarification. It seems to me that that's actually adding in information rather than clarifying information already delivered. It's partly semantic, but I could see how that might constrain research a little bit.

Ms. Smith: I actually think that if a stakeholder has omitted something, providing that information is a clarification, not more information.

Ms. DiNovo: If research is fine with that, I'm fine with it.

The Clerk of the Committee: Are we changing it?

The Chair: No—oh, yes, we are. Is that what we're doing? Sorry. Are we changing it to "clarification" or are we—

Ms. Smith: That's what I'd like to see, yes.

The Chair: Okay, one more time: "That the report on each agency reviewed be based on information made available to the committee up to the date of the agency's final presentation, except for any relevant clarification requested from or provided by research."

Any comments on (8)?

Ms. Smith: We'd like it omitted.

The Chair: Thank you. Ms. DiNovo?

Ms. DiNovo: Obviously I disagree. I would like to see Hydro One and OLG brought back in light of the new revelations concerning both those agencies that came out after the snapshot which this committee provided on them. Certainly, as far as the electorate is concerned, they would want to see a fulsome report on these agencies and would want to have a chance, for example, to ask some of the executives at Hydro One some probing questions, as well as the executives at the Ontario Lottery and Gaming Corp. Here's the committee that can do that. We are able to do that and we should do that. I think not to do that is really not living up to our mandate.

The Chair: Any further comments?

Ms. Scott: I know that Mr. Tascona was on the subcommittee and was quite adamant, for a lot of the same information that Ms. DiNovo has just brought up, that Hydro One and the Ontario Lottery and Gaming Corp.—we've received requests that they should come back and appear before the committee. This is the body that has the ability to do that, so that's why it was brought in in (8). I know there are dissenting views on that, but I just wanted to express that Joe Tascona and the PC caucus have requested that we bring Hydro One and the Ontario Lottery and Gaming Corp. back to appear before the committee.

Ms. Smith: Can I move that the subcommittee report be approved with the following amendments and go through my amendments? We can have this discussion over and over again, but we all know where we stand. So in the spirit of Christmas—

The Chair: If I could just offer a different route: Perhaps we could look at the subcommittee report, points (1) to (7), as amended, and if there is agreement on that, we can move that that part of the report be carried. Then we'll look at (8) separately.

Ms. Smith: If I move that we amend it by deleting (8) and doing all the rest, it kind of gets us all there in one, but I'm fine, Chair.

Ms. DiNovo: I don't have an interest in dragging it out either. Obviously, we're going to be outvoted on this, but I would like a recorded vote on it.

The Chair: Thank you. I call the vote on the subcommittee report, as amended in points (1) to (7), with (8) deleted. That's what you're voting on.

Ayes

Milloy, Mitchell, Oraziotti, Qaadri, Smith.

Nays

DiNovo, Ouellette, Scott.

The Chair: I now have to ask you to vote on the report, as amended. The amendments have carried, so now I'm asking you to vote on the report, as amended.

Ayes

Milloy, Mitchell, Oraziotti, Qaadri, Smith.

Nays

DiNovo, Ouellette, Scott.

The Chair: I declare the motion carried.

We have the other two items on the agenda. One is the question of the subcommittee business dated December 7.

Ms. Smith: I move adoption of the subcommittee report dated Thursday, December 7, 2006.

The Chair: All those in favour? Carried.

The next item is the subcommittee report dated Thursday, December 14.

Ms. Smith: I move adoption of the report of the subcommittee dated Thursday, December 14, 2006.

The Chair: All those in favour? Carried.

A fourth item, just before we adjourn: There will be a certificate issued on December 22. I ask you to make note of that. I'd also ask you to please fax that back by Tuesday, January 2, 2007.

There being no further business, the committee stands adjourned.

The committee adjourned at 1009.

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