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Official Report of Debates (Hansard)

Wednesday 2 June 2010

Journal des débats (Hansard)

Mercredi 2 juin 2010

**Standing Committee on
the Legislative Assembly**

Members' privileges

**Comité permanent de
l'Assemblée législative**

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Clerk: Tonia Grannum

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
THE LEGISLATIVE ASSEMBLY**

**COMITÉ PERMANENT DE
L'ASSEMBLÉE LÉGISLATIVE**

Wednesday 2 June 2010

Mercredi 2 juin 2010

The committee met at 1305 in committee room 2.

MEMBERS' PRIVILEGES

MR. DARYL KNOX

The Chair (Mr. Bas Balkissoon): I call to order the meeting of the Standing Committee on the Legislative Assembly, a continuation of our meeting from last week.

If I could ask Mr. Knox to come forward again. You've already been sworn in, so we'll just continue into the committee's questioning.

I turn to the Conservative Party and Mr. Miller.

Mr. Norm Miller: It was Mr. Prue of the NDP, I think, who had indicated that he was interested in questioning Mr. Knox.

The Chair (Mr. Bas Balkissoon): While you're questioning him, he'll show up.

Mr. Norm Miller: I assume he's going to show up. I'll give the floor to him, because I think he was the person more interested in questioning Inspector Knox than I was. I will start, though.

Inspector Knox, thank you for coming before the committee today. What was your role or responsibility to do with the budget lock-up?

Mr. Daryl Knox: I'm the detachment commander at Queen's Park, so I was overseeing the detachment function on that particular day. That would have been the officers who were involved in the security detail. Sergeant Cliteur, of course, was the overall officer in charge of the actual security team for the budget lock-up, but I was also responsible for all those officers plus the operations of the day-to-day detachment functioning.

Mr. Norm Miller: There was a protocol, a memorandum, that was sent around to all the members who wished to participate in the budget lock-up that outlined things like "You can't take your BlackBerry in" and "You'll be released shortly before 4 o'clock." You were familiar with that—

Mr. Daryl Knox: Yes, that's correct.

Mr. Norm Miller: It looks like Mr. Prue is almost here. Oh, go ahead, Sylvia.

Ms. Sylvia Jones: Sorry. In reference to the protocol that was set up, were you involved in that meeting where they discussed—

Mr. Daryl Knox: Some of the meetings I was involved in, but primarily it was Sergeant Cliteur who was involved in that. I don't know if you can call it a proto-

col. It was a schedule of events and times that were going to take place through that day. It was more or less for us to schedule our security teams so we could have them in place at certain times and ready to go when we were given instruction by the folks with the Ministry of Finance.

Ms. Sylvia Jones: The schedule of events clearly set out who was to be contacted before the government members, before the opposition, before the—

Mr. Daryl Knox: It gave approximate times as to when events were to take place and who was to meet our security teams at the various rooms to escort the various stakeholders, the members of Parliament, back over to the Legislature.

Ms. Sylvia Jones: As a point of clarification, this was not just on the schedule of events. You actually had been directed to call someone and get the approval to release the members?

Mr. Daryl Knox: The call would come from the folks from the Ministry of Finance, the people who worked in that event that day. We were to wait for an escort before people were allowed out of the rooms.

Ms. Sylvia Jones: Were you to wait for the phone call, or did you initiate the phone call to the Ministry of Finance—

Mr. Daryl Knox: I didn't myself, no.

Ms. Sylvia Jones: But in the schedule of events, was that laid out specifically, saying you wait for a phone call from, or you proactively call at set time?

Mr. Daryl Knox: We would wait for a call from the overall person in charge of that, who was Larry Till on that day.

Ms. Sylvia Jones: So your security officers had been told to wait for a phone call from the Ministry of Finance—

Mr. Daryl Knox: Or a radio call, or whatever, yes. There would be communication to them, either by way of radio or phone call. It was radio that day.

Ms. Sylvia Jones: Okay.

Mr. Norm Miller: Last week I asked Sergeant Cliteur about the written statement that the House leader made, where she said:

"I have been able to confirm that the OPP officer positioned at the door of the room being used for the PC lock-up was instructed at approximately 3:50 p.m. to let the members of the PC caucus leave for the chamber. Unfortunately, the OPP officer did not acknowledge the authority of the staff person who gave the instruction and

a more senior staff person had to be directed to the room to ask the OPP officer to let the members leave for the chamber. The minutes lost finding a more senior staff person account for the delay in giving all members time to get to the chamber. I would like to make it clear that at no time did the government prevent or obstruct any member from arriving in the chamber for the presentation of the budget.”

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Sergeant Cliteur basically said that is incorrect. Do you have an opinion on this?

Mr. Daryl Knox: Sergeant Cliteur was dealing with the member present there. I was not present when that was taking place, so only he could speak to what actually took place.

Mr. Norm Miller: In the protocol—I’m calling it a protocol—it was clear that you were going to release the government members first, before you released the opposition members?

Mr. Daryl Knox: It laid out the approximate times as to when certain parties would be released, yes. It was more for us, so we knew what security teams to have in place at what location.

Mr. Norm Miller: Has that been the case in past years, that the government members get released prior to the opposition and third party members?

Mr. Daryl Knox: I’m advised it has been; however, this was my first budget release. Sergeant Cliteur had been at about four or five.

Ms. Sylvia Jones: For the record, this is of course the first time that the opposition members were not able to have sufficient time to get from the lock-up into the chamber. You don’t have to respond to that.

Mr. Norm Miller: In the protocol, it was stated that members were to be released shortly before 4 p.m. What did you take that to mean?

Mr. Daryl Knox: Once we received a notification from the staff with the Ministry of Finance, then we would start to release at a scheduled time. My indication was that these times were approximate. They’re not etched in stone.

Mr. Norm Miller: So, really, the problem was that you didn’t receive the say-so to let the opposition members leave?

Mr. Daryl Knox: Our instruction was to wait until we received instruction, and once we received the instruction, to the best of my knowledge, that’s when we started to release the various folks in the various rooms to come over to the Legislature.

Mr. Norm Miller: I think I’ll pass it on to Mr. Prue, because I know he had some questions.

Mr. Michael Prue: You said you participated in a number of meetings with Mr. Till. Was anybody else there?

Mr. Daryl Knox: Several members of the Ministry of Finance staff. I can’t recall all the names. There were quite a few people who were involved in a series of meetings, everybody from facilities people with the buildings

and various other—CBRE, ORC, these other folks who were involved.

Mr. Michael Prue: Is it safe to say there were dozens of people involved?

Mr. Daryl Knox: Oh, yes, various meetings.

Mr. Michael Prue: So dozens of people sitting around a room when these instructions were given?

Mr. Daryl Knox: It was over the course of several meetings, as they were planning. It was being developed, basically—

Mr. Michael Prue: So dozens of people were privy to what was going to happen?

Mr. Daryl Knox: I believe so, yes.

Mr. Michael Prue: And part of what they knew is that the members of the government would be released first.

Mr. Daryl Knox: That’s what the schedule showed, yes.

Mr. Michael Prue: During the course of these meetings, did anyone question why the Minister of Finance and the government members would be released first and the opposition released later?

Mr. Daryl Knox: Not to my knowledge, no.

Mr. Michael Prue: There was nobody present, though, from opposition parties to voice concern about this impropriety?

Mr. Daryl Knox: Not that I would recognize, as to what their party affiliation was.

Mr. Michael Prue: Of the dozens of people, what rationale was given to release government members first and opposition members later?

Mr. Daryl Knox: It was never communicated, so I can’t answer that.

Mr. Michael Prue: What rationale was given to not have everybody go at the same time?

Mr. Daryl Knox: Basically for security purposes, so we could control who was leaving at what time, so we could have teams in place.

Mr. Michael Prue: Again, the question was asked of Sergeant Cliteur on the last occasion: What was the security? Was it the security of the person of the finance minister and/or the Premier, or was it the security of the document?

Mr. Daryl Knox: Both.

Mr. Michael Prue: Let’s go with the security of the person of the finance minister and/or the Premier. Why and how would they not be secure in the presence of opposition members?

Mr. Daryl Knox: It’s not the opposition members, to my knowledge. There were other people who have access to that floor on that day who could get in without us knowing. So this way—the fewer people, then we’re able to provide better security when we do that.

Mr. Michael Prue: Again, I go back: Did anyone raise the issue of the opposition members? I’m not talking about the staff and other people who might have been in the room with them. Was there any rationale given as to why the opposition members could not walk across the street with the Premier, the finance minister

and the assorted Liberals who were allowed to go with them?

Mr. Daryl Knox: No, sir.

Mr. Michael Prue: Then why was the decision made to separate them out?

Mr. Daryl Knox: That's something that was given to us in terms of the schedule of when people were going to leave, sir. I didn't set that policy or that—

Mr. Michael Prue: So it was nothing to do with the police and it was everything to do with the dozens or so members from the finance committee and the Liberal Party who were there.

Mr. Daryl Knox: It was communicated to us, as to the times, from the Ministry of Finance staff, sir.

Mr. Michael Prue: What role did Mr. Till play in all of this?

Mr. Daryl Knox: Mr. Till was basically the officer in charge—the in-charge person—of the budget lock-up. He is the assistant director for corporate communications for the Minister of Finance.

Mr. Michael Prue: Was his the final authority and word in these meetings?

Mr. Daryl Knox: He was at the meetings. Basically it was discussing, over several weeks, security procedures and the release of the document, sir. But I guess at the end of the day, yes, he was the person in charge of the release date.

Mr. Michael Prue: At the end of these many meetings, was a list drawn up and given to OPP officers on what they should do that day?

Mr. Daryl Knox: In terms of the scheduled events, yes.

Mr. Michael Prue: Now, the officer on the last occasion, Mr. Cliteur, said that he destroyed his. Do you still have yours?

Mr. Daryl Knox: I do, electronically, yes, sir.

Mr. Michael Prue: Do you have a copy that you could make available to us on what was supposed to be done?

Mr. Daryl Knox: I could, yes.

Mr. Michael Prue: Then I would request that that be laid before the committee as well. Was that copy signed by anyone?

Mr. Daryl Knox: Not to my recollection, sir.

Mr. Michael Prue: So it was just on a plain piece of paper?

Mr. Daryl Knox: Yes, sir.

Mr. Michael Prue: On finance ministry stationery, or just white?

Mr. Daryl Knox: I don't know.

Mr. Michael Prue: Oh, who knows? Okay, look again. All right. We'll see it in any event.

Much has been made about the order that opposition members were to be released shortly before 4 o'clock. Was that ever defined in any way?

Mr. Daryl Knox: It was defined on the schedule of time that that would be the approximate time. Again, it was timed just for us to have security staff in place. We

didn't give the order for when people were going to be released.

Mr. Michael Prue: What was the scheduled approximate time for government members to be allowed to leave?

Mr. Daryl Knox: I'd have to look at the times again, sir. I can't say off the top of my head the exact times.

Mr. Michael Prue: Was it 10 or 15, 20 minutes before?

Mr. Daryl Knox: Again, sir—

Mr. Michael Prue: You don't remember?

Mr. Daryl Knox: I don't remember, sir.

Mr. Michael Prue: Okay, that's fair enough.

Mr. Daryl Knox: Somewhere before 4 o'clock, or after 4. I'd have to look at it.

Mr. Michael Prue: Do you remember the length of time between the two groups being allowed to leave?

Mr. Daryl Knox: No, sir, I don't.

Mr. Michael Prue: You said it was for security reasons. I think I've asked enough here about the individuals. What about the document? What was the rationale given in this meeting attended by dozens of people that the opposition members would be treated differently in terms of time, in terms of the security? This I find difficult as well.

Mr. Daryl Knox: I don't recall that ever being discussed in the meetings, sir.

Mr. Michael Prue: You said that it was secure for two reasons, the first one being for the security of the personnel in terms of the Premier, the finance minister and perhaps the Liberal entourage. But you also said that it was the security of the document. I'm trying to understand what discussion took place, if any, in terms of the security of the document and why you thought you were protecting the document.

Mr. Daryl Knox: It was so no document information came out of the rooms, sir. That's what it was for. In order to patrol that, we had to have spaced times as people came out of the rooms so we could check to make sure that they weren't bringing any piece of the budget with them.

Mr. Michael Prue: How was that facilitated by having the groups leave separately and apart?

Mr. Daryl Knox: I only had so many officers to look after each of these rooms, sir, so we had to make sure teams were in place at certain times to handle the number of people who were involved.

Mr. Michael Prue: Was it exactly the same officers who ran across with the Liberals and then came back and then ran—

Mr. Daryl Knox: No, sir. There were various officers—

Mr. Michael Prue: Then I fail to understand this. I fail to understand. Officers are told what times to attend. It's not one officer doing a duty and then coming back to repeat that duty. It's two separate groups of officers. I don't understand why—if you can explain to me why they could not be instructed to take the people even at the same time, even within a minute of each other.

Mr. Daryl Knox: As I said, sir, that was what was laid down in terms of us to follow by ministry staff, and that's the procedure we followed.

Mr. Michael Prue: All right. I'm not trying to blame you; I'm just trying to determine. Did they give you any rationale for the security of the document other than what you've told us?

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Mr. Daryl Knox: Just so nobody would leave the budget lock-up with the document—we had to check for that—and just because of the vast numbers of people. We only had so many officers who could look after that.

Mr. Michael Prue: Did they explain why the government members had to go first and the opposition second? Why couldn't it have been the other way around?

Mr. Daryl Knox: That was never discussed, sir. I don't know why that is, so I can't answer that.

Mr. Michael Prue: Would it have caused any problem to the Ontario Provincial Police if all the opposition members went first and the government went second?

Mr. Daryl Knox: No, sir, it wouldn't. If that's what they'd wanted, that's the direction we would have followed.

Mr. Michael Prue: But you just followed that advice, giving preference to government members.

Mr. Daryl Knox: Yes, sir.

Mr. Michael Prue: All right. You also said that the release depended on instruction from an authorized individual, and that individual, I take it, was Mr. Till.

Mr. Daryl Knox: Yes, sir.

Mr. Michael Prue: Was he the one who ultimately gave the authority for the opposition members to be released?

Mr. Daryl Knox: I believe so, sir. Like I say, I wasn't at that room on that particular day. That was Sergeant Cliteur, so he was waiting for that direction, from my understanding.

Mr. Michael Prue: In the discussions that preceded it, what was the trigger that was going to allow Mr. Till to make that decision?

Mr. Daryl Knox: I don't know, sir—

Mr. Michael Prue: Was it the safe arrival of the minister and the Premier in the Legislature?

Mr. Daryl Knox: That's possible, sir. Like I say, we just waited for the instruction from Mr. Till as to when to release people. We had to wait for an escort. That was the instruction that was given to us.

Mr. Michael Prue: Was any discussion had at any time to make sure that all of the members of the opposition were in their seats by 4 o'clock?

Mr. Daryl Knox: No, sir.

Mr. Michael Prue: That was never stressed?

Mr. Daryl Knox: No, sir. To my knowledge, it was approximate times.

Mr. Michael Prue: So the government and the members, the dozens or so people, had no concern during those meetings that were voiced?

Mr. Daryl Knox: We were given a set of times, sir, and we waited for instructions.

Mr. Michael Prue: I think those are my questions. Thank you.

The Chair (Mr. Bas Balkissoon): Government side, any questions?

Mr. Yasir Naqvi: I just want to thank you, Inspector Knox. I know this is your third time to this committee, and finally you got an opportunity to answer questions. I really appreciate all the time you have put into this. Thank you.

Mr. Daryl Knox: You're welcome.

Mr. Norm Miller: Chair?

The Chair (Mr. Bas Balkissoon): Mr. Miller.

Mr. Norm Miller: I'd just like to go back to the statement by the government House leader. You are the head of the Queen's Park OPP detachment, right?

Mr. Daryl Knox: That's correct, sir.

Mr. Norm Miller: Okay. Do you liaise with members or members' offices at all?

Mr. Daryl Knox: Sorry, sir?

Mr. Norm Miller: Do you liaise with members of the Legislature or their offices at all?

Mr. Daryl Knox: No, sir. Basically I would deal with the legislative security services over here. That's who I would deal with, sir.

Mr. Norm Miller: I'm just getting back to the written statement that the House leader made, where she stated that "Unfortunately, the OPP officer did not acknowledge the authority of the staff person who gave the instruction and a more senior staff person had to be directed to the room to ask the OPP officer to let the members leave for the chamber." I'm assuming the House leader got that information by talking to somebody in the OPP. Did you speak with Monique Smith, the government House leader, regarding the lock-up and this—

Mr. Daryl Knox: No, sir, I did not.

Mr. Norm Miller: At any point, did you advise the government House leader that the OPP had delayed opposition members?

Mr. Daryl Knox: No, I did not, sir.

Mr. Norm Miller: Then will you undertake to ask your officers if they told the House leader this and table your findings?

Mr. Daryl Knox: Could you repeat the question, sir?

Mr. Norm Miller: Will you undertake to ask your officers if they told the House leader this and table your findings?

Mr. Daryl Knox: I don't believe any of my officers spoke to any House leader, sir, if that's what you're asking.

Mr. Norm Miller: So if it wasn't the House leader—I don't know why the House leader would put down in written form to the Speaker that the OPP did not acknowledge the authority of the staff person unless she talked to somebody, or her office—

Mr. Daryl Knox: We were speaking to, like I said, Ministry of Finance personnel on that day and they were the ones advising us when to—

Mr. Norm Miller: So it might have been through Mr. Till that this information was provided.

Mr. Daryl Knox: Yes, sir, my information was through Mr. Till. Yes.

Mr. Norm Miller: Okay.

Mr. Daryl Knox: It could have been people he was advising as well who were coming to tell us as well.

Mr. Norm Miller: Okay. Ms. Jones?

Ms. Sylvia Jones: I actually have a question for the Chair.

The Chair (Mr. Bas Balkissoon): Are we finished with Mr. Knox?

Ms. Sylvia Jones: Yes, I am. Thank you.

Mr. Daryl Knox: Okay, thank you.

The Chair (Mr. Bas Balkissoon): Mr. Knox, thank you very much for being here. We certainly appreciate it. Thanks for your time.

Ms. Jones?

Ms. Sylvia Jones: There was a series of documents requested at the end of our last meeting. Do we have copies of those, before we proceed?

The Clerk of the Committee (Ms. Tonia Grannum): We do not. I sent a letter to the deputy minister and I'm waiting for a response.

Ms. Sylvia Jones: So we have received no response at all?

The Clerk of the Committee (Ms. Tonia Grannum): No response at all at this point.

Ms. Sylvia Jones: That does make it slightly problematic to proceed with some of our other questions, Chair.

The Chair (Mr. Bas Balkissoon): I guess the request was for the written timetable and the cellphone bills. It has gone out. It went out on the 26th.

Ms. Sylvia Jones: The request went out?

The Chair (Mr. Bas Balkissoon): Yes.

Ms. Sylvia Jones: And there has been no feedback whatsoever?

The Chair (Mr. Bas Balkissoon): Not yet.

Ms. Sylvia Jones: So what are the repercussions for us as a committee? What are our next steps in terms of—

The Chair (Mr. Bas Balkissoon): We'll continue our deliberations—

Ms. Sylvia Jones: I understand that, but do we have any ability to encourage the reply and, ultimately, the documents?

The Chair (Mr. Bas Balkissoon): I would assume ultimately we will get it. At this time, I have to assume that. Should it not happen, then we will consult with the Clerk's office about how I proceed as the Chair. If you look at the 27th to today, it's not a whole lot of time. To retrieve cellphone bills would probably take a lot longer.

Ms. Sylvia Jones: But retrieving a memo from an email should not take a long time.

The Chair (Mr. Bas Balkissoon): I don't think there was a request for a memo. There was a request for the phone bill and a request for the written instructions that were—

Ms. Sylvia Jones: Which, according to OPP Officer Cliteur, was sent electronically. He destroyed his copy because he retired. There should be an outgoing—

The Chair (Mr. Bas Balkissoon): Ms. Jones, all I would suggest is that the Ministry of Finance staff is up next. Maybe he has it; maybe he can explain it. Can we proceed that way? If we don't get it, then I will have the Clerk's office follow up.

Ms. Sylvia Jones: Just so I understand, what are the next steps if we do not receive it either from the next deputation—

The Chair (Mr. Bas Balkissoon): I would have to inquire because there is no set procedure for conducting one of these inquiries, unfortunately, and our subcommittee instructions to me, as the Chair, were very vague. I would have to take that into consideration and then get back to you.

Ms. Sylvia Jones: Okay.

The Chair (Mr. Bas Balkissoon): Mr. Prue?

Mr. Michael Prue: If I could, I'm willing to, and I think it prudent that we proceed and hear the people today, but it would have to be on condition that they're subject to recall, because if we find out information in those documents when they subsequently arrive, we should have the opportunity to ask questions of them. I just want the assurance of the Chair that that will happen, that if any committee member, as a result of receiving the documents, thinks of additional questions or wishes to cross-examine on the basis of additional and new evidence, that will not be denied.

The Chair (Mr. Bas Balkissoon): I am being told by the Clerk's office that the assembly may at all times command and compel the attendance—I would assume the same thing for documentation—at the committee.

Mr. Michael Prue: Does the assembly include the committee?

The Chair (Mr. Bas Balkissoon): Yes, it does.

Mr. Michael Prue: Okay, thank you.

Interjection.

The Chair (Mr. Bas Balkissoon): Before the committee considers its final decision or deliberations, so I would assume that does exist. But again, I'm at the mercy of the committee, based on what you request and how we proceed.

Mr. Michael Prue: As I said, I'm prepared to proceed, given that understanding.

The Chair (Mr. Bas Balkissoon): Okay.

MR. TIM SHORTILL

The Chair (Mr. Bas Balkissoon): The next person is Mr. Tim Shortill, if you could come forward. We'll just take a moment for the clerk to have you take a sworn statement.

The Clerk of the Committee (Ms. Tonia Grannum): Do you solemnly swear that the evidence you shall give to this committee touching the subject of the present inquiry shall be the truth, the whole truth and nothing but the truth, so help you God?

Mr. Tim Shortill: Yes.

Mr. Chair, I've prepared a statement which I am prepared to read at this time.

The Chair (Mr. Bas Balkissoon): Committee, Mr. Shortill has a statement. Would you like to hear the statement first?

Mr. Michael Prue: Provided, since he's reading from notes, that we have a copy of the notes to follow along.

1330

The Chair (Mr. Bas Balkissoon): Are you prepared to provide a copy of those notes?

Mr. Tim Shortill: Would it be more appropriate to provide them from Hansard, just in case I happen to deviate from my notes? I think the committee would want the most accurate presentation.

The Chair (Mr. Bas Balkissoon): I think that would be adequate. Mr. Prue?

Mr. Michael Prue: No, I think the rules of evidence are quite clear that when someone relies upon notes, the notes have to be made available to those who are doing the examination and cross-examination.

Mr. Tim Shortill: I take the Chair's direction on that.

The Chair (Mr. Bas Balkissoon): Okay. Can you provide it to the clerk, and she'll copy it before we proceed?

Mr. Michael Prue: Of course, the witness is free to deviate, and we're free to ask why he did. That's why you do it.

Mr. Tim Shortill: Can I provide them afterwards? I would like to read them first.

The Chair (Mr. Bas Balkissoon): Is that adequate, Mr. Prue?

Mr. Michael Prue: No.

The Chair (Mr. Bas Balkissoon): You want it ahead of time?

Mr. Michael Prue: I want them.

The Chair (Mr. Bas Balkissoon): Okay.

Ms. Sylvia Jones: Print them and then do it after—

Mr. Tim Shortill: And then read afterwards?

The Chair (Mr. Bas Balkissoon): Yes.

Ms. Sylvia Jones:—so we have a copy in front of us.

The Chair (Mr. Bas Balkissoon): Okay, Mr. Shortill, you may proceed.

Mr. Tim Shortill: Chair, members of the committee, good afternoon and thank you for inviting me here today. My name is Tim Shortill and I'm the chief of staff to the Minister of Finance.

I was invited here today to discuss with you the 2010 Ontario budget lock-up and the point of privilege that was raised by the member from Parry Sound–Muskoka. The matter raised in the point of privilege was an apparent delay in the release of the opposition caucus from the budget lock-up.

While the delay was not intentional, it was regrettable, and please allow me to apologize to those members of the Legislature who were delayed.

The Speaker referred this matter to committee to review the events leading up to the release of members from the lock-up and to formulate options for the future to ensure that it does not occur again. I hope to address both in my brief opening remarks.

Budget day is a particularly busy day for everyone involved. This includes staff of the Legislative Assembly, members from all three parties, ministry staff and the minister's office staff.

Every year a great deal of time and attention is placed on ensuring the day goes smoothly. We accommodate a large number of people, which entails complex logistics on budget day and includes everything from facilities for the different caucuses and stakeholders to security procedures surrounding lock-up. This is truly a day when there is an effort to ensure that no detail, no matter how small, is overlooked.

There are hundreds of moving parts. While we can anticipate many scenarios throughout the day, there are many on-the-ground refinements that have to be made as circumstances change. Today I hope you will see that out of all of these many elements, it was one poorly executed point that led to the delay of some members in making their way to the chamber.

Traditionally, the budget is delivered after 4 p.m. This is in an effort to ensure that information cannot be used from the budget to take advantage of the markets before its official release. The OPP are asked to provide a secure environment to make certain budget confidentiality is upheld. Throughout the day, members of my staff are present at each of the three caucus lock-ups and stakeholder lock-ups to assist in the logistics of the day.

In the memo I sent to each opposition caucus chair, I outlined that shortly before 4 p.m., the opposition members were to be escorted from the lock-up to the chamber for the presentation of the budget.

It is worth spending a bit of time explaining budget lock-up.

It is tradition that accommodations are made for stakeholders and members of the Legislature to have access to the budget during the day in their respective lock-ups. All participants in these lock-ups sign waivers acknowledging they won't break security protocols or leave the lock-up until it is released. The lock-up is not officially over until the minister stands up to deliver the budget. Parliamentary privilege and tradition allow members to leave the lock-up early to ensure that they can take their places in the chamber before the presentation of the budget.

I mentioned earlier that my staff were present at the lock-ups to assist with logistics. These people who work with me and report to me are assigned different lock-up rooms to help the OPP officers with the release procedure. Some are placed at stakeholder lock-ups, while others are placed with the caucus lock-ups.

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Those who are placed with the stakeholder lock-ups have a simple procedure to follow. When the Minister of Finance stands up and begins his speech, an event which is broadcasted, they have their cue to end the lock-up. Those staff who are assigned to the caucus lock-ups have a more complicated procedure since they are releasing the members of the Legislature before the lock-up is officially over. They are supposed to position themselves

in front of the rooms and introduce themselves to the officers present.

When they arrived at the opposition rooms, my staff should have introduced themselves to the OPP officers present and explained their purpose, which was to help in the escort of the members to the chamber. This is where the human error occurred—human error on the part of my staff. Regrettably, those introductions were not made, which led to the delay in the release of some members.

As the committee has heard, the officers on duty were able to communicate with Larry Till to release the opposition members from their lock-ups. Mr. Till is the assistant director of the communications and corporate affairs branch of the Ministry of Finance. On budget day, one of his many duties was to continue as the liaison with the OPP. I say “continue,” because he was the minister’s office liaison with the OPP throughout the planning process.

Once those in the chamber were made aware of the hold-up of some members, the presentation of the budget was delayed until all members were able to arrive. It is worthy to note that members did not miss any part of the presentation of the budget.

I would like to put forth a couple of ideas for your discussion on ways to ensure this can be avoided in future years.

First, I am aware there’s a protocol for parties to move through the catwalk between the Macdonald Block and the Whitney building one at a time. I think I heard Sergeant Cliteur say a couple of weeks ago that moving over 100 members at the same time is a security challenge. We can examine the staging to more efficiently move each caucus over to the Legislature. This is a point I believe some of the members of this committee have raised, not only today but previously.

Second is to better utilize the closed-circuit TVs in each caucus lock-up. In future years we can have better communications with the rooms by updating them on timing by ministry staff through this medium. At the very least, if events are delayed, each caucus should be made aware of the delay and assured the budget speech will not begin until the members are seated in the Legislature.

I will also post more staff to assist with ensuring the cues that are supposed to happen do happen and are recognized and acted upon. For example, instead of having just one staff member assigned to each lock-up, I will assign two or three to ensure that the information that is supposed to flow does indeed flow.

I hope you have found my comments useful for your discussions on this matter. I want to again stress that while the circumstances regarding the delay are regrettable, they were not intentional. We will work to ensure that a new protocol is in place for next year.

Thank you for your time here this afternoon.

Mr. Chair, I’d be pleased to take any questions the committee may have.

The Chair (Mr. Bas Balkissoon): Thank you, and we’ll turn to Mr. Miller.

Mr. Norm Miller: Thank you for your presentation. It seems that in the House leader’s letter to the Speaker, the House leader is blaming the OPP officers for not recognizing the authority of the staff person from the ministry, so I guess I would like to ask about that first of all. Why are the OPP officers being blamed in this case?

Mr. Tim Shortill: I won’t suggest the House leader is assigning blame, but I can say that there is any number, as I said, of moving parts that occur that day. While we try to ensure that they run smoothly, in this case what failed to occur was identification from my staff to the OPP officer. That is, I think, what needs to be addressed in next year’s budget to ensure that the flow of members from the lock-up to the Legislature occurs more smoothly.

Mr. Norm Miller: That differs from what Sergeant Cliteur was saying, as well. He disagreed with the House leader’s statement two weeks ago. He said he phoned several times but wasn’t getting a response. He didn’t say there was a person there claiming to be from the minister’s office who he didn’t recognize. That’s a very different scenario.

Mr. Tim Shortill: No, I’m actually not sure that is different. That’s precisely the point. The member of my staff failed to identify himself, which is precisely why Sergeant Cliteur would not have been aware of his presence. That’s the breakdown that occurred this year that we need to rectify for next year.

Mr. Norm Miller: That does seem to be a difference. I mean, I didn’t hear him saying in any of his testimony—and others can comment on it—“Yes, there was some unidentified person instructing me to release the members, and they claimed to be from the minister’s office.” He didn’t remotely go there. He said that he was using his phone and his other communications devices—his radio, his cellphone—waiting for a response from Larry Till, I believe he said, whom he identified as being the main person in charge, and that he never got that okay, or at least not in time. Any comments on that?

Mr. Tim Shortill: It’s precisely the absence of identification that Sergeant Cliteur did not identify which is what happened. That was the breakdown. The breakdown was a failure to identify part of my staff, their presence, to the sergeant—which is precisely why he would not have commented on it.

Mr. Norm Miller: This member of your staff who wasn’t identified to Sergeant Cliteur—had they been there all day? Were they just showing up at the appointed time to release the opposition caucuses?

Mr. Tim Shortill: They had not been there all day. Each of my staff was roaming through various aspects of the budget day. What failed to happen was an appointed time for them to be at that door to identify themselves. That is a failing on my part. I will ensure that those appointed times are recognized and are scheduled for next year.

Mr. Norm Miller: So what time did the staff person show up at the opposition and third party doors?

Mr. Tim Shortill: I can’t give you a specific time, but as I indicated, that was precisely one of the areas that we need to improve for next year.

Mr. Norm Miller: What was the name of the person who went to the opposition and third party?

Mr. Tim Shortill: This committee has indicated that it wishes to know who's responsible. I take that responsibility, and I'll leave it at that.

Mr. Norm Miller: I asked a question: What was the name of the person? We heard reference to a Dan. Who is Dan?

Mr. Tim Shortill: There is a member of my staff named Daniel.

Mr. Norm Miller: Sergeant Cliteur referred to Daniel in his testimony two weeks ago.

Mr. Tim Shortill: If he was referring to a member of my staff, it would be Daniel, yes.

Mr. Norm Miller: What was Daniel's role in the budget lock-up?

Mr. Tim Shortill: Daniel was one of the people assigned to the caucus rooms.

Mr. Norm Miller: So Sergeant Cliteur knew that Daniel was from your staff. Was Daniel the person who was to go to tell him to release—was he the person who came to tell him—

Mr. Tim Shortill: That was precisely what I think has gone wrong. There was no identified time for my staff to indicate to the OPP officer that the lock-ups should be released. That is one of the aspects that we need to improve for next year.

Mr. Norm Miller: Okay, but Sergeant Cliteur knew Dan. You just said that he didn't know who—there was a problem with identity, but he obviously knew who Dan was, because he talked about him two weeks ago.

Mr. Tim Shortill: Yes, and Sergeant Cliteur also indicated that there was no member from the minister's staff who identified themselves at the time. I can't speak to his testimony. The record would permit that.

Mr. Norm Miller: But you're the author of—I'm calling it a protocol—the memorandum that outlined what you expected to happen, the rules of the lock-up, stating, "Shortly before 4 p.m. MPPs will proceed to the Legislature," and in brackets, it says, "escorted by a member of the minister's office and OPP officers."

Mr. Tim Shortill: Correct.

Mr. Norm Miller: The "escorted by a member of the minister's office" part of it: Is that unique to this year or has that been the case in other years? For the last eight or nine years, I've been to the budget lock-up pretty much every year. It would be easy for me to not notice who the minister's staff was, but I don't recall seeing a minister's person there.

Mr. Tim Shortill: Sure. It is my understanding that that is not unique to this year, that that is something that has occurred in previous years. I can't speak specifically to that, as this was my first year with the Ministry of Finance, but it is my understanding that that has indeed occurred in previous years.

Mr. Norm Miller: So you think it has happened in previous years.

Mr. Tim Shortill: Yes.

Mr. Norm Miller: In making this protocol for this year, is there a file somewhere that shows what has happened in past years?

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Mr. Tim Shortill: In fact, that same memo was virtually the same memo from last year. I did not alter it in any significant manner.

Mr. Norm Miller: Coming back to Dan, who is on your staff, how senior a position is Dan?

Mr. Tim Shortill: Daniel is a policy adviser to the minister.

Mr. Norm Miller: So he'd be political staff in the minister's office.

Mr. Tim Shortill: Indeed, yes.

Mr. Norm Miller: Okay.

Who had the authority to give instructions to the OPP to release the members of the opposition and the third party?

Mr. Tim Shortill: The way that the protocol was set for the day is that the communication would come from Larry Till to the OPP officer, but the minister's staff were supposed to identify themselves to the officer to corroborate that. That, in this case, is what went wrong.

Mr. Norm Miller: It seems relatively simple if, obviously, there wasn't a problem on the government side. There's just one other person, who we assume is Dan, for the other two caucuses; is that correct? So there's just really one person.

Mr. Tim Shortill: Yes, and I just want to be careful that—it's not my intention to single out any one of my staff; I'm here to take responsibility on behalf of my staff, as I would do in any scenario.

Mr. Norm Miller: I'm still having trouble with the fact that there is one person whose identity wasn't known. It seems a little hard to believe.

Mr. Tim Shortill: Yes, and as you heard in my statement, I think that's an area that we can certainly adjust for next year. Clearly, this year indicated that our protocol needs some enhancement.

Mr. Norm Miller: So on the budget day, I guess I have to ask, what was more important than having our members in the House, from a protocol standpoint?

Mr. Tim Shortill: I'm not willing to assign levels of importance to any scenario that happened that day. There are any number of moving parts, all of equal importance. I'm not able to differentiate between various aspects of that day.

Mr. Norm Miller: I'll pass it on to Ms. Jones for a moment.

Ms. Sylvia Jones: Thank you. In your opening remarks, you make reference to, "The matter raised in the point of privilege was an apparent delay...." You understand that the Speaker has already ruled on this, and he has ruled that there was a delay. That is why this committee has been struck with finding out the cause of the delay.

Mr. Tim Shortill: Yes, "apparent" in the use of the term that it was obvious.

Ms. Sylvia Jones: Okay.

Also in your remarks, on page 3, you make reference to the procedure. I'm looking at the second paragraph, page 3: "Those who are placed with the stakeholder lock-ups have a simple procedure to follow. When the Minister of Finance stands up and begins his speech, an event which is broadcasted, they have their cue to end the lock-up."

In fact, when I questioned OPP Officer Cliteur last week, the stakeholders were let out much earlier—in fact, earlier than any members of the Legislature.

Mr. Tim Shortill: I'm not aware of that occurring and, if it did occur, that was not the way it was supposed to happen.

Mr. Norm Miller: He was very clear on that.

Ms. Sylvia Jones: It was quite a detailed conversation. We talked about the procedure of who went first, who went second. Mr. Cliteur was quite clear, in fact: "No, stakeholders went much earlier, then the Liberals, then the PCs and NDPs."

Mr. Tim Shortill: Okay. I'm not able to refute that, but if that is what indeed occurred, then that's something that we need to look to next year to ensure it doesn't happen, because it was not supposed to happen that way. As my notes indicated, the stakeholder lock-ups were not to be released until the minister physically stood up and began his speech. We will address that for next year. I appreciate you pointing that out.

Ms. Sylvia Jones: It sounds like there were a series of things that were not to occur that, in fact, happened. I'm questioning why this year's budget lock-up didn't—how shall we say?—flow as well as it has in previous years, because you made reference to the fact that there was consistency in past budget lock-ups.

Mr. Tim Shortill: I think it's fair to say that while we strive for perfection in everything we do at the Ministry of Finance, in this case that certainly was not the way it concluded, and we'll need to do a better job next year.

Ms. Sylvia Jones: Daniel, your staffer who was assigned to the opposition lock-up but in fact was not there and—what were your words?—was roaming, so that was part of the issue with why OPP officer Cliteur was not familiar with what his role was—did he not have his security badge on?

Mr. Tim Shortill: All members of my staff should have had a security badge on. But this is precisely the crux of the issue, in that there were simply not enough protocols in place to ensure that the day operated smoothly. We need to do a better job next year. We need to ensure that there are specific times when my staff are able to be at their assigned places and ensure that the lock-ups are released in a timely manner so that the members can get to the House for the speech. It did not happen this year, and we need to do a better job of that.

Ms. Sylvia Jones: I would, in fact, respectfully disagree: The crux of the matter is that the stakeholders, the opposition members and the Liberal members were treated differently. The OPP officer made it very clear that he had specific instructions from his email meeting—and this comes back to the frustration that I am now

experiencing with not having that email protocol or schedule of events, whatever you want to call it. The OPP officer made it very clear that he had been instructed to wait for one person to release the members, and that was, of course, Larry Till.

Mr. Tim Shortill: If I might address one point you made earlier about Sergeant Cliteur's statement that the stakeholders were released early: I simply find that very difficult to believe. I don't refute what he says. I think he may have been referring to the gallery guests who were in lock-up, who were released early in order to be in their seats for the presentation of the budget. It's my understanding that stakeholders were not released prior to—

Ms. Sylvia Jones: Okay, you're not helping yourself. You've now just told me that the guests of the government get to get over 20 minutes before the elected members of the opposition.

Mr. Tim Shortill: I don't believe I assigned any time to that, but this is precisely the—

Ms. Sylvia Jones: Well, someone did, because they were allowed out 20 minutes earlier than we were.

Mr. Tim Shortill: I'm not aware of what time they were let out.

Ms. Sylvia Jones: I can tell you, from the Hansard of OPP officer Cliteur, now retired: "No, stakeholders went much earlier, then the Liberals, then the PCs" and then the NDP. How much clearer do we have to be, other than Hansard?

Mr. Tim Shortill: I'm just saying I'm not aware that any stakeholders were let out prior to the ending of the lock-up.

Ms. Sylvia Jones: Where were you when all this was happening? Were you over at the lock-up?

Mr. Tim Shortill: At what time, precisely?

Ms. Sylvia Jones: Let's say, from 3:30 till 4.

Mr. Tim Shortill: From roughly after 3:30 I was with the Minister of Finance. I accompanied him over to the Legislature. Whatever time he happened to arrive there, I was seated there.

Ms. Sylvia Jones: And the Minister of Finance did get into the chamber before 4 o'clock, I assume?

Mr. Tim Shortill: I'm not aware of the specific time, but I believe that he did arrive shortly after 4 to give his presentation. I was in the chamber at that time.

Ms. Sylvia Jones: Is that because the OPP officer was waiting for you to approve the minister to be released?

Mr. Tim Shortill: No, that's not the case.

Ms. Sylvia Jones: I don't have any further questions.

The Chair (Mr. Bas Balkissoon): Mr. Prue?

Mr. Michael Prue: I've got a tonne. Let's start with your statement here. Who wrote this statement?

Mr. Tim Shortill: I wrote this statement.

Mr. Michael Prue: When did you write it?

Mr. Tim Shortill: I wrote it initially for my first appearance before the committee. I believe that was three weeks ago. It's been refined sometime since then.

Mr. Michael Prue: Why did you feel it necessary to refine it?

Mr. Tim Shortill: I'm a perfectionist, and I love to ensure things are as good as they can be.

Mr. Michael Prue: Who did you show this to? Did you vet it with any of your colleagues? The finance minister?

Mr. Tim Shortill: No, the minister has not seen this. My staff have seen it.

Mr. Michael Prue: Did they approve it?

Mr. Tim Shortill: There were no approvals. It's my statement; I approved it.

Mr. Michael Prue: Why did you feel it necessary to show your staff?

Mr. Tim Shortill: I think in any—

Mr. Michael Prue: The reason I ask that is because your staff may be called as witnesses. Did you want them to see in advance what you were going to say?

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Mr. Tim Shortill: No, I wanted some, I guess, second opinion about what it is that this committee feels that they want to hear, in terms of what went wrong that day and how better to address it in the future.

I also had some conversations about how we can better improve the protocols in the future, and much of that was fed into my statement here.

Mr. Michael Prue: Okay, and your statement reflects your own opinion plus those opinions of your staff who saw it and gave you feedback.

Mr. Tim Shortill: It reflects my opinion.

Mr. Michael Prue: But you did make changes. Did you make the changes after you consulted with your staff?

Mr. Tim Shortill: I don't recall the actual steps. I made changes ever since it was first drafted, to better refine the statement—

Mr. Yasir Naqvi: On a point of order, Mr. Chair: We were talking about rules of evidence before, by the honourable member. What is at stake here is Mr. Shortill's testimony, which is given under oath, not the statement as to how he wrote the statement. What matters is the testimony he has made, and that's what the cross-examination should be on, not his statement. The statement is not in evidence. It's his testimony under oath, which is given to this committee.

Mr. Michael Prue: With the greatest of respect, this statement was made under oath.

The Chair (Mr. Bas Balkissoon): Mr. Prue—

Mr. Michael Prue: How is it any different from his answering questions?

Mr. Yasir Naqvi: The questions should be asked about the statement and the content, not how the statement was written.

The Chair (Mr. Bas Balkissoon): Mr. Naqvi, thank you for your point of order. I don't believe I have any clear court procedures from the subcommittee. I have procedures to conduct a line of questioning so members can find out what happened.

Mr. Prue, you can continue, but I would ask you to show respect to the gentleman's input.

Mr. Michael Prue: Absolutely. I'm just trying to get to the bottom, because we have to determine, as a committee, what weight we are to give to the statement as well as the other things that he said.

The Chair (Mr. Bas Balkissoon): I would say that, as a committee, we're asking the folks who have come before us to co-operate with us to get to the bottom of what went wrong.

Mr. Michael Prue: Absolutely. That's what I'm trying to do too.

Mr. Tim Shortill: If there's any ambiguity for the members of the committee, I wrote the statement, and I take full responsibility for the statement.

Mr. Michael Prue: All right. Let's go on. According to Sergeant Cliteur, you were in charge of a number of meetings that both he and I think it was Sergeant Knox—or Officer Knox, anyway—attended. Were you the person who called the meeting? Were you in charge of the meeting?

Mr. Tim Shortill: There were several meetings that occurred, to my knowledge, during the budget process. I only attended one of them with Sergeant Cliteur. So while I was not in charge of those meetings and I did not call those meetings, I am ultimately responsible for the outcome of those meetings.

Mr. Michael Prue: Who was in charge of the meetings? Who called them?

Mr. Tim Shortill: I'm not aware that the meetings that proceeded through the budget process are as formal as to have a chair or someone in charge. They're simply meetings that occur in the course of planning of any number of events that the ministry and the government perform.

Mr. Michael Prue: I understand that, but this is not some ethereal function that's just pulled out of the air: "Let's have a meeting." Somebody had to determine that a meeting was necessary to get the participants for the day in a room to give instructions. Who was that person? Was it the finance minister?

Mr. Tim Shortill: It was not the finance minister. But I'm not aware of who chaired or called these meetings, as I was not at them except for one.

Mr. Michael Prue: All right. Which one were you at? The last one?

Mr. Tim Shortill: I'm not aware of the sequence of the meetings. I was at a meeting with my staff and Sergeant Cliteur, where we ran through sort of the protocols that the OPP would provide for the day. That is the only meeting that I recall being at.

Mr. Michael Prue: How many people were at that meeting?

Mr. Tim Shortill: It was my staff, so however many—20.

Mr. Michael Prue: So on the day you attended, there were 20 staff, and you went through the protocols. You said the protocols were not changed much from previous protocols.

Mr. Tim Shortill: That's my understanding. Having not been at the Ministry of Finance for previous budgets,

I can't speak intelligently to the specificity of that statement, but that's my understanding.

Mr. Michael Prue: Did you make changes? Who made changes that were made?

Mr. Tim Shortill: In order for me to answer that, I'd have to know in detail the way it worked in previous years. I am simply not aware of that, so I can't indicate that any changes were made. I can say that this was the way that the protocols developed for that day, and I do take responsibility for those.

Mr. Michael Prue: Again, this was not developed out of thin air. You had a set of protocols that went back to previous meetings. Then you held the meeting and determined that some—although minor—changes were going to be made. You must have been aware—somebody on your staff must have had those previous minutes, those previous instructions, in order to make changes to them.

Mr. Tim Shortill: We certainly have some of the rough outlines of how this worked in the past. I'm not aware that they changed significantly.

Mr. Michael Prue: How do you know they changed at all?

Mr. Tim Shortill: That's exactly the point I was making earlier. I don't, not having been there, but I'm aware that we have not changed the protocol significantly this year, although maybe now is the time that we need to revisit that.

Mr. Michael Prue: I'm just trying to determine—and I'm trying to be fair to you—what changes, if any, were made. You're not aware but you think changes were made, and you don't know who made them and you don't know who was running the meeting.

Mr. Tim Shortill: No, I wouldn't characterize it that way. I can't speak intelligently on what specific changes were made, so I don't want to give this committee the impression that none were made. It is my understanding that we did not significantly change our procedures this year from previous years.

Mr. Michael Prue: All right. Now, your 20 or so staff were in a room with OPP police officers. Who else was present?

Mr. Tim Shortill: My staff and Sergeant Cliteur. I stand to be corrected, but I don't believe there was anyone else there.

Mr. Michael Prue: Was there a discussion as to the release times, the times that people would be released?

Mr. Tim Shortill: I can't recall.

Mr. Michael Prue: How is it that the Minister of Finance, the Premier and the assembled Liberal members were chosen to leave first? Who made that decision?

Mr. Tim Shortill: That is a process that existed previously. Ultimately, I signed off on that. As my statement indicates, I think that is something we should revisit for a discussion for next year.

Mr. Michael Prue: Who made the decision as to what time the gallery guests would get there? Because when I got there—and I was not in the lock-up—the gallery

guests were all there, even before the Minister of Finance arrived. Who made that decision that they'd get to go?

Mr. Tim Shortill: I'm not aware of the answer to that.

Mr. Michael Prue: Surely the OPP must have given some instructions, if they were told not to release MPPs but you could release any gallery guests who were invited by the government.

Mr. Tim Shortill: I can't answer your question in that regard.

Mr. Michael Prue: Who could?

Mr. Tim Shortill: I'm not aware.

Mr. Michael Prue: All right.

Questions were asked about why people were escorted. We've heard from two witnesses in a row, both police officers, that they escorted people at different times due to the security of the person of the finance minister and the Premier and of the security of the document. Why was the Premier or the finance minister's security at risk if they were accompanied across the street by members of the opposition?

Mr. Tim Shortill: I know that's a question that you've put to both OPP officers, and I think they were the appropriate people to answer that. I shouldn't be answering security protocols on their behalf.

Mr. Michael Prue: But you instructed them on the security protocols.

Mr. Tim Shortill: No.

Mr. Michael Prue: You told them what—somebody told them what—they didn't make it up.

Mr. Tim Shortill: The OPP are tasked with providing the security and the confidentiality of the budget process and the budget for that day, but they do have discretion within on how they deliver on that mandate.

Mr. Michael Prue: Did you have any discussion on how the document was to be protected by letting members of the gallery go before the budget even started? These are people who are not even sworn in the Legislature; they're not even opposition MPPs. They're just people who got a ticket from the government for the glorious day; I put it that way.

Mr. Tim Shortill: Yes. I did not have discussions with them in that regard.

Mr. Michael Prue: Does this not bother you, that all of these people who have no fealty to the Legislature or to the process were let go even before the finance minister was?

Mr. Tim Shortill: I wouldn't want to impugn anyone who participates in the budget process, but I can say that what bothers me is, there are any number of areas where the protocols this year can be improved, and that's certainly what we're going to endeavour to do for next year.

Mr. Michael Prue: Questions were asked about Daniel, and I take it this Daniel was Daniel Malik. Is that who the person we're talking about is?

Mr. Tim Shortill: If you're speaking about Daniel from my staff, that is indeed the person.

Mr. Michael Prue: Where was Daniel Malik positioned at approximately a quarter to 4?

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Mr. Tim Shortill: I'm not sure where he was positioned. I can say that he was supposed to be positioned outside of the caucus lock-ups, but this is once again where I think the protocols failed and where I need to do a better job next year ensuring that my staff are where they need to be at the appropriate time to ensure that the day runs smoothly.

Mr. Michael Prue: Was he positioned in front of both the NDP and the Conservative lock-ups? Although they're close, they are probably 20 metres apart.

Mr. Tim Shortill: Like I said, I'm not sure where he was positioned, but those doors were relatively close to one another.

Mr. Michael Prue: Did he give the same instructions to the police officers in front of each of the lock-ups? Again, I was not there this year but I've been there on other years and there are different police officers in front of each.

Mr. Tim Shortill: Yes, that's my understanding, that there are different police officers in front of each.

Mr. Michael Prue: Did he instruct or attempt to instruct both?

Mr. Tim Shortill: No, I don't believe he did.

Mr. Michael Prue: So this was all down, again, to Mr. Till's phone call, when the police officer eventually said, "We can let them go"?

Mr. Tim Shortill: What I think needed to occur—

Mr. Michael Prue: No, we're trying to find out what happened. We can talk about what needs to occur; that's the job of the committee, perhaps with your advice. We're trying to find out what exactly happened.

Mr. Tim Shortill: I would also submit to you that not only should we examine what happened, but what failed to happen. What failed to happen was an appointed time for each lock-up to be released and for that to be confirmed. That is what we need to, I believe—subject to any thoughts this committee has—address for next year.

Mr. Michael Prue: What time was the Conservative caucus allowed to go?

Mr. Tim Shortill: I'm not aware of the specific time.

Mr. Michael Prue: What time was the NDP caucus allowed to go?

Mr. Tim Shortill: I'm not aware of the specific time.

Mr. Michael Prue: Was it at identically the same time or were they separated?

Mr. Tim Shortill: Having not been there, I'm not aware if they were released at the same time or slightly before or after one another.

Mr. Michael Prue: Who was in front of the Liberal caucus, which staff member?

Mr. Tim Shortill: I can't recollect.

Mr. Michael Prue: Was it Mr. Malik?

Mr. Tim Shortill: No, it was not.

Mr. Michael Prue: Why is there a different person in charge of the Liberal lock-up, as opposed to the opposition?

Mr. Tim Shortill: Sure. That just has to do with the geography of where the rooms are. One is on the other

side of the Macdonald Block, that being the government caucus room. On the far side of the Macdonald Block are the NDP and Conservative lock-ups. It's geography.

Mr. Michael Prue: Was there any difficulty in Liberals getting to leave the room? And if not, why not?

Mr. Tim Shortill: I'm not aware of any difficulty. In terms of why not, I think it's because they proceeded first from the Macdonald Block to the Whitney Block. As your question has indicated and as my statement has indicated, I think that's something that we need to examine for next year.

Mr. Michael Prue: Who gave authority for the Liberals to leave the room?

Mr. Tim Shortill: The Liberals follow the Premier and the Minister of Finance out, so ultimately that approval was mine, as I left the lock-up with them.

Mr. Michael Prue: So you gave authority for them to leave. Why did you give authority for them to leave when the authority had not been given for the opposition?

Mr. Tim Shortill: And that is precisely the point. We failed in ensuring that the opposition lock-ups were released in a timely manner.

Mr. Michael Prue: But you gave the authority of your own volition. It wasn't a third person. It wasn't a Mr. Malik, it wasn't a Mr. Till; it was you yourself.

Mr. Tim Shortill: Ultimately it was, in that regard.

Mr. Michael Prue: Was that part of the protocol?

Mr. Tim Shortill: I'm not sure if I was specifically identified as the person who would do that, but in practice, that's what occurred that day.

Mr. Michael Prue: Okay, but this is the whole question. There was a protocol. The protocol, the officers followed to the letter in terms of who they would deal with: They would only deal with Mr. Till; they would not deal with Mr. Malik. I would have to assume that the same protocol went for the Liberal Party, but the officer in charge on the other side didn't wait for Mr. Malik or his equivalent or Mr. Till or his equivalent. They let them go on your say-so. I'm wondering, was that part of the protocol, that you could let the Liberals go and somebody else of a more junior position would let the others go?

Mr. Tim Shortill: I think in everything that occurred that day, the protocols were, in themselves, not sufficient to ensure that the day ran smoothly. That's what we need to address for next year. And I need to ensure that the right direction is given at the right time so that those members can leave the lock-up to proceed to the Legislature.

Mr. Michael Prue: Again, I'm having some difficulty. The officers were under instruction to follow a very strict protocol, yet it does not seem that you yourself followed that protocol, if the protocol was that they were supposed to be released on the say-so only of Mr. Till. You walked out with the Premier and the finance minister and you, the boss of the others, were gone. What protocol was followed there?

Mr. Tim Shortill: I'm not aware of the specific protocol except to say that when the Premier, the finance minister and myself, along with our caucus, left the room,

instructions should have been given to release the other two caucus lock-ups.

Mr. Michael Prue: I acknowledge that. But I'm trying to get to the bottom of this protocol—which we have not seen yet; that you say was altered possibly in some small way, but you didn't see the first one—exactly what was said and who was supposed to give the okay so it's orchestrated and clear and one person is making the decisions. It's clear that that's not what happened. It's clear you made one set of decisions. Mr. Till possibly made another. Mr. Malik attempted to make some. I'm trying to find out how it is that the OPP would accept your instructions when you had no authority to give them—at least, not in the protocol.

Mr. Tim Shortill: Yes, and I think the protocol is what needs to be revisited for next year. You're clearly identifying areas where it needs to be strengthened, to better ensure that this works a lot better than it did this year.

Mr. Michael Prue: A few more questions here. You said those staff who are assigned to caucus lock-ups have a more complicated procedure than those who position themselves in front of other rooms. People who were not gallery guests, what time were they instructed—what time could they leave?

Mr. Tim Shortill: I'm not aware of what time they were instructed or what time they left.

Mr. Michael Prue: And gallery guests, you're not aware of when they could leave?

Mr. Tim Shortill: No, I was not aware.

Mr. Michael Prue: Okay. The Liberals left when you said, "You can go." You made the decision.

Mr. Tim Shortill: When the finance minister was ready to proceed to the House, that's when he and the Premier and the accompanying Liberal members left.

Mr. Michael Prue: Okay. So the decision, then, was made by the finance minister, who said, "I'm ready to go," and you gave the order.

Mr. Tim Shortill: I'm not sure it was anything as specific as that. He was ready to go, and we left.

Mr. Michael Prue: Because what we're trying to determine here is—when the opposition members said, "We're ready to go," there was quite a different scenario unfolding.

Mr. Tim Shortill: Absolutely, and that is, as I've said, what needs to be addressed for next year.

Mr. Michael Prue: Okay. You say that human error occurred, human error on the part of staff. The protocol, as far as the police officers were concerned, was set out after many years of discussion and in fact several meetings, of which you were privy to one. They seemed to understand the protocol very well and followed it, it seems, in every case, except when it came to your order to release the minister.

Mr. Tim Shortill: Yes, I think I've been very clear that the failing certainly falls on my shoulders and I take responsibility for that.

Mr. Michael Prue: Where was Mr. Till on the day?

Mr. Tim Shortill: I'm not aware of his specific location.

Mr. Michael Prue: Was he in the Liberal caucus lock-up with you?

Mr. Tim Shortill: When I was there, no, but I'm not aware of whether he was in there at any point during the day, or in any of the other lock-ups, for that matter. I don't know.

Mr. Michael Prue: There was also a news scrum with more newspaper reporters than I'll ever see in my life, all in one room, on that day—always.

Mr. Tim Shortill: Certainly.

Mr. Michael Prue: Was he in there?

Mr. Tim Shortill: I'm not aware that he was. It would make sense that he was, but I can't speak to that specifically.

Mr. Michael Prue: You have no idea where he was when these phone calls were made. Do you know how he made the phone calls, eventually, to the OPP?

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Mr. Tim Shortill: I'm sorry, I did not—

Mr. Michael Prue: Were they made on a phone, or were they made on a walkie-talkie?

Mr. Tim Shortill: I do not know.

Mr. Michael Prue: Okay. You wrote: "On budget day, one of his many duties was to continue as the liaison with the OPP. I say 'continue' because he was the minister's office liaison with the OPP throughout the planning process." But he was only the minister's liaison, surely, when it came to the opposition. Is that not correct?

Mr. Tim Shortill: No, the OPP had requested a singular point of contact, and Larry Till was identified as that. This was not only for the day but for the planning that led up to that day.

That's not to say that he was the only one interacting with the OPP leading up to the day. As I indicated, I was certainly in a meeting with them. But it was the intention that he was the singular point of contact for the day, and he certainly was the primary contact in the planning process.

Mr. Michael Prue: You give a suggestion here, and I quote it: "Second is to better utilize the closed-circuit TVs in each caucus lock-up." Where are the closed-circuit TVs located?

Mr. Tim Shortill: It's my understanding that there is one TV in each of the caucus lock-ups.

Mr. Michael Prue: Yes, and? That's for incoming. That's to watch the news reports.

Mr. Tim Shortill: Yes.

Mr. Michael Prue: It's to watch the scrums—

Mr. Tim Shortill: The scrums.

Mr. Michael Prue: Yes.

Mr. Tim Shortill: Sure.

Mr. Michael Prue: How would you better utilize those?

Mr. Tim Shortill: I think that's something that we can look at. My intention in presenting that idea was, if there are delays in the day—unforeseen circumstances that occur—we can use those TVs to communicate to the

people who are in the lock-ups that there is a delay, the nature of the delay, the timing that will be affected or, frankly, any other pertinent information that needs to be communicated on that day. I'm not saying we've done a lot of work in examining the feasibility of that, but it's an idea that I put forward.

Mr. Michael Prue: I think those are my questions for now. Thank you.

The Chair (Mr. Bas Balkissoon): Thank you, Mr. Prue. The government side, Mr. Naqvi.

Mr. Yasir Naqvi: Thank you again, Mr. Shortill, for taking the time. I really appreciate your candid testimony. I appreciate your taking the responsibility, showing remorse as to what happened and undertaking to ensure that protocols are refined so that type of thing does not happen again.

I do understand that this is your first budget as the chief of staff to the Minister of Finance, so you are probably new to a lot of the protocols that are in place. Do you have any sense of how long these protocols as to the budget lock-up have been in place, the ones you were using?

Mr. Tim Shortill: I've participated in budget lock-ups a few times since 2004. While I didn't notice significant differences from the first budget lock-up I participated in, in 2004, to this one, I would certainly accept that there were changes, but I certainly did not notice them.

Mr. Yasir Naqvi: Okay. Obviously, I take it that there's quite a close collaboration between the OPP and the Ministry of Finance and your office to ensure that the security details are fully undertaken. I understood, from the OPP officer's testimony, that a lot of the protocols around security, as to the nature of the security—is that something the OPP determines is where their expertise comes into play?

Mr. Tim Shortill: Yes. Very much we defer to the OPP on the best way for them to maintain the integrity and security of the budget and the budget process. Yes, we very much defer to them as, frankly, the experts in that regard.

Mr. Yasir Naqvi: What steps did you take on your end to prepare your staff for that particular day?

Mr. Tim Shortill: I'll answer with the steps we took, and with your permission, I'd like to sort of indicate how I think we can do better.

In the one meeting that I indicated I participated in with the OPP, we discussed the protocols and the events of the day. What I think we need to do is for me and my staff to have a better understanding of more of the specifics of how the day should be run and organized. That's something that I will endeavour to better for next year.

Mr. Yasir Naqvi: You suggested a couple of ideas, and Mr. Prue was talking about the closed-circuit ideas. It's interesting. I think you'll probably have to look a little bit more in detail. You'd have to put in additional TVs or something in the room. Have you thought about some sort of trigger time mechanism or a backup time mechanism where, basically, if that time is reached and

the members are not released then they're automatically released and escorted to the Legislature?

Mr. Tim Shortill: Yes. It's certainly an idea that I've discussed. I didn't reference it in my comments only because I think that's something that I would want to discuss with the OPP to see if there are any downsides to that that I'm not aware of. I'm not currently aware of any downsides, but that is the one reason that I omitted that from my statement. But to answer your question, yes, we did think about that after the fact.

Mr. Yasir Naqvi: I'm hoping and I'm assuming that after the deliberations, if there are some suggestions or recommendations that come from this committee as to how better to improve the processes next year, you and your office will be open to seriously considering those.

Mr. Tim Shortill: Oh, absolutely. I mean, there's probably no better audience to receive positive feedback on that than the actual members of the Legislature. So to answer your question, yes, absolutely.

Mr. Yasir Naqvi: Thank you very much. Again, I really appreciate—it took three different days for you to get here and talk about what went wrong. It's unfortunate, and hopefully we will rectify that and it will not happen again in the future. Thank you for your time, Mr. Shortill.

Mr. Tim Shortill: Thank you.

The Chair (Mr. Bas Balkissoon): Any further questions? Mr. Miller?

Mr. Norm Miller: Mr. Shortill, I'd like to come back to the gallery guests and stakeholders. Sergeant Cliteur stated in Hansard that the—he called them stakeholders—were released 20 minutes before 4 o'clock; I believe that's what he said. You stated that that wasn't stakeholders, they were gallery guests. Were there separate lock-ups for the gallery guests and for the stakeholders?

Mr. Tim Shortill: That's actually a good question that I don't have the answer to, but I'm going to endeavour to find out. That's a specific aspect of the day that I'm unaware of at this point, but it's certainly something that I'm going to look at. Also, unless I am mistaken—I'm also going to inquire about the release of the stakeholders, because while it was not my understanding that they were released prior to, I do accept that that possibility could have occurred and I'm going to endeavour to look at that.

Mr. Norm Miller: Because from the Hansard, Sergeant Cliteur said very clearly, "No, stakeholders went much earlier, then the Liberals, then the PCs and NDPs." He was quite clear on that.

I must admit, I can't see why any gallery guests would be partaking in a lock-up. I can see stakeholders being in a lock-up, but I think people who were there to visit and watch the proceedings of the budget would not normally be people who would be in a lock-up, so I have a little difficulty with the thought that these are not the same people. I would think they're the stakeholders, as described by Sergeant Cliteur.

Mr. Tim Shortill: Yes, and I would accept that that possibility exists. Those are certainly some questions that

I'm going to have to take back and ask, and also to ensure that a more rigorous protocol is in place for next year in that regard. Certainly, if the stakeholders were released prior to the lock-up ending, that is a deficiency that we need to correct.

Mr. Norm Miller: Back to the protocol: Was it written in the protocol, which we haven't—I mean, we've got the protocol that states that shortly before 4 p.m., MPPs will proceed, but there was obviously another one which was referred to by the OPP officers. Sergeant Cliteur purged his, and I believe we'll eventually get a copy of the other protocol. So on that protocol, did it state that the government members were to be released first? And I guess also—I'll ask that after.

Mr. Tim Shortill: My understanding is that the protocol indicated that all three lock-ups would end at the same time. What occurred is a staging within that. So I would accept that a protocol doesn't go down to the very specific minute, but maybe in this case it should have. But it was the intention that they were released—I don't want to say all at the same time, because that implies that, I think, some of the questions where they all exit at the same time—roughly within the same time period, where they're staged one after another to cross.

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I can't recall if the protocol was as specific to say that the governing caucus would go first, then others. That's certainly the way it played out. I can't speak specifically to that level of detail in the protocol, but I would almost wonder if that's what we need to build in for next year.

Mr. Norm Miller: Had the Minister of Finance or the House leader seen your memorandum to opposition and third party—

Mr. Tim Shortill: The Minister of Finance, I don't believe, did. I certainly did not show it to him. I'm trying to remember if a copy was sent to the government House leader. I don't know.

Mr. Norm Miller: So the minister didn't have to approve either your memorandum or the more detailed protocol that was referred to?

Mr. Tim Shortill: No. Ultimately that was approved by me.

Mr. Norm Miller: What was your relationship with Larry Till, who, from what I understand, is the person whom the OPP was waiting to receive instructions from at the opposition and third party lock-ups?

Mr. Tim Shortill: Larry, being an assistant director of communications within the ministry, was the person appointed to be the point of contact for the OPP.

Mr. Norm Miller: So who had the authority to give instructions to the OPP stationed at the lock-ups to release them?

Mr. Tim Shortill: Larry was to be that point of contact. I don't know if that constitutes authority in the vein of your question, so I can't answer that probably to the level of specificity that you would want.

Mr. Norm Miller: Was it more than one person?

Mr. Tim Shortill: The OPP had asked for a singular point of contact; that was Larry.

Mr. Norm Miller: Okay. So the other people—was there a list and was this list provided to the OPP officers? If there was more than one person, were their names on the list and was the list circulated?

Mr. Tim Shortill: I don't believe there was more than one person. I don't know that a list was circulated. I'm not sure how we communicated to the OPP that Mr. Till was to be the point of contact. I don't know if that was done in a meeting or verbally. I simply wasn't a party to that.

Mr. Norm Miller: But they'd had several meetings with Mr. Till.

Mr. Tim Shortill: Sure.

Mr. Norm Miller: It seems pretty clear they knew he was the authority. It's a question of whether there were other people, like Dan, for example, who had authority that they may or may not have been aware of.

Mr. Tim Shortill: Yes, I would accept that. It's possible that that was communicated in meetings but I don't know for sure.

Mr. Norm Miller: But the actual decision on the timing—I assume it's going to be Larry Till making the call to Sergeant Cliteur to say, "Okay, release them." Have I got the right chain there?

Mr. Tim Shortill: That's certainly the way it was anticipated to happen. Unfortunately, we didn't set a specific time by which that would occur, which I think was the question from the government side: Is that something that we would consider for the future?

Mr. Norm Miller: Although the House leader says that—I'm assuming it was Dan who was there but Dan wasn't recognized by Sergeant Cliteur, so that's why the House leader is saying the OPP didn't release the members.

Mr. Tim Shortill: In that respect, I think the failing, as I indicated, was my staff failed to identify themselves to the OPP, rather than the reverse.

Mr. Norm Miller: That one I have trouble with, I'm sorry to say, especially when the officer testified that he knew the name "Dan," the person who was the emissary from the minister's staff who was to be the person who communicated. A couple of months later, he knows the name of this person, so it seems like he did know the identity. The police officer between the two lock-ups two months later recalls the name of the person who you are saying they didn't know the identity of. I have a little trouble with that.

Mr. Tim Shortill: I'm drawing the distinction between knowing the identity of and identifying to the OPP that they were the person from the minister's office there as the point of contact with the minister's office, but I can't speak to who Sergeant Cliteur knew or not.

Mr. Norm Miller: I'd have to check back through the Hansard, but I think in Sergeant Cliteur's testimony, he did identify Dan as being from the minister's staff. He knew he wasn't in the ministry; he said "the minister's staff."

Mr. Tim Shortill: Yes.

Mr. Norm Miller: I'll pass it on, then. Thank you.

Ms. Sylvia Jones: Thank you. You mentioned that you attended one, but there was a series of meetings attended by I think at one point you said 20 members of your staff—a staff briefing with Mr. Till and OPP officers. Who sent the memo notifying your staff and yourself of those meetings?

Mr. Tim Shortill: Just to be clear, I attended one meeting with all of my staff and Sergeant Cliteur. I imagine I set that up or someone in my office set that up; I can't recall specifically.

In terms of a series of meetings that occurred outside that, that's just my understanding. I say "series" because I don't know how many or when they occurred.

Ms. Sylvia Jones: If you set up the main meeting of your staff and the OPP, the perception would certainly be, within your staff—and correct me if I'm wrong—that you would be leading the meeting.

Mr. Tim Shortill: Sure. I would not characterize it as the main meeting. It was a meeting with my staff to walk through the events of the day. I would certainly submit to you that in that meeting I was the lead from my staff, absolutely, but there was no chair or identified lead of the meeting. This was simply a meeting with Sergeant Cliteur to discuss the operations of the day.

Ms. Sylvia Jones: But you did initiate the meeting.

Mr. Tim Shortill: I certainly did, yes.

Ms. Sylvia Jones: Did this meeting occur after the series of meetings that had already happened, setting out the day, and this was simply giving your staff an overview of what they could expect on budget day?

Mr. Tim Shortill: Yes. It was certainly to give my staff a sense of an overview of the day. I'm not sure where it occurred in all of the—I mean, you can imagine there are any number of meetings, both on the policy and the operations side, that occur in the formulation of the budget. I'm not sure where, in that sequence, this meeting fitted in, so I can't answer your question in that regard.

Ms. Sylvia Jones: Okay. Based on that, was there ever a final meeting prior to the budget that said, "This is what my expectations are of you, my staff members, on budget day"?

Mr. Tim Shortill: I don't recall that there was. Having just thought of your question now, I would submit that that was certainly a failing on my part and something that could be addressed for next year. I'm not aware that we did such an end meeting like that. I'm not sure if you intended that to be a suggestion, but it's certainly a well-received one.

Ms. Sylvia Jones: It could be a suggestion now. I guess part of the reason I'm asking is, whoever initiates a meeting—it is generally accepted that the initiator of the meeting is going to lead the meeting. In other words, the agenda will be set up by the person who requests the meeting, and everyone leaving the meeting should have clear understanding of their roles, their responsibilities, in this case referencing the budget day itself.

Mr. Tim Shortill: Sure. Ideally, that's the way that could have occurred and maybe should have occurred.

Ms. Sylvia Jones: Okay. Can you tell me how many of your ministerial staff were assigned to the lock-up rooms?

Mr. Tim Shortill: I can't. It's my understanding that there was probably one for each. I would stand to be corrected in that respect. As my statement indicated, I think that's certainly something we need to augment for next year, to ensure that there are at least some redundancies in place and that miscommunication doesn't happen.

Ms. Sylvia Jones: What I'm starting to try to get a picture of is—I understand Dan Malik was the point person from your office dealing with both opposition lock-ups. Is that correct?

Mr. Tim Shortill: It's my understanding that that was the intention. I will not submit that the interactions were to complete satisfaction, though.

Ms. Sylvia Jones: So he was roaming more than he was monitoring.

Mr. Tim Shortill: I can't speak to exactly what he was doing.

Ms. Sylvia Jones: Okay. There was another staffer assigned to the government lock-up?

Mr. Tim Shortill: I believe there was, but I can't say for any certainty who that was.

Ms. Sylvia Jones: Okay. There was a third staffer assigned to the—you will call them gallery guests; I will call them stakeholders.

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Mr. Tim Shortill: I would submit that there should be, but I'm going to have to ask to ensure that there was.

Ms. Sylvia Jones: You mentioned in reference to a question from my colleague that the OPP had asked for a single point of contact, and they were given the name of Larry Till. Is that your understanding?

Mr. Tim Shortill: Yes, it is.

Ms. Sylvia Jones: Can you tell the committee why the OPP would have asked for that single point of contact?

Mr. Tim Shortill: I can guess, but I'd prefer not to guess why. I just assume it was in terms of efficiency of communication, but that's a question that's best put to them.

Ms. Sylvia Jones: Well, let's guess together. My guess is that the OPP asked for a single point of contact because they wanted to ensure that not anyone other than the point of contact—in this case, Larry Till—had the responsibility, was assigned the responsibility of allowing the OPP to release their lock-up "guests," shall we say.

Mr. Tim Shortill: I would allow for that possibility, but I can't speculate on its accuracy.

Ms. Sylvia Jones: Did Larry Till understand that he was the single point of contact for the OPP?

Mr. Tim Shortill: I can't answer on his behalf.

Ms. Sylvia Jones: Did you understand as the chief of staff that it was Larry Till's responsibility to have the single point of contact with the OPP?

Mr. Tim Shortill: Yes.

Ms. Sylvia Jones: Were the meetings with the OPP to set out the protocol dealt with by Larry Till and the OPP or by members of your staff, Larry Till and the OPP?

Mr. Tim Shortill: Having not been at the meetings, I can't say for sure.

Ms. Sylvia Jones: Who did you assign within your staff to look after security for the budget day lock-up?

Mr. Tim Shortill: The OPP were assigned that task.

Ms. Sylvia Jones: So why was the OPP having so many meetings with your staff?

Mr. Tim Shortill: I imagine, as you can, that there are any number of meetings that need to take place to plan an enormous event such as budget day. I would like to think that those meetings are necessary in order to ensure the day goes as smoothly as it can.

Ms. Sylvia Jones: You mentioned in reference to another question that my colleague asked that you ultimately approved this year's protocol for the budget lock-up.

Mr. Tim Shortill: That's correct.

Ms. Sylvia Jones: And you also mentioned in response to a comment from the NDP member that you had not reviewed previous years' protocols. Is that correct?

Mr. Tim Shortill: I reviewed the previous year's memo, of which I sent a similar one this year.

Ms. Sylvia Jones: But the details—you also said that there were changes made. In reference to the Vice-Chair's question, you said that there were changes made to the protocol, but you would not want to get into specifics of what those changes were?

Mr. Tim Shortill: Yes, and as I indicated to Mr. Prue as well, it's my understanding that we did make some modifications this year. But having not been intimately involved in the process last year, I can't say exactly what modifications were or were not made. My understanding is that we did not significantly change the protocols as we have in years previous.

Ms. Sylvia Jones: Would it not have been prudent on your part to review previous years' protocols before signing off on this year's, following up into, this was your first year, officially, as the chief of staff?

Mr. Tim Shortill: I would accept that in this case, that probably would have helped me, absolutely.

Ms. Sylvia Jones: Okay.

The Chair (Mr. Bas Balkissoon): Mr. Miller.

Mr. Norm Miller: Yes, I just want to come back to Daniel Malik and what he was assigned to do on budget day. On the actual budget day, what were Daniel Malik's responsibilities?

Mr. Tim Shortill: I can't speak to his responsibilities for the entire day. I can't recollect that information.

Mr. Norm Miller: But he was the person who was supposed to go to the third party and opposition lock-ups to—

Mr. Tim Shortill: Yes. I'm not sure if he was assigned to one particular caucus or the other, just given the proximity of their rooms together, so I don't want to indicate that he was stationed out in front of both when it should have been one or the other. I'm just not aware.

Mr. Norm Miller: Do you know where he was between 3 and 4 o'clock?

Mr. Tim Shortill: I don't.

Mr. Norm Miller: Because that does seem to be a kind of key time. How long has Daniel been on staff with you?

Mr. Tim Shortill: I've only been there since January, so six months with me, but he has previously worked for the minister.

Mr. Norm Miller: In the written protocol that you authored, did it specifically state that government members were to be released first?

Mr. Tim Shortill: I don't believe it was, but I would stand to be corrected. It's not my recollection that we actually specifically laid out in writing the staging. But like I say, I stand to be corrected in that respect. It's my understanding that traditionally the governing caucus goes first. As I indicated in my statement, I think that's something that we need to review.

Mr. Norm Miller: In Sergeant Cliteur's testimony, he seemed to understand quite clearly that the stakeholders went first, but then it was quite clear to him that the government members were going to be released before the opposition and third party members.

Mr. Tim Shortill: Sure.

Mr. Norm Miller: He was quite definitive about that.

Mr. Tim Shortill: I don't know if that was because that was the written protocol or because that was his understanding of the way it's always occurred. I do submit that I could be mistaken, but I don't believe that was the actual written protocol. But I stand to be corrected.

Mr. Norm Miller: In your memo, you say, "Shortly before 4 p.m." That is, obviously, kind of a vague time—

Mr. Tim Shortill: It is.

Mr. Norm Miller: What time has this been interpreted to mean in previous years?

Mr. Tim Shortill: I can't speak to previous years. And you're right: It is absolutely vague, which I think is a point of failing. It was intended that members arrive at the Legislature around 4 o'clock. The budget speech traditionally does not begin before 4 o'clock, as that's when the markets close. I think it's this vagary that we need to provide some specifics for in future years.

Mr. Norm Miller: You stated in your statement that traditionally the budget is delivered at 4 p.m. and the reason it's delivered at 4 is because of the markets closing and to maintain sensitive information. Yet most of the key elements of the budget were in fact leaked days ahead, and the leaks proved to be correct. Was this a deliberate strategy on the part of your office?

Mr. Tim Shortill: My comments state that the budget is delivered after 4 p.m. That's a point I want to be clear about. I can't speak to your other question.

Mr. Norm Miller: You can't speak to it because you don't want to or because you weren't party to any discussions about, "Okay, we're going to release the fact that we're going to freeze civil servant salaries" or—

Mr. Tim Shortill: I'm just simply not prepared to discuss those aspects of the budget.

Mr. Norm Miller: Because it was reported weeks in advance. My father was a Minister of Finance—

The Chair (Mr. Bas Balkissoon): Mr. Miller?

Mr. Norm Miller: Yes, sir?

The Chair (Mr. Bas Balkissoon): I have difficulty understanding your line of questioning to do with leaks when we're trying to find out what went wrong on budget day.

Mr. Norm Miller: Okay. It's just that—

Ms. Sylvia Jones: But it is all about security too.

Mr. Norm Miller: That was given as the reason—

The Chair (Mr. Bas Balkissoon): I would ask that the line of questioning stick to the issue of budget day rather than leaks. I don't see the relevance, unless you can explain it to me.

Mr. Norm Miller: The reason there is budget security is to maintain the security of the budget so that there won't be any leaks prior to the actual address of the budget in the Legislature. In past years—I can recall when my father was Minister of Finance—it was taken fairly seriously. In fact, I think he offered to resign at one point because the printed copies of the budget were—

The Chair (Mr. Bas Balkissoon): I don't think anybody in this room can speak to leaks, because it's rumour that there are leaks. I mean, we have no proof, and it has no relevance to what we're doing today. So if I could ask you to just come back in line with what we're doing today.

Mr. Norm Miller: Thank you, Chair. It seems to me that the chief of staff for the Minister of Finance would probably have some knowledge about whether there was a definite decision to release—

The Chair (Mr. Bas Balkissoon): If there was a definite decision to leak, that's not a leak. So, carry on.

Mr. Norm Miller: Okay. Thank you for your testimony.

Mr. Tim Shortill: Thank you.

The Chair (Mr. Bas Balkissoon): Mr. Prue.

Mr. Michael Prue: I just have a couple of questions. You're not clear on Mr. Malik's role. Is Mr. Malik the senior policy adviser to the Minister of Finance?

Mr. Tim Shortill: Yes.

Mr. Michael Prue: Does he report to you or does he report to the Minister of Finance?

Mr. Tim Shortill: As chief of staff, he reports to me. I think ultimately we all report to the minister.

Mr. Michael Prue: All right. Is there a supervisor between you and Mr. Malik, or does he report directly to you?

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Mr. Tim Shortill: There is a director of policy, but in this respect and on that day, he reported to me.

Mr. Michael Prue: But ordinarily he has a director of policy. Is it safe for me to assume that Mr. Malik would have taken his instructions from the director of policy?

Mr. Tim Shortill: Not in this regard. It's important to distinguish that, while in our office we have policy

advisers and a director of policy, on budget day, in terms of operations, they're acting as members of the minister's staff, not in their specific roles as policy adviser or MPP liaison or so forth.

Mr. Michael Prue: So he would have reported directly to you, and you are aware of his presence, but you're not aware of the other person, if any, who would have been in front of the Liberal caucus. This is surprising to me, that you would know that Mr. Malik was in one place and not know who was in the other.

Mr. Tim Shortill: I'm aware because it's the subject of today's discussion. In terms of where my other staff were and other ministry staff and the number of people who are involved in the execution of budget day, I simply at this moment cannot recall the specifics of each individual person.

Mr. Michael Prue: Could you find out?

Mr. Tim Shortill: I could certainly endeavour to look.

Mr. Michael Prue: All right. Just a couple of questions, again, I have coming up about the meetings—

The Chair (Mr. Bas Balkissoon): Mr. Prue, because we're getting close to the time, I'm going to allow this as the last question because there are some procedural things I have to deal with.

Mr. Michael Prue: Okay. I'm just curious: You said there was one meeting to acquaint you and your staff, and then there were other meetings. Were these other meetings from other ministries?

Mr. Tim Shortill: I'm not aware that other people would have been at these meetings. That would have been unusual, but I submit that that possibility could have occurred. Having not been at those meetings, I don't know.

Mr. Michael Prue: So you have no idea whether other ministries wanted to be involved or not involved? Other people within the ministry who were not the 20 directly under your control: You don't know who these would have been?

Mr. Tim Shortill: I would find it highly unusual if there were members of other ministries involved in the planning of the day. There may be that I'm unaware of. I would find that unusual, though. But there are any number of people within the ministry, including my office, who have roles and responsibilities in the preparation of the budget and the execution of budget day.

The Chair (Mr. Bas Balkissoon): Mr. Prue?

Mr. Michael Prue: I'm trying to be quick. How many people work in the ministry who would have involvement in the budget?

Mr. Tim Shortill: You're asking me a question that I simply don't have a detailed answer to.

Mr. Michael Prue: Thank you. That's enough for today.

The Chair (Mr. Bas Balkissoon): Thank you, Mr. Shortill, and thank you for taking the time to be here.

Mr. Tim Shortill: My pleasure.

The Chair (Mr. Bas Balkissoon): Members of committee, I'm advised by the clerk that the way the direction was given to the committee, our next meeting will be

September 15 unless committee requests that the House give us different direction. I'm in the hands of the committee as to which way you want to proceed from here on. Mr. Naqvi.

Mr. Yasir Naqvi: I would like to make a motion at this moment. Pursuant to the subcommittee report and the motion which we all had agreed to in terms of the deputants to hear, I think we've got sufficient information as to what went on, where some of the breakdown and errors took place, especially in light of Mr. Shortill's presentation today. I move that we end the deputations at this time and move on to the writing of the report, because the Speaker did ask us to move expeditiously on this matter.

The Chair (Mr. Bas Balkissoon): Before I accept your motion, just one second.

Okay, I have a motion by Mr. Naqvi, but I want to just make the committee aware that I still have on my list one more deputant.

Interjections: Exactly.

The Chair (Mr. Bas Balkissoon): So it's up to the committee to give me direction. Is the committee in agreement to hear from Mr. Till?

Interjections: Absolutely.

The Chair (Mr. Bas Balkissoon): Did I hear a no?

Mr. Yasir Naqvi: Chair, I don't recall any agreement. I think some members had asked that certain members be brought forward. The agreement was, there's a subcommittee report where deputants are listed, and there was a motion which had listed a few deputants. There were two members from the PC party, one member from the NDP, the two inspectors from the OPP and Mr. Shortill. We have gone through them. I think we have sufficient information now to move and deliberate and start writing the report.

The Chair (Mr. Bas Balkissoon): Let me just consult with the notes from Hansard.

Committee, I did not take a vote on Mr. Till, and there was a request for Mr. Till to appear. There were no objections on anyone's part, so under the proceedings that took place, the clerk invited Mr. Till here as a deputant. I'm still in the hands of committee.

Mr. Till is listed. I think out of due respect, he was invited and is on the deputant list because nobody objected. I would have to accept that he's here as a deputant unless I have directions from the committee.

I have a motion not to hear from Mr. Till, and I have Mr. Till on the list, so I'm in your hands.

Mr. Michael Prue: I wish to make an argument about why the motion should be rejected.

Mr. Norm Miller: Yes. Chair, I simply say that a lot of the testimony today was quite vague. Mr. Shortill, in response to many of the questions, simply said he didn't know. He didn't know and he couldn't answer, and he was quite vague.

We'd already agreed that Mr. Till, especially based on the testimony of Sergeant Cliteur, was one of the key

people in charge, and the committee needs to hear from him. We would also like to hear from Daniel Malik, who is the person who was supposed to be at the opposition/third party—

The Chair (Mr. Bas Balkissoon): That is a new request, but I want to deal with the one that's in front of us.

Mr. Norm Miller: I'm putting that request on the record to demonstrate that we are by no means done the fact-finding part of this committee.

The Chair (Mr. Bas Balkissoon): I can't take your request yet. I want to deal with what's in front of me.

Mr. Prue, you wanted to comment on this motion?

Mr. Michael Prue: Yes, I wish to speak on this motion. The Speaker and the Legislature instructed this committee to do all things necessary to determine what happened on that day. It seems to me that Mr. Till's name has been mentioned by every single witness as being key and instrumental to what happened that day and that he was the final arbiter of what time people could be released. For the government member to sit there and to say that Mr. Till ought not to be heard is tantamount to trying to shut down the work of this committee. We have an obligation given to us by the Speaker to come to a rational conclusion as to what happened. Mr. Till is instrumental to that. I find this offensive.

I also find it offensive because we have asked for documents which have been requested and which have not arrived here yet. To simply shut it down and to go to the report-writing without those two documents, without the evidence of Mr. Till—and I would agree with my friend: When the time comes, I think Mr. Malik should be called here as well for the part that he played, although it may be minor. But Mr. Till is major to this issue, and I cannot understand, in my wildest imagination, how Mr. Naqvi thinks he can get away with this.

The Chair (Mr. Bas Balkissoon): Ms. Jones?

Ms. Sylvia Jones: On the same motion, Chair, I've already raised today my concerns with proceeding without the emails and without the phone records to back up what the OPP officer has told us thus far. We are getting cross-information that doesn't match when we speak to the chief of staff and the retired OPP officer, and I think it is incumbent on us as committee members to have Mr. Till appear before the committee, and ultimately, Mr. Malik, to ensure that we have the most accurate information to do what, quite frankly, the Speaker has asked us to do. We were pledged with a very specific request from the Speaker and we have a responsibility to ensure that that is done with as much and as complete information as possible.

The Chair (Mr. Bas Balkissoon): The time of 3 o'clock has arrived, so I have no choice, but we are back here on September 15 to debate the motion.

I adjourn this meeting. Mr. Till is still a deputant on the list.

The committee adjourned at 1500.

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