

Legislative  
Assembly  
of Ontario



Assemblée  
législative  
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# STANDING COMMITTEE ON PUBLIC ACCOUNTS

## **AUDIT OF CHANGES TO THE GREENBELT**

(2023 SPECIAL REPORT OF THE OFFICE OF THE AUDITOR GENERAL OF  
ONTARIO)

1<sup>st</sup> Session, 44<sup>th</sup> Parliament  
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The Honourable Donna Skelly, MPP  
Speaker of the Legislative Assembly

Madam,

Your Standing Committee on Public Accounts has the honour to present its Report and commends it to the House.

A handwritten signature in black ink that reads "Tom Rakocevic".

Tom Rakocevic, MPP  
Chair of the Committee

Queen's Park  
March 2026



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MEMBERSHIP LIST

1<sup>st</sup> Session, 44<sup>th</sup> Parliament

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## INTRODUCTION

On May 6, 2024, the Standing Committee on Public Accounts held public hearings on the value-for-money audit on the Special Report on Changes to the Greenbelt (2023 *Special Report* of the Auditor General of Ontario).

The Committee thanks the Auditor for the audit. In this report, the Committee presents its own findings, views, and recommendations. The Committee requests that the Secretary of Cabinet and the Ministry of Municipal Affairs and Housing provide the Clerk of the Committee with written responses to the recommendations within 120 calendar days of the tabling of this report with the Speaker of the Legislative Assembly, unless otherwise specified.

## ACKNOWLEDGEMENTS

The Committee extends its appreciation to officials from the Secretary of Cabinet, the Ministry of Municipal Affairs and Housing, and the Ministry of Education. The Committee also acknowledges the assistance provided by the Office of the Auditor General, the Clerk of the Committee, and Legislative Research.

## BACKGROUND

The Greenbelt is an area of about 2 million acres of protected farmland, woodlands, and wetlands surrounding the Greater Golden Horseshoe region in Ontario. Created in 2005, the Greenbelt is intended to protect farmland and natural features from urban development and sprawl. The Greenbelt Plan (“Plan”), a set of policies intended to protect the lands comprising the Greenbelt, derives its authority from the *Greenbelt Act, 2005* and is administered by the Ministry of Municipal Affairs and Housing (“Ministry”).

According to the Plan, the Greenbelt is a broad band of permanently protected land which:

- protects against the loss and fragmentation of the agricultural land base and supports agriculture as the predominant land use;
- gives permanent protection to the natural heritage and water resource systems that sustain ecological and human health and that form the environmental framework around which major urbanization in south-central Ontario will be organized;
- provides for a diverse range of economic and social activities associated with rural communities, agriculture, tourism, recreation, and resource uses; and
- builds resilience to and mitigates climate change.<sup>1</sup>

The Greenbelt Council, a government advisory agency, was also established under the *Greenbelt Act, 2005*. The Greenbelt Council is to be appointed by the Minister of Municipal Affairs and Housing (“Minister”). The Council’s mandate

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<sup>1</sup> Office of the Auditor General of Ontario (AG), [“Special Report on Changes to the Greenbelt”](#), 2023 *Special Report*, pp. 7, 20-21.

revolves around providing advice to the Minister on land use planning in the Greenbelt area.

The Greenbelt also includes lands that were already protected through the Niagara Escarpment Plan (NEP) and the Oak Ridges Moraine Conservation Plan (ORMCP). Those provincial plans apply and prevail over the Greenbelt Plan in the lands designated Oak Ridges Moraine and Niagara Escarpment, which are governed by their own statutes. Similar to the NEP and ORMCP, the Greenbelt Plan divides land within the Protected Countryside (the technical designation of the majority of the land area within the Greenbelt with specific policies restricting urban development) into three policy areas: Agricultural System, Natural System, and Settlement Area.

Under the *Greenbelt Act, 2005*, the Ministry is required to initiate a review of the Plan every 10 years. As part of the review, the Minister is expected to consult with a number of stakeholders, including the Ministry of Natural Resources and Forestry, the Niagara Escarpment Commission, and the Greenbelt Council, as well as the council of each municipality in the Greenbelt Area to ensure public participation in the review. The last review was initiated in 2015 and completed in 2017, with the next review scheduled for 2025.

The Greenbelt's boundary was amended twice between 2005 and 2021. In January 2013, approximately 630 acres of provincially owned land designated as "Urban River Valleys" in Oakville were added to the Plan. In July 2017, the Ontario government added 24,958 acres of land to the Plan, while removing 371 acres. In both cases, the Ministry engaged with municipalities, Indigenous communities, landowners and developers, and key stakeholders.<sup>2</sup>

## **LAND USE PLANNING AND THE HOUSING AFFORDABILITY TASK FORCE**

Land use planning refers to the strategic planning process guiding decisions regarding what development can occur, and where it can occur. In Ontario, land use planning processes involve provincial policy direction and co-ordination between ministries and municipal decision-makers. The *Planning Act* requires municipalities to produce official plans, which set out the municipality's long-term vision on land use and development. The official plan is a multi-step process involving studies, budgeting, stakeholder consultations, review, and feedback from the Ministry.

The Housing Affordability Task Force ("Task Force") was formed in December 2021, mandated to provide the Minister with solutions to Ontario's housing crisis. In its final report, published in February 2022, "[t]he Task Force concluded that Ontario needs to build 1.5 million new homes over the next 10 years to fill the projected housing gap...." Further, "[t]he Task Force noted that a shortage of land was not the cause of the housing affordability problem and that there was sufficient land available for development outside of protected areas (citing the Greenbelt as an example)." The Ontario government adopted the Task Force's

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<sup>2</sup> AG, pp. 20-23.

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report as its primary housing strategy in March 2022, and committed to building 1.5 million new homes over the next 10 years.<sup>3</sup>

## **CHANGES TO THE GREENBELT BOUNDARY IN 2022**

On November 2, 2022, the Ministry submitted materials to Cabinet seeking to “obtain approval to initiate public consultation on the government’s plan to amend the Greenbelt’s boundary by:

- removing or re-designating 15 land sites (see p. 8 Appendix for a map of these land sites) from the Greenbelt (totalling approximately 7,400 acres). The 15 sites are comprised of 22 distinct sections of land, including two sections of land that were re-designated to Settlement Area;
- amending the Oak Ridges Moraine Conservation Plan (O. Reg. 140/02 under the *Oak Ridges Moraine Conservation Act, 2001*) to re-designate lands on one of the sites;
- adding a portion of land in the Paris Galt Moraine (in Wellington County) to the Greenbelt Plan, totalling approximately 7,000 acres; and
- making 13 additions/expansions to the Urban River Valley Areas in the Greenbelt, totalling approximately 2,400 acres.”<sup>4</sup>

The *Environmental Bill of Rights, 1993* requires the Ministry to give notice on the Environmental Registry of Ontario (“Environmental Registry”) of any environmentally significant changes to acts, regulations, or policies, and to hold a minimum of 30 days of public consultations on the changes.

The Ministry posted notices on the Environmental Registry on November 4, 2022. The notices stated that, in order to accommodate the population growth in the Greater Golden Horseshoe (GGH) region, the government was proposing to remove or re-designate 7,400 acres from the edge of the Greenbelt so that housing can be built on the removed land.

Landowners were to “develop detailed plans to build housing and move forward with the project quickly.” The government expected housing construction on the newly removed lands to commence no later than 2025. The Ministry conducted a 30-day public consultation period and engaged with a small number of affected Indigenous communities.

Following the consultation period, the Ministry filed two regulations that implemented the proposed Greenbelt Area boundary amendments for the 15 land sites, with Cabinet approving an Order in Council to amend the Greenbelt Plan on December 14, 2022. No changes were made to the proposal following the public consultation period.

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<sup>3</sup> Ministry of Municipal Affairs and Housing, “[Housing Affordability Task Force report](#),” updated August 14, 2024.

<sup>4</sup> AG, pp. 24-25.

The largest site removed from the Greenbelt was the Duffins Rouge Agricultural Preserve (DRAP), which accounted for approximately 58% (or 4,300 acres) of the total acreage removed.<sup>5</sup>

## **2023 AUDIT OBJECTIVE AND SCOPE**

The objective of the audit was to “determine whether the Province of Ontario:

- effectively assessed the financial and environmental impacts of Greenbelt boundary changes, and associated changes in legislation and provincial plans;
- made objective, transparent and informed decisions; and
- established mechanisms to measure and publicly report on whether changes to the Greenbelt’s boundary meet the Province’s stated objectives.”<sup>6</sup>

The audit was conducted between January and July 2023.

## **MAIN POINTS OF 2023 AUDIT**

The Auditor concluded that “the lands removed from the Greenbelt in December 2022 were not chosen using an objective and transparent selection process. Although the government communicated that it was removing land from the Greenbelt to support its goal of building 1.5 million housing units over the next 10 years, there is no evidence this land is needed to reach that goal.”<sup>7</sup>

Specifically, the Auditor found that

- while the mandate letter with the direction to “codify processes” to amend the Greenbelt was assigned to the Minister of Municipal Affairs and Housing (Minister), it was the Minister’s Chief of Staff who identified specific land sites to be assessed for removal from the Greenbelt;
- 92% of the acreage ultimately removed from the Greenbelt in December 2022 was from five land sites recommended by developers who had direct access to the Minister’s Chief of Staff;
- the Minister’s Chief of Staff also provided the initial criteria used to assess the sites for removal. The criteria were amended as the process went on and facilitated the removal of sites that had land designated as Natural Heritage System or Specialty Crops, and sites that were not easily serviceable; and
- the proposal to inform the decision to change the Greenbelt’s boundary received by Cabinet from the Ministry did not explain how the proposed land sites were identified, assessed, and selected for removal, and did not identify a codified process to amend the Greenbelt.

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<sup>5</sup> AG, pp. 25-26.

<sup>6</sup> AG, p. 27.

<sup>7</sup> AG, p. 14.

The Auditor also concluded that the financial impacts of land site removal from the Greenbelt, such as serviceability costs, taxation impacts, and land value impacts of Greenbelt boundary changes were not assessed by the government. Environmental and agricultural risks were not effectively considered prior to proposing 15 land sites for removal. Specifically, the Auditor found that

- the Ministry was restricted from discussing the agricultural and environmental risks of removing land sites from the Greenbelt with partner ministries, municipalities, Indigenous communities, and conservation authorities due to the swift and confidential nature of the project; and
- the practice of political public service employees' over-reliance on information from third parties with vested interests had diminished transparency and contributed to preferential decision-making.

Further, the Auditor found that performance indicators and measurable goals were not established between the government and the Ministry to assess the outcome of the project.<sup>8</sup>

## **Issues Raised in the Audit and Before the Committee**

### **Roles and Responsibilities, Intra-governmental Communications, and Decision-making**

Given the extensive influence and direct involvement of non-elected political public service staff in the operational decision-making of the Ministry of Municipal Affairs and Housing, the Auditor recommended that the roles and responsibilities of Chiefs of Staff and Deputy Ministers in policy development and operational decision-making should be clarified.<sup>9</sup>

Committee members were interested in the roles and responsibilities of certain public servants, the flow of information within the government, and some decision-making mechanisms.

The Secretary of the Cabinet ("Secretary") was asked about the work of the working group that was established to respond to the Auditor's recommendations in the special report, and how the members of the group were selected. The Committee heard that, even prior to the report's release, the Secretary's office worked collaboratively with the Auditor and had started reviewing many processes. Upon the release of the report, the Premier's Chief of Staff and the Secretary each selected three individuals who would be forming part of the working group. One of the individuals selected by the Secretary was a deputy minister who is a Chartered Professional Accountant (CPA), while another was a deputy minister with experience in the public sector, the private sector, and government. They were joined by three former chiefs of staff to premiers or advisers, and a small group of current chiefs of staff to ministers.<sup>10</sup>

The Committee heard that, after its establishment, the working group began reviewing existing processes, guidelines, and directives, and made

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<sup>8</sup> AG, pp. 14-15.

<sup>9</sup> AG, p.91.

<sup>10</sup> Standing Committee on Public Accounts, [Hansard](#), May 6, 2024, pp. 238, 244.

recommendations. The recommendations were taken to deputy ministers across all portfolios to get their input, and were brought back to the Secretary's office for a final draft of the response. The draft was then reviewed from both a legal and convention perspective. Ultimately, the Secretary worked with the Premier's Chief of Staff and determined which recommendations fell under whose scope. With recommendations regarding the non-political public service, the Secretary took the lead. When recommendations had more accountability on the side of the political public service (e.g., the training of chiefs of staff), the Secretary provided advice, and the Premier's Chief of Staff implemented that advice. In cases where there was no direct accountability for either the Secretary or the Premier's Chief of Staff (such as guidelines and legislation governing the Integrity Commissioner), the Secretary provided some initial advice following a meeting with the Integrity Commissioner.<sup>11</sup>

The Committee also inquired about the roles of the chiefs of staff (political staff) and deputy ministers (non-political staff) in the areas of policy development and operational decision-making. The Secretary explained that the chiefs of staff in ministers' offices report to the Chief of Staff to the Premier. The deputy minister does not report to the Chief of Staff or the Minister, but rather to the Secretary of the Cabinet. Deputy ministers in the public service give non-partisan, evidence-based advice. The chief of staff and the staff in a given minister's office provide the political lens and an advisory function to the minister.<sup>12</sup>

The topic of intra-governmental communications and decision-making was also mentioned with respect to the decision to repeal the *Duffins Rouge Agricultural Preserve Act, 2005* (DRAPA). Since the Act was under the purview of the Ministry of Natural Resources and Forestry, an inter-ministerial request to repeal the statute had to be made. Committee members asked how this type of inter-ministry request works, and whether, in this specific case, it was consistent with acceptable standards and practices. The Secretary explained that, under normal circumstances, when a given ministry is undertaking a project that is more cross-governmental in nature, that ministry's chief of staff first engages the deputy minister. Next, the deputy minister reaches out to their counterpart in the other ministry, who, in turn, engages their own chief of staff and minister as they work through the process.<sup>13</sup>

The Auditor found that while non-political public service staff in the Ministry of Municipal Affairs and Housing highlighted the risks of considering only specific land sites for removal, and the limitations of the criteria being used to assess lands for removal from the Greenbelt, non-political public service staff and the political staff at the minister's office at the Ministry of Municipal Affairs and Housing did not flag these issues to the Secretary of the Cabinet or to the Premier's Office during the course of the work. The Auditor noted that even though it is a best practice to consult with the Secretary of the Cabinet on politically sensitive matters, the Deputy Minister did not choose to do so in this case.<sup>14</sup>

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<sup>11</sup> *Hansard*, p. 244.

<sup>12</sup> *Hansard*, p. 245.

<sup>13</sup> *Hansard*, pp. 248-249.

<sup>14</sup> AG, p. 41.

Another line of questioning touched on the process through which deputy ministers raise concerns to the Secretary and the Cabinet itself, and whether this process has changed since the Auditor's report. The Secretary stated that, before the report, there were many processes in place to serve this function, including monthly meetings between the Secretary and deputy ministers and a weekly meeting of all deputy ministers. Some central agency deputy ministers have a controllership function — any financial issues (e.g., transfer payment agreements, accounts-related issues) can be raised with the Deputy Minister of Finance or the Deputy Minister of the Treasury Board. Legal issues can be addressed through consultations with each ministry's legal director and the Deputy Attorney General. In the Cabinet Office itself there are two individuals, the general counsel and the deputy minister of policy and performance, who are equipped to handle concerns. A process called "multi-corners" allows a deputy minister to call a meeting with the minister's office, the Office of the Premier, and Cabinet Office. Political non-elected staff can also utilize this process if any concerns are identified.<sup>15</sup>

According to the Secretary, the main change to this process since the report's release was the codification of all available avenues in a single document. Other changes include the ability of a deputy minister to write directly to the Secretary, and for the Secretary to write to the Cabinet in cases where the public service has not been able to perform its duties to the best of its ability. Some changes were also introduced into the Cabinet submission process, namely the opportunity to identify instances where more time is needed to complete the work, and a revised process to reinforce deadlines for Cabinet submissions to ensure that Cabinet members have sufficient time to review materials as part of their decision-making process.<sup>16</sup>

As for the process of bringing concerns to Cabinet itself, the Secretary explained that the first step would be consulting with the general counsel and the deputy minister of policy in the Secretary's office in order to identify the type of issue (e.g., timing, legal rights and responsibilities, competing interests across government). Once the issue is defined, a meeting would take place between the concerned parties, usually involving staff from the Office of the Premier (either the Chief of Staff or the Deputy Chief of Staff), who would work through the issue. In cases where there are risks, or issues that have been escalated, the Cabinet Office provides a briefing note to Cabinet, with the Secretary present at the meeting to provide more information and clarification.<sup>17</sup>

Speaking to a hypothetical scenario raised with the Secretary by a deputy minister regarding the Greenbelt project, the Secretary reiterated that, had any public servant in any ministry raised the issue with the Secretary's office, a number of the aforementioned processes would have been exercised. However, since no issue was raised with the Secretary, the processes did not ensue.<sup>18</sup>

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<sup>15</sup> *Hansard*, pp. 250-251.

<sup>16</sup> *Hansard*, pp. 240, 250-251.

<sup>17</sup> *Hansard*, p. 252.

<sup>18</sup> *Hansard*, p. 251.

### **Committee Recommendation**

The Standing Committee on Public Accounts recommends that:

- 1) The Cabinet Office
  - a. define and document the respective roles of chiefs of staff and deputy ministers in the areas of policy development and operational decision-making;
  - b. clearly delineate and document the distinction between policy development and operational decision-making, ensuring alignment with established business processes;
  - c. develop a formal procedure for deputy ministers to consult with the Secretary of Cabinet when chiefs of staff or other political staff influence or impede a ministry's operational decision-making; and
  - d. implement a formal mechanism for deputy ministers to submit a letter to the government, with the Secretary of Cabinet's agreement, explicitly outlining where the ministry was unable to provide a recommendation due to insufficient supporting documentation and analysis.
  - e. in collaboration with the Secretary of Cabinet, develop a process where ministers receive written information from deputy ministers on high impact or time sensitive proposals, specifying, among other things, that key elements of the analysis, inter ministerial and external consultation, and due diligence were completed, or, alternately, that any of those elements were not completed due to existing limitations.

### **Land Site Selection Transparency, Oversight, and Accountability**

The Committee was interested in several aspects of the process to select land sites for removal from the Greenbelt, including the process standards, the involvement of the Office of the Premier, and the removal of some selection criteria.

When asked whether the site selection process followed was normal, the Secretary of the Cabinet told the Committee that the process, as is typical, involved a ministry working with its minister's office and its minister on developing options, and providing an indication of the risks involved, as well as issues around consultations. The Secretary noted that these are things the Ministry did in fact identify with one exception: the actual selection process. The second part of the process (the Cabinet submission) was made based on a mandate letter. Cabinet first discussed the submission in early November 2022, and subsequently made a decision in December of that year, following a 30-day consultation period.

The Secretary also mentioned that the Land and Development Facilitator's (Facilitator) process was supposed to provide additional due diligence on the decision to remove the lands from the Greenbelt. However, the facilitation process was never completed.<sup>19</sup>

The Committee was also interested in whether the Ministry of Municipal Affairs and Housing ("Ministry") provided any documents to the Office of the Premier ("Office"), or engaged with the Office in any way prior to the briefing that took place in late October of 2022. Ministry officials stated that no materials were sent to the Office prior to the October meeting.<sup>20</sup> As for the involvement of the Office in the selection of sites for removal, the Committee heard that the original direction in respect of removal and addition of lands from the Greenbelt originated with a mandate letter from Cabinet, of which the Office was aware.<sup>21</sup>

The removal of certain selection criteria during the land site selection process was also discussed. Ministry officials were asked why a November 4, 2022 Ministry statement that announced the Greenbelt removal proposal mentioned two criteria that were previously removed during the site selection process (namely, that "affected areas must have the potential for homes to be built in the near future" and that "affected areas must be on or near readily serviceable land, with local infrastructure upgrades needed to service the projects to be funded entirely by proponents"). Ministry officials explained that the word "criteria" might not have been the best choice of wording. Rather, it should have been "matters for consideration." Further, the work related to the removed criteria was supposed to be conducted by the Provincial Land and Development Facilitator.<sup>22</sup>

The removal of the Duffins Rouge Agricultural Preserve (DRAP) from the Greenbelt was also a topic of interest. The Auditor found that "... the Province recognized that the release or amendment of covenants or easements would allow these lands to be sold at much higher developable land prices going forward ... Those profits will now flow to the DRAP lands' private owners and developers, with no immediate offsetting compensation to the public."<sup>23</sup> Ministry officials were asked whether they believed that the former Minister of Housing and Municipal Affairs Chief of Staff was acting for the public good when pursuing the removal of these lands from the Greenbelt. The Committee heard that, while the Ministry is not in a position to speak to the former Chief of Staff's mindset or motives, the land use planning process is agnostic to land and property value. Moreover, the land was not in public ownership, and the increase or decrease in the value of the land is not considered in determining its use.<sup>24</sup>

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<sup>19</sup> *Hansard*, pp. 241, 247.

<sup>20</sup> *Ibid.*

<sup>21</sup> *Hansard*, p. 242.

<sup>22</sup> *Hansard*, p. 247.

<sup>23</sup> AG, p. 44.

<sup>24</sup> *Hansard*, pp. 247-248.

### **Committee Recommendation**

The Standing Committee on Public Accounts recommends that:

- 2) The Cabinet Office should establish processes that uphold the principle that government decisions must prioritize the public good. Specifically,
  - a. procedures should be implemented requiring deputy ministers to inform the Secretary of Cabinet of submissions where they could not conduct their work fully and independently;
  - b. deputy ministers should sign off on submissions with a copy to Secretary of Cabinet, explicitly identifying instances where public service employees were unable to perform their duties comprehensively and effectively. Such instances could undermine public trust in both the public service and the government; and
  - c. adequate time should be allocated to Cabinet members to thoroughly read and review materials related to significant or high-risk decisions.

### **Use of Personal Email, Record Retention, and Receipt of Third-Party Documents**

Committee members were interested in the use of personal emails when conducting government business, the deletion of emails, and some issues around conflict-of-interest as it relates to the submission of documents by a third party.

The Auditor found that political staff used personal email accounts to conduct government business, and had deleted emails that should not have been deleted according to the *Archives and Recordkeeping Act, 2006*.<sup>25</sup>

Ministry officials were asked whether they observed emails related to the Greenbelt project being deleted by non-political staff and told the Committee that they did not. When the Committee asked whether Ministry staff saw or suspected that emails had been deleted by political staff, Ministry officials explained that staff in the minister's office, and their handling of emails, are not within the scope of authority of the deputy minister. Additionally, the Secretary cited the Information and Privacy Commissioner, who issued a final order related to emails and concluded that the Ministry has taken the necessary measures to secure the preservation of records relating to the decision to amend the Greenbelt Plan. The Secretary added that deleted emails were recovered and also turned over, as they still existed in other accounts.<sup>26</sup>

As for the consequences for political staff who deleted emails, which is considered a violation of the *Archives and Recordkeeping Act, 2006*, the Secretary reiterated that they do not have any accountability associated with the

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<sup>25</sup> AG, p. 67.

<sup>26</sup> *Hansard*, pp. 242-243.

performance of non-elected political public servants. The Secretary clarified that this is under the purview of the Premier's Chief of Staff.<sup>27</sup>

The Secretary was further asked about the policies around recordkeeping and training, and how these policies have evolved since the Auditor's report. The Committee heard that, prior to the audit, the Secretary's office provided in-person, scenario-based records management training. In addition, training modules on recordkeeping were part of the onboarding of new staff in ministers' offices.<sup>28</sup> As a result of the Auditor's recommendations, staff in the Secretary's office increased the regular frequency of records management training for staff in the Office of the Premier and ministers' offices to a quarterly basis, and rolled out new training modules for all staff in ministers' offices.<sup>29</sup> Lastly, the Committee asked whether the Office of the Premier was cooperative with the training, and heard that the Deputy Chief of Staff, who is responsible for human resources matters, worked closely with the Secretary's office to ensure that the training is consistent across all ministers' offices.<sup>30</sup>

The Committee was also interested in the use of personal email accounts by political staff in the conduct of government business. Secretary staff were asked about the issue, and the Committee heard that Secretary staff were not aware of personal email accounts being used. Following the Auditor's report, Secretary staff provided additional guidance and reminded both political and non-political public servants that the use of personal email accounts, or personal devices beyond email (such as texts on personal phones) should not be used. In instances where staff receive emails to their personal email account, they should immediately forward the message to their official government email so that it constitutes a record. Additionally, there is now a process for an annual attestation in which staff confirm that they manage their records in accordance with the recordkeeping policy. Each minister's chief of staff has confirmed in 2024 that their staff have completed this attestation, with staff now required to complete an annual attestation by December 31 of each year.<sup>31</sup>

Another topic of interest was the policies around the receipt of third-party materials, and how these policies changed following the Auditor's report. The Committee heard that, prior to the Auditor's report, each minister's office had a recordkeeping schedule, and any materials received from third parties that were relevant to decision-making were kept within their particular operation. The materials were kept as business records. The biggest change following the Auditor's report was the establishment of an electronic portal that imported third-party documents received by the minister's office that were deemed relevant to decision-making (either in policy development or a particular decision). The portal gives the relevant deputy minister access to the materials received, resulting in a better understanding of what the minister's office is considering.<sup>32</sup>

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<sup>27</sup> *Hansard*, p. 249.

<sup>28</sup> *Hansard*, p. 250.

<sup>29</sup> *Hansard*, pp. 242-243, 250.

<sup>30</sup> *Hansard*, pp. 249-250.

<sup>31</sup> *Hansard*, pp. 239, 243.

<sup>32</sup> *Hansard*, p. 250.

### **Committee Recommendations**

The Standing Committee on Public Accounts recommends that:

- 3) Non-elected political public service staff should undergo formal training on records retention policies in accordance with the *Archives and Recordkeeping Act, 2006*. This training should clarify the types of emails and documents that must be retained and the required details to include on meeting calendars.
- 4) To mitigate actual and perceived conflict of interest and ensure transparency, the government should establish a procedure for centrally recording and sharing materials provided by third parties that are considered in-ministry or ministerial decision-making. These materials should be accessible to relevant senior leadership in both the ministry and the minister's office.
- 5) Non-elected political public service staff should receive reinforced guidance on the prohibition of using personal email accounts for government business. This policy should include an annual formal attestation process to document compliance.
- 6) Non-political public service staff should receive enhanced training from the integrity commissioner of Ontario on the *Public Service of Ontario Act, 2006*. This training should include situational examples on how to appropriately engage with external parties with self-serving interests (e.g., developers, corporations, associations, or special interest groups or their representatives, such as lobbyists). The training should also emphasize the proper handling of information received to ensure it is appropriately managed by decision-makers. Relevant considerations under the *Environmental Bill of Rights, 1993* should also be addressed.

### **The Use of Confidentiality Agreements**

The topic of confidentiality agreements and the changing policies around their use was a prominent topic of discussion. The Auditor noted that confidentiality agreements and restricting the Greenbelt Project Team's work to a three-week period effectively prevented the Team from contacting partner ministries, and other stakeholders such as municipalities, conservation authorities, and developers. This had the effect of hampering the Team's ability to complete a thorough analysis of the Greenbelt sites.<sup>33</sup>

Committee members were interested in the steps taken to limit the use of confidentiality agreements. The Secretary told the Committee that the policies around the use of confidentiality agreements were reviewed, per the Auditor's recommendation. Following the review, the Secretary's office initiated a reaffirmation of the oath of office taken by public servants. The Committee was told that, when public servants have not taken their oath recently, a reaffirmation of the oath is an opportunity to reflect on the confidentiality component included

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<sup>33</sup> AG, pp. 8-9, 33, 35, 42.

in the oath. However, the Secretary stated that there will still be a place for confidentiality agreements.<sup>34</sup>

When asked to provide more details on the new reaffirmation process, Secretary staff explained that the confidentiality reminder and attestation document were developed collaboratively within the aforementioned working group, to be employed strategically in cases where projects would warrant them. In rare instances, when very sensitive commercial matters are involved, public servants might be asked to sign a non-disclosure agreement. These agreements are carefully managed by legal directors and the Secretary's legal team. The Secretary added that when the latest Cabinet was named, deputy ministers were asked to take the oath of office again.<sup>35</sup>

As for the confidentiality agreements themselves, the Secretary stressed that there is nothing about a confidentiality agreement or a non-disclosure agreement that prevents any public servant from seeking to consult with someone else. Likening the agreements to a "circle of trust," the Secretary suggested that more employees can be brought in and included in the conversation. As noted by the Auditor, during the Greenbelt project, additional individuals were brought into the "circle of trust" as needed after signing a confidentiality agreement.<sup>36</sup>

Committee members were interested in the criteria that is used to determine the necessity of confidentiality agreements, and heard that these agreements are common when:

- the work involves the budget process and tax information, as those can affect markets across the country;
- any matter that might constitute a security risk;
- sensitive transactions;
- commercially sensitive information; and
- access to large databases of personally identifiable information.

However, the Secretary stressed that judgement always has to be applied, and if the case isn't clear, deputy ministers and other staff have processes available to them to escalate the issue.<sup>37</sup>

The Committee was also interested in how public service leaders were made aware of the process and changes that were made on confidentiality agreements following the Auditor's report. The Secretary stated that their office has communicated the changes in writing to the deputy ministers on two occasions. Deputy ministers have access to the new guidance and can seek advice from the Cabinet's general counsel. Additionally, as part of the rollout of this process, legal directors were brought together and walked through the changes.<sup>38</sup>

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<sup>34</sup> *Hansard*, p. 245.

<sup>35</sup> *Hansard*, pp. 245-246.

<sup>36</sup> *Hansard*, p. 245.

<sup>37</sup> *Hansard*, p. 249.

<sup>38</sup> *Hansard*, p. 252.

## Committee Recommendation

The Standing Committee on Public Accounts recommends that:

- 7) In recognition of the oath of secrecy already required of all public servants, the use of confidentiality agreements should be rare and limited to exceptional circumstances—such as embargoed budget measures, formal procurement processes, or matters involving public safety, national security, or emergency response. Confidentiality agreements should never prevent necessary consultation across ministries, agencies, or expert staff. Specifically,
  - a. confidentiality agreements should be limited in scope and should not hinder the ability of public servants to seek advice, conduct analysis, or carry out their duties effectively; and
  - b. their use should be governed by clear internal procedures that define appropriate circumstances and ensure any agreement includes provisions for cross-ministerial consultation where needed.

## OTHER TOPICS

There were a few other topics that the Committee had questions on. Namely, the Committee was interested in conflict-of-interest training scenarios, investigations by the Integrity Commissioner, and consultations with Indigenous communities.

The Committee heard that conflict-of-interest scenario-based training is a practice commonly used by the Integrity Commissioner's office. The Secretary's office adopted the method and is currently using scenarios in its recordkeeping training. As for specific scenarios used by the Integrity Commissioner's office in its conflict-of-interest training, staff from the Secretary's office mentioned a scenario of a stakeholder offering a gift to a public official, and a scenario where a lobbyist is asking a minister's office staff about the procurement process.<sup>39</sup>

A question was raised on the investigations of certain officials by the Integrity Commissioner, as proposed by the Auditor in the report, and the outcome of these investigations. The Secretary stated that extensive conversations were held with the Auditor and the Deputy Attorney General regarding this issue, and that the Secretary's office is aware of all the individuals who were referred to the Integrity Commissioner's office.<sup>40</sup>

Another topic of interest was the consultation with Indigenous communities. The Committee heard that, following one of the Auditor's recommendations, the Secretary's office has created a new duty-to-consult overview document for all ministries. The document outlines consultation requirements and best practices. When asked whether Indigenous communities were consulted as part of the creation of the document, Secretary staff stated that the document was prepared

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<sup>39</sup> *Hansard*, p. 246.

<sup>40</sup> *Hansard*, p. 249.

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in consultation with the leadership of the Ministry of Indigenous Affairs and First Nations Economic Reconciliation (formerly the Ministry of Indigenous Affairs).<sup>41</sup>

### **Committee Recommendations**

The Standing Committee on Public Accounts recommends that:

- 8) To minimize the risk of perceived conflicts of interest, and in alignment with the authority granted to Deputy Ministers under the *Public Service of Ontario Act, 2006* to refer such matters to the Integrity Commissioner of Ontario for advice, the Cabinet Office should establish processes enabling Deputy Ministers to proactively raise concerns with the Secretary of Cabinet, in their role as ethics executive. Furthermore, the Secretary of Cabinet and Deputy Ministers should consult with the Integrity Commissioner of Ontario on issues that could pose a risk of reputational harm or erode public trust in the Ontario Public Service.
- 9) The Cabinet Office should ensure that Deputy Ministers adhere to established protocols for meaningful and effective consultation with Indigenous leadership when proposing initiatives that may impact their communities.
- 10) Develop and abide by a duty to consult document that documents best practices on consulting and accommodating Indigenous communities' interests.
- 11) Conduct a comprehensive overall review of the *Lobbyists Registration Act, 1998* (LRA), *Members' Integrity Act, 1994*, (MIA) and *Public Service of Ontario Act, 2006* (PSOA) with the goal of strengthening them.

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<sup>41</sup> *Hansard*, pp. 239, 249.

## CONSOLIDATED COMMITTEE RECOMMENDATIONS

The Standing Committee on Public Accounts recommends that:

- 1) The Cabinet Office
  - a. define and document the respective roles of chiefs of staff and deputy ministers in the areas of policy development and operational decision-making;
  - b. clearly delineate and document the distinction between policy development and operational decision-making, ensuring alignment with established business processes;
  - c. develop a formal procedure for deputy ministers to consult with the Secretary of Cabinet when chiefs of staff or other political staff influence or impede a ministry's operational decision-making; and
  - d. implement a formal mechanism for deputy ministers to submit a letter to the government, with the Secretary of Cabinet's agreement, explicitly outlining where the ministry was unable to provide a recommendation due to insufficient supporting documentation and analysis.
  - e. in collaboration with the Secretary of Cabinet, develop a process where ministers receive written information from deputy ministers on high impact or time sensitive proposals, specifying, among other things, that key elements of the analysis, inter ministerial and external consultation, and due diligence were completed, or, alternately, that any of those elements were not completed due to existing limitations.
- 2) The Cabinet Office should establish processes that uphold the principle that government decisions must prioritize the public good. Specifically,
  - a. procedures should be implemented requiring deputy ministers to inform the Secretary of Cabinet of submissions where they could not conduct their work fully and independently;
  - b. deputy ministers should sign off on submissions with a copy to Secretary of Cabinet, explicitly identifying instances where public service employees were unable to perform their duties comprehensively and effectively. Such instances could undermine public trust in both the public service and the government; and
  - c. adequate time should be allocated to Cabinet members to thoroughly read and review materials related to significant or high-risk decisions.
- 3) Non-elected political public service staff should undergo formal training on records retention policies in accordance with the *Archives and Recordkeeping Act, 2006*. This training should clarify the types of emails

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and documents that must be retained and the required details to include on meeting calendars.

- 4) To mitigate actual and perceived conflict of interest and ensure transparency, the government should establish a procedure for centrally recording and sharing materials provided by third parties that are considered in-ministry or ministerial decision-making. These materials should be accessible to relevant senior leadership in both the ministry and the minister's office.
- 5) Non-elected political public service staff should receive reinforced guidance on the prohibition of using personal email accounts for government business. This policy should include an annual formal attestation process to document compliance.
- 6) Non-political public service staff should receive enhanced training from the integrity commissioner of Ontario on the *Public Service of Ontario Act, 2006*. This training should include situational examples on how to appropriately engage with external parties with self-serving interests (e.g., developers, corporations, associations, or special interest groups or their representatives, such as lobbyists). The training should also emphasize the proper handling of information received to ensure it is appropriately managed by decision-makers. Relevant considerations under the *Environmental Bill of Rights, 1993* should also be addressed.
- 7) In recognition of the oath of secrecy already required of all public servants, the use of confidentiality agreements should be rare and limited to exceptional circumstances—such as embargoed budget measures, formal procurement processes, or matters involving public safety, national security, or emergency response. Confidentiality agreements should never prevent necessary consultation across ministries, agencies, or expert staff. Specifically,
  - a. confidentiality agreements should be limited in scope and should not hinder the ability of public servants to seek advice, conduct analysis, or carry out their duties effectively; and
  - b. their use should be governed by clear internal procedures that define appropriate circumstances and ensure any agreement includes provisions for cross-ministerial consultation where needed.
- 8) To minimize the risk of perceived conflicts of interest, and in alignment with the authority granted to Deputy Ministers under the *Public Service of Ontario Act, 2006* to refer such matters to the Integrity Commissioner of Ontario for advice, the Cabinet Office should establish processes enabling Deputy Ministers to proactively raise concerns with the Secretary of Cabinet, in their role as ethics executive. Furthermore, the Secretary of Cabinet and Deputy Ministers should consult with the Integrity Commissioner of Ontario on issues that could pose a risk of reputational harm or erode public trust in the Ontario Public Service.

- 9) The Cabinet Office should ensure that Deputy Ministers adhere to established protocols for meaningful and effective consultation with Indigenous leadership when proposing initiatives that may impact their communities.
- 10) Develop and abide by a duty to consult document that documents best practices on consulting and accommodating Indigenous communities' interests.
- 11) Conduct a comprehensive overall review of the *Lobbyists Registration Act, 1998* (LRA), *Members' Integrity Act, 1994*, (MIA) and *Public Service of Ontario Act, 2006* (PSOA) with the goal of strengthening them.