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**Official Report
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Wednesday 20 March 2013

**Journal
des débats
(Hansard)**

Mercredi 20 mars 2013

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
ESTIMATESCOMITÉ PERMANENT DES
BUDGETS DES DÉPENSES

Wednesday 20 March 2013

Mercredi 20 mars 2013

The committee met at 1603 in room 151.

COMMITTEE BUSINESS

The Chair (Mr. Michael Prue): The meeting will commence, but not all members are here. So starting from now, at approximately quarter after 4, if we do not have all—we do have quorum; we just have a member missing from the third party. We will recess for a few minutes to see whether or not she's attending and we'll come back. We do have quorum, if you want to continue. Do the members wish to continue, or do you wish to wait for her?

Mr. Bill Mauro: You don't need somebody from all three parties here to start the meeting?

Interjection.

Mr. Bill Mauro: We don't?

The Chair (Mr. Michael Prue): You have quorum.

Mr. Bill Mauro: Then let's start the meeting.

The Chair (Mr. Michael Prue): All right. Is that the request that we—

Mr. Rob Leone: Yes, it's the request.

The Chair (Mr. Michael Prue): —commence the meeting?

Mr. Rob Leone: We agree, we agree.

The Chair (Mr. Michael Prue): Now we don't have to worry about that because we have members from all parties and in fact all committee members present.

We have commenced. The Clerk has informed me and the members have in front of them documents that have been presented to the Clerk from the assistant deputy minister and others relating to documents that have been received in the Clerk's office, some 32 or so boxes related to eHealth, as has been requested by the committee.

I would suggest that it is appropriate, and upon the advice of the Clerk, that we go into closed session to discuss the contents of these letters, but any decisions that are made, any motions that are made must be made in open session. Is there—

Mr. Rob Leone: I'll move to go in camera.

The Chair (Mr. Michael Prue): Okay. We have a motion from Mr. Leone to go in camera, seconded by Mr. Mauro. Is there any discussion on going in camera?

Seeing none, all those in favour of going in camera? Those opposed? That is carried.

We will now go in camera. We will commence the in camera meeting in about two minutes. I would ask any

staff who are in the room to please vacate within the next two minutes.

The committee continued in closed session from 1604 to 1700.

The Chair (Mr. Michael Prue): The meeting has resumed. We are now in full session. Is there any discussion?

Mr. Rob Leone: I'd like to present a motion, Mr. Chair.

The Chair (Mr. Michael Prue): Mr. Leone.

Mr. Rob Leone: I move that the committee authorize the Chair to write to the Minister of Health and Long-Term Care to verify that the committee is in full possession of all the documents pertaining to the motion adopted on July 19, 2012.

The Chair (Mr. Michael Prue): Any discussion? Seeing no discussion, all those in favour? Okay, that's carried. That was unanimously carried.

Any further motions?

Mr. Bill Mauro: I'd like to move a motion, Mr. Chair.

The Chair (Mr. Michael Prue): Go ahead.

Mr. Bill Mauro: I move that the committee receive all documents received as of March 8, 2013, in electronic format, and that the committee meet on April 9, 2013, to consider the information received on March 18, 2013.

The Chair (Mr. Michael Prue): Any discussion on this motion?

M^{me} France Gélinas: I'm all in favour that we get the documents received up to March 8. I'm not so much in favour that we delay dealing with the documents that have been received on March 18 until April 9. So I will be voting against this motion.

The Chair (Mr. Michael Prue): Mr. Mauro?

Mr. Bill Mauro: Mr. Chair, I think, then, given that there's some discussion on this motion—I don't think any of us were anticipating that—that it's important that we read into the record—and if I could just have a minute to find that letter. Have you got the March 18—I'm sorry; I've got it.

This is the caveat that came to us—all of us—from the deputy minister. This isn't from the minister. This is from the deputy minister. The motion that I read, and that I was under the understanding we were all going to support, reflects this caveat that came to us from the deputy minister. It's a two-page letter, but I'll read only a bit of it here:

“Finally, we wish to advise that the public disclosure of the information in the attached records contained in

the sealed envelope could have a negative impact on the position of eHealth Ontario and the ministry in the litigation. In particular,

“(1) eHealth and/or the ministry’s defence could be impaired as the plaintiffs would have knowledge of privileged information.... It would also increase Ontario’s litigation costs which would be prejudicial to Ontario taxpayers.

“(2) There could be a negative impact on the proposed settlement—this is because disclosure of the legal opinion and/or the other privileged documents may lead class members (or the plaintiffs’ counsel) to reconsider the strength of their case.

“(3) In class proceedings individuals may also opt out of any settlement in order to pursue their own litigation. To date five individuals have already done so. If the documents were released before March 28, 2013, and became public then more individuals might opt out of the settlement (assuming it goes ahead). With respect to any release after March 28, this could have an adverse impact on future litigation by those class members who opt out.”

The letter goes on, and it’s quite expansive, but at the nub of it is, from the deputy minister, a caveat to all committee members, trying to protect the interests of Ontario taxpayers. Given the comment, I just thought it important that we read that into the record.

The Chair (Mr. Michael Prue): Further discussion?

The Clerk has just informed me of some advice that has come from the Clerk’s department to him, to clarify that on April 9 the debate will be whether to release the information or not, not the contents that are contained therein, just so everybody understands that that’s part of the motion that we’re doing.

Any further discussion? Everybody understands the issue before us?

Mr. Bill Mauro: I apologize, Chair, for dragging this out. The motion says “to consider the information received on March 18,” so, to the Clerk, should the motion be rewritten?

The Clerk of the Committee (Mr. Katch Koch): Just move an amendment.

Mr. Bill Mauro: So we could amend this, instead of saying to “consider the information,” to “consider the release of.”

The Chair (Mr. Michael Prue): “Consider the release,” because that’s really what we have to discuss.

Mr. Bill Mauro: We need to amend, I think.

Interjections.

The Chair (Mr. Michael Prue): I think it’s a friendly amendment, upon the advice. We have been advised, and the Clerk has given us sage advice. So it will read, in fact, “to consider the release.”

Mr. Bill Mauro: Yes. Thank you.

The Chair (Mr. Michael Prue): All right. This is a friendly amendment. Can we deal with it all at once? Okay, we’ll deal with it. I see everybody nodding. We’ll deal with it all as one motion.

All those in favour of the motion, as friendly-amended? All those in favour? All those opposed? That carries.

Any further business before the committee? Any other business anyone has? Seeing none, this meeting is adjourned for today. We will reconvene on April 9 at 9 o’clock in the morning.

The committee adjourned at 1707.

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