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(Hansard)**

Tuesday 26 November 2013

**Journal
des débats
(Hansard)**

Mardi 26 novembre 2013

**Standing Committee on
Estimates**

**Comité permanent des
budgets des dépenses**

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
ESTIMATESCOMITÉ PERMANENT DES
BUDGETS DES DÉPENSES

Tuesday 26 November 2013

Mardi 26 novembre 2013

The committee met at 0904 in committee room 2.

COMMITTEE BUSINESS

The Chair (Mr. Michael Prue): Okay. We're calling the meeting to order.

Committee members, on October 30, 2013, the Standing Committee on Estimates received a report from its subcommittee on committee business with regard to the method of proceeding with the information received to date from the Ministry of Finance pursuant to the June 11, 2013, motion adopted during the review of the 2013-14 estimates of the ministry. If you recall, the matter was deferred by the committee after brief discussions. Since then, the subcommittee has met and has produced a new report. If it is agreeable to members of the committee, I suggest that we withdraw the old report and consider the new report before us. If you do agree to that, as per the rules of debate the new report is debatable and amendable.

Does the committee agree to withdraw the old one and proceed with the new one? Agreed? Agreed.

Can I have someone read the new report into the record and move its adoption? Does everybody have a copy?

Mr. Mike Colle: I'll read it.

The Chair (Mr. Michael Prue): Okay. Mr. Colle.

Mr. Mike Colle: This is a report of the subcommittee of the Standing Committee on Estimates.

Your subcommittee on committee business met on Tuesday, October 29, 2013, and Thursday, November 7, 2013, to consider the method of proceeding with the information received from the Ministry of Finance pursuant to the June 11, 2013, motion adopted in committee during the review of the 2013-14 estimates of the Ministry of Finance, and recommends the following:

(1) That the committee accepts the information received from the Ministry of Finance that are responsive to parts 1, 2 and 4 of the motion.

(2) That one electronic copy of all redacted and unredacted documents received be provided to each caucus and that the caucuses keep the unredacted documents confidential.

(3) That the Ministry of Finance be notified in advance should the committee decide to make the unredacted information public.

(4) That the redacted documents responsive to part 2 of the motion be made public.

(5) That the subcommittee meet when the information responsive to part 3 of the motion is received by the committee.

The Chair (Mr. Michael Prue): Discussion and comments?

Mr. Mike Colle: I just have one minor change, because it has gone back and forth so many times. There might be a bit of confusion in using the term "documents being made available" in part (2) and then it goes to "redacted information public." So if we could just change, in part (3), the word "information" to the word "documents," so we keep the continuity of documents as documents.

Mr. Taras Natyshak: You're going to have to say that again. You lost me.

The Chair (Mr. Michael Prue): Yes. Are you talking about paragraph (3)? You want to change the word "information" to "documents"?

Mr. Mike Colle: Yes.

The Chair (Mr. Michael Prue): Okay.

Mr. Mike Colle: That's basically it. Because it's just to make it—

Mr. Taras Natyshak: Okay, yes.

Mr. Mike Colle: —understandable.

The Chair (Mr. Michael Prue): So I take it that that's a friendly amendment. I'm seeing nods all around. Okay, a friendly amendment to change the word "information" to "documents" in paragraph (3).

Mr. Mike Colle: Just to remind the committee, just for our purposes as members of the committee, that just in talking with the deputy minister in the Ministry of Finance—just to remind us all that the unredacted documents are confidential to us. It's stated in the motion anyway.

The Chair (Mr. Michael Prue): Okay. Any other discussion? Ready to vote? All those—

Mr. Steve Clark: Wait, wait, wait. No, no. I just want to make sure. The last comment: I just want to clarify it.

Mr. Mike Colle: Yes. The only change is, the word "information" in part (3) is changed to the word "documents." So it's "redacted documents public" rather than "redacted information public."

Mr. Steve Clark: And then your other comment was just—

Mr. Mike Colle: Was just to remind the committee about the unredacted documents are to remain confidential within the committee. The discussion we had is, if you want to go forward, then you should contact the ministry just to let them know about the process.

Mr. Steve Clark: Yes, and I guess my only concern on this report—it was unfortunate that Mr. Leone was unable to be here. He had something scheduled for 9:15, and I just wanted to take an opportunity to consult with him prior to the vote, so that I had the opportunity—I don't want to come back and not be able to table an amendment. I've had difficulty connecting with him this morning. He was the one who has been involved. He has been the lead on this. He has been involved with the subcommittee. So I just wanted to ask the committee's indulgence if I could just have a few moments to connect with him.

The Chair (Mr. Michael Prue): If you want to request a recess prior to the vote, that's always in order. If you want to do so—

Mr. Steve Clark: I haven't spoken to him so I don't know if he had any opportunity—

The Chair (Mr. Michael Prue): —up to 20 minutes—

Mr. Steve Clark: Again, I've been aware that there have been times where we've had a recess and then not been able to table amendments. Again, I've been unable to speak to him this morning. I just want to reserve the right that if he arrives and decides he wants to make an amendment, the committee is understanding.

0910

The Chair (Mr. Michael Prue): If you are seeking an adjournment for the purpose of allowing Mr. Leone, hopefully, to be here, then I think that's in order, but it should not be a long recess.

Mr. Steve Clark: No, no, no.

The Chair (Mr. Michael Prue): How long are you looking at?

Mr. Steve Clark: Twenty minutes, I guess. There's going to be more debate, so that's why I'm just—

Mr. Taras Natyshak: Mr. Chair, just to maybe appease Mr. Clark's concerns, this is wholly consistent with the subcommittee, that we had agreed on—myself and Rob and Mr. Colle were there. It's pretty straightforward. This is exactly what we figured was the best way moving forward. I actually think that that's an improvement, in terms of the change of the word "information" to "documents." It's a lot clearer.

The Chair (Mr. Michael Prue): If I could, in order to expedite and move things along—we do have another item—could we just put this vote down for about another 10 or 15 minutes? We'll deal with the other item and then come back to this, and then you can determine if you still want to see Mr. Leone. Is that fair enough?

Mr. Steve Clark: Okay, good.

The Chair (Mr. Michael Prue): The second item has to do with the release of documents from the Ministry of Culture and Sport, Parapan and Paralympic Games. I

don't know whether I've got them all in the right order, but—

Interjections.

The Chair (Mr. Michael Prue): Okay. We're open for discussion on the committee.

Ms. Dipika Damerla: As most committee members are aware and probably the Chair is aware, a lot of documentation that was asked for has been released. My understanding is that about 74,000 or 76,000 pages have been provided so far, as requested. Two sets have been provided. One is redacted; one is unredacted, the idea being so that committee members can see everything, but the redacted portion gives you an idea of what is commercially sensitive and what should or shouldn't go into public domain.

I'm just here to ask the committee, as we go forward and think about what we want to release to the public and what we don't want to, that we keep some things in mind. One is commercially sensitive information. A lot of the information that you received involves sponsorship deals, RFPs and RFQs, and it's really important that we keep this confidential, because if we don't, there is the risk that we will undermine the revenues for the games on which all of our budgeting is based. So this is very critical that we don't do anything that will reduce the revenues to the crown.

The second one is that there is some personal information. Over 100 resumés are in that documentation of people who are trying to apply for volunteer positions or positions within the secretariat, within the OPS. It's got phone numbers, emails and home addresses. I think we can all be sympathetic that these people, when they were applying for these jobs, never thought that their personal information would go into the public domain.

Lastly, and I think the most important one, is that there is some security operations information. By definition, if security operations become public, they become insecure. What we're really talking about here is the safety of the public but also the safety of our athletes: Canadian athletes as well as all of the athletes who are going to be coming here.

I cannot overstate the criticality of this piece. So as we go forward, our request is that as we contemplate what we want to release to the public and what we don't, we keep in mind these three: what's commercially sensitive and will that hurt our revenue streams for the games; the personal information of people who may have been just looking for jobs; and finally, the big issue of security. I just wanted to flag that.

The Chair (Mr. Michael Prue): Just so that all members are aware, there were 45 boxes delivered to date; 22 of the boxes were redacted and 23 boxes were unredacted. If the committee wants to do something similar to what we are contemplating doing from the finance department, to release the redacted documents and to hold the unredacted documents, that would be in order, but I'm at the call of the committee. Is there a motion? We need a motion to deal with it.

Ms. Dipika Damerla: I can bring that motion forward.

The Chair (Mr. Michael Prue): All right. Ms. Damerla?

Ms. Dipika Damerla: Chair, with your permission, I'd like to bring forward a motion that says that we bring into the public domain only documents that have been redacted.

The Chair (Mr. Michael Prue): Okay. We have a motion before us. It's a simple one. Mr. Natyshak?

Mr. Taras Natyshak: Thank you, Chair. I assume we're going to have the same ability and privilege to view the portions of the documents that are unredacted?

Ms. Dipika Damerla: Absolutely, but only part of them goes into the public domain. That's all.

Mr. Taras Natyshak: I think we've got quite an effective format here with the documents from the Ministry of Finance. Would it be pleasing to the committee for us to follow the same type of format that we have in the previous report from the subcommittee? Of course, Chair, we hope we don't see anything in the unredacted portions of the report from the Ministry of Tourism, Sport and Culture, but, of course, that's our job: to review and identify any inconsistencies, whether they be in commercially sensitive transactions—that's, in fact, what we need to do. I don't want to be constrained, of course.

The Chair (Mr. Michael Prue): The document that we have before us, that has now been put over for a few minutes, allows for the information to be released, but only upon the concurrence of the committee. So it would mean a member of the committee would have to come to the Clerk and/or me and say they wanted a meeting because they want to release the documents. That would then be debated, but what is being suggested is that the unredacted portions not be released at this time.

Mr. Taras Natyshak: I'm fine with the unredacted portions—

Ms. Dipika Damerla: It's the other way around.

Mr. Taras Natyshak: Sorry, yes. You're saying that the redacted portions—

The Chair (Mr. Michael Prue): —can be released, and the unredacted portions would remain with the committee members, and could only be released if the committee came back in full session, debated it and determined that it should be released. Other than that, it would not be.

Mr. Taras Natyshak: Okay.

The Chair (Mr. Michael Prue): That's my understanding of what has been said.

Ms. Dipika Damerla: The default is that only the redacted go to the public.

Mr. Steve Clark: If I could, I think you really need, given the complexity—we've got a pretty specific motion on the Ministry of Finance. Those five or six words that you said—I think we need to have a written motion to be debated.

The Chair (Mr. Michael Prue): I was just going to suggest that. If the committee is amenable, I would take a short recess and ask the Clerk to draft a written motion that we can all look at that encompasses those elements that Ms. Damerla talked about, and those elements that

Mr. Natyshak and others have talked about, and put it into a package. We can vote on it once we have it in writing, so that everybody is clear. Is that agreeable?

Interjection: Yes.

The Chair (Mr. Michael Prue): Okay. We're going to recess, then, for approximately 10 minutes, until the Clerk comes back. Then we'll deal with, first of all, culture, sport and the Parapan and Paralympic Games. Then we'll go back to the finance amendment.

We stand recessed for about 10 minutes.

The committee recessed from 0918 to 0935.

The Chair (Mr. Michael Prue): We will call the meeting back to order.

I've asked Ms. Damerla to read the motion. I trust it's been crafted to your satisfaction.

Ms. Dipika Damerla: Indeed, Chair. I move that:

(1) The committee accepts the information received to date that is responsive to the October 22, 2013, motion adopted in committee during the review of the 2013-14 estimates of the Ministry of Tourism, Culture and Sport.

(2) That one copy of all redacted and unredacted documents received be provided to each caucus and that the caucuses keep the unredacted documents confidential.

(3) That the Ministry of Tourism, Culture and Sport be notified in advance should the committee decide to make the unredacted documents public.

(4) That the redacted documents be made public.

The Chair (Mr. Michael Prue): We have a motion, duly moved. Any discussion on the motion? Mr. Leone.

Mr. Rob Leone: Thank you, committee members, for indulging my brief absence. I'm aware that we've had some discussion between releasing documents versus releasing information contained in documents or partial release of that information.

My concern with the word "documents" is—

The Chair (Mr. Michael Prue): We're not dealing with that. We're dealing with the new motion.

Mr. Rob Leone: Well, I could be talking about the new motion.

The Chair (Mr. Michael Prue): All right.

Mr. Rob Leone: Yes. I might have an issue with the way it's worded in the new document. So I will deal with this motion, Chair.

My question or comment or remarks I'd like to make on this relate to the fact that we would keep unredacted documents confidential and we would decide to make unredacted documents public when that occurs. My question is this: The reason why I think we used the word "information" in the previous wording is because within a document there could be unredacted information that we would like to make public but also unredacted information that we'd want to remain confidential. If we release the entire document, say there's a part of the document that has information that we feel should be subjected to the public but it contains personal banking information that we think has no relevance to the release of that document—in essence, part of that document we want to release, but part of that document we want to keep confidential and redacted—by using the word

“documents,” you’re just going to say that we’ll release all that information. So there’s a nuanced difference there using the word “document,” which means the whole piece of paper gets released rather than the one line that we think is important and necessary to release.

The problem is that when we get to the point of releasing documents and we have a discussion around the table that we can’t release this page because the person’s banking information’s on it, well, I want to have the ability to say I don’t want that released either but I do want the release of, you know, the arguments pertaining to why X person was selected for something or not. So there would be something on a piece of paper that should remain redacted; I think we can all agree to that. But by using the word “documents,” I think we limit ourselves from saying that on a piece of paper some things should remain private and confidential and some things might well be deemed to be public or should be deemed public.

That’s the question I would raise with this. I think the word “information” is far more appropriate because it provides us with the necessary leeway to release only those portions of a piece of paper that we think should be public, and that debate would happen, obviously, in the confines of this committee. So I would argue that we should use the word “information,” but I’m happy to hear what the members of the government—

Ms. Dipika Damerla: Chair, I just need a clarification.

The Chair (Mr. Michael Prue): Ms. Damerla?

Ms. Dipika Damerla: Which motion are you referring to at this point?

Mr. Rob Leone: The one that you just read, where you use the word “documents.”

0940

Ms. Dipika Damerla: I mean, this is something that can be discussed in committee when we are planning to release something. I don’t understand; if you use the word “documents” and you want to not release that banking information, you just redact that and you release the documents. I don’t see what your concern is. Quite frankly, I haven’t been able to understand.

You have a page; you blank out the banking information and you give the whole document out, so—

Mr. Rob Leone: But we would have a debate in this committee, as I understand this motion, on releasing the document, not the information.

Ms. Dipika Damerla: It’s the same—

Mr. Rob Leone: So the document would include both the information we want to release and the document that we want to remain confidential and private. By using the word “document,” you’re releasing the whole page. That’s the issue.

Ms. Dipika Damerla: And if it was “information,” would you just release a paragraph? Is that what you’re saying?

Mr. Rob Leone: Exactly.

Ms. Dipika Damerla: And if we were to just redact it, what’s the difference? Like, if I was to redact the rest of

the pages, the rest of the paragraphs and give the document, what’s the difference?

Mr. Rob Leone: You’re saying—this is the piece of paper that I want that’s unredacted, that I want to make public—the first sentence, because I think it’s important for public debate.

Ms. Dipika Damerla: I hear what you’re saying. I’m just saying—

Mr. Rob Leone: But by releasing this page under this motion, I would release the one sentence I want to be public and the rest of the page that I don’t, because you’re saying “the document.”

Ms. Dipika Damerla: But it’s redacted, so it’s all the same, right? You end up with the same end goal. You’re only releasing information that’s non-sensitive, whether you use the word “document” or “information”—

Mr. Rob Leone: So this page is unredacted.

Ms. Dipika Damerla: Right.

Mr. Rob Leone: We have a page here that is redacted. We go back to the unredacted piece of paper that says, “We’re interested to see what the redaction is,” so we go to the confidential piece of paper. We see that the first sentence is something that we think should be public, but the remaining sentences should not. Right?

Ms. Dipika Damerla: Yes.

Mr. Rob Leone: By this motion, you’re saying that this whole piece of paper, the 95% of things that we don’t want public or shouldn’t be public because of personal, confidential and so on and so forth, must be released because we’re saying “the document”—the whole page, the whole piece of paper.

Ms. Dipika Damerla: No, but what we’re saying is that it would be the redacted document. So if there are 10 lines on that page, nine of them would be struck off and one—the top line—would be given. So it’s six of one, half a dozen of another.

Mr. Rob Leone: I don’t think we’re—

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

Mr. Taras Natyshak: Thank you very much, Chair. I appreciate my colleague Mr. Leone—I’m a little bit confused. It sounds like you want to actually have the ability to redact the unredacted, which is—I don’t know; anyways.

But I think that if we identify something that we believe as a committee needs to be for public purview and we put it out there, I believe that the full document coming from the ministry holds a little bit more legitimacy than simply our releasing a portion of a statement of that information. So we can say, “Here is what we believe you need to know, public,” and that actually I think is a portion of us doing our job. Our responsibility is to release, if we do so identify that there’s a document that needs to be released. Then it’s incumbent upon us to get that out there.

Mr. Rob Leone: Can I respond to that, Chair?

The Chair (Mr. Michael Prue): Of course.

Mr. Rob Leone: This is the problem, and I agree fully. I’m happy to use the word “documents,” but the problem is that if that document contains company X’s banking information and we release the whole document,

we're going to have a debate in this committee that says, "We should release the whole document," and we're going to have members of the government say, "You can't release this document because you can't release company X's banking information." I don't think you would want to do that, either.

Mr. Taras Natyshak: I don't. So back to the original point, Chair: Do we then retain the right as a committee to potentially redact portions of documents that aren't redacted? Is that what you're asking for?

Mr. Rob Leone: Well, I'm saying that we would want to issue information—not documents, but information—that's pertinent to the public domain. Would we be able to select that information?

Mr. Mike Colle: This doesn't make sense.

Mr. Taras Natyshak: I think the context—

Mr. Rob Leone: Look, I'm happy to go with this. I'm just suggesting that there will be a problem here if we start saying, "Well, yes, we want to release document X. It's been redacted, but we think one sentence of this should be public," and you're going to say, "We can't do the whole thing because you have so much here that's private and confidential." That's the issue. If you're going to give me assurances that we're going to be able to deal with that matter—

Mr. Mike Colle: I think that's going to be within the committee because that's the safeguard, that we said we would bring it back to the committee to make these kinds of determinations. That's my understanding of it, so I—

The Chair (Mr. Michael Prue): And I thought I was quite clear on this, that it would be within the committee's purview to look at the document and determine which portions might be released or not released. I don't want to deal in abstract ideas here. I think, if there is a document that comes forward that a member feels should be released, then that member can come back to me, as the Chair, or to the Clerk and ask for a meeting. It can be discussed around here and it can happen.

The reality is, once the documents, the unredacted portions, are in the members' hands, the members can read them and use them as intellectual property. These are things you will know. There's nothing to stop a member from standing up and saying, "I know for a fact that the minister has made a deal with" some company, because you know that. You don't need a document to prove it. It's only if the document is released that we would require some concurrence around this table.

Ms. Dipika Damerla: Chair, you summarized exactly what I was going to say, which is, the committee always has that liberty to decide what we want amongst ourselves. So I suggest that we keep the wording as recommended by Mr. Colle, as well as drafted by the Clerk, in the case of the Pan/Parapan.

The Chair (Mr. Michael Prue): I don't have a motion to change the wording at this point.

Mr. Rob Leone: I will not present that motion.

The Chair (Mr. Michael Prue): Okay, so we have a motion. Is there any other discussion?

Mr. Mike Colle: Yes. Ironically, I just would say that in the latest motion presented by the government, they used the word "information," then "documents," which I tried to change in the previous thing. But anyways.

The Chair (Mr. Michael Prue): I'm just looking for what he's saying.

Interjection.

The Chair (Mr. Michael Prue): Okay. All right. The "information" was received. Okay.

We have a motion, then, before us. Just for clarity, this is the motion that was put into the record by Ms. Damerla relating to the estimates of the Ministry of Tourism, Culture and Sport.

All those in favour of the motion? Opposed? That carries.

Okay, back to the first motion, which is relating to the Ministry of Finance. There was a friendly amendment made with nods all around to change one word, which was in the third paragraph: to remove the word "information" and substitute "documents." Is there any other discussion? Mr. Leone.

Mr. Rob Leone: Just to reiterate what I had said: I would like the ability for the committee to release any information that we feel is pertinent, whether it's an entire document or a partial document. But I think if that's the agreement of this committee, that we will have those discussions around this table, then, Chair, I will respect the committee's wishes to amend that word.

Mr. Mike Colle: Yes, and that's the understanding we have.

The Chair (Mr. Michael Prue): I think it's quite clear, and there are nods. I'll put it right on the record: This appears to be where the committee is heading. The committee just wants to have the final okay before a document or portion of a document is released, but that can be brought back by any member of the committee wanting to release any document of the 23 boxes. And there may be more information coming.

Interjection.

The Chair (Mr. Michael Prue): Yes, there is more information. That's the first 45 boxes, redacted and unredacted.

Okay. Any other discussion? Seeing none, all those in favour of the motion? Opposed? That's carried.

Are there any other—

Interjection.

The Chair (Mr. Michael Prue): I know, but is there any—it can't be related to the estimates themselves. Is there anything else? I doubt it. Okay, then the meeting is adjourned.

The committee adjourned at 0948.

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