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**Official Report
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(Hansard)**

Tuesday 10 December 2013

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des débats
(Hansard)**

Mardi 10 décembre 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 10 December 2013

Mardi 10 décembre 2013

The committee met at 0902 in room 2.

COMMITTEE BUSINESS

The Chair (Mr. Michael Prue): We're going to call the meeting to order. This meeting was called at the request of the Progressive Conservatives, who sent a letter to the Clerk and to me asking for a meeting inasmuch as they wished to release certain documents from the finance department, which the committee earlier had stated could be released, provided that it was brought back before the committee. That's why we're here and I would recognize the member from the Conservatives. Mr. Clark, is it you?

Mr. Steve Clark: No. It will be Mr. Fedeli that will handle the issues. Thank you.

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

Mr. Victor Fedeli: Good morning, Chair. Good morning, committee. Chair, what we're asking for today is a further release of documents. In the estimates committee—I will relate it back to the gas plant committee, because that's the experience I first saw this in. At the gas plant committee, when we asked for documents, we were properly cautious that we wouldn't want any of the government's documents that had commercially sensitive material to be put out there. I think that's not only common sense; it's the right thing to do. But what we found in the gas plant committee was that it was taken advantage of. It is perhaps a harsh but most accurate description. Instead of only commercially sensitive material being redacted, we found a tremendous amount of politically sensitive material that was redacted as well. It had nothing to do with the commercial nature or protecting the commercial nature of a transaction.

So we went back at the gas plant committee, and I believe it was unanimous that commercially sensitive material was redacted, but material that really, truly only had a political sensitivity was released. Indeed, all of that material was released.

I find the same today in the material we received from estimates where, for instance, Ontario Northland—there is no mention whatsoever in the redacted copies of the Ontario Northland Transportation Commission, any of their operating costs, the transition costs or their capital costs. There is nothing commercially sensitive about it. There's no commerce involved. It's a very politically sensitive issue because the government has gone down a

path to divest and now they have retracted that and changed the word to "transition." There's absolutely nothing commercially sensitive.

So we were given the redacted copies, but we were also given the unredacted copies, which I won't show, but were allowed to see what they covered, to see what was redacted, to see what was blacked out. I must tell you, Chair, there's absolutely, in my opinion, in our opinion, nothing commercially sensitive about it. It's politically sensitive, yes. We can see what they were up to. We can see the path that they were going on. We can now see why they changed.

There's not much here that's different than what we got released in the gas plant documents, where we learned there, for instance, that the \$265-million savings that was announced by divesting Ontario Northland is not accurate, that in the government's own documents—not unlike the documents we may have here—it says it will not save \$265 million, but it will actually cost \$790 million. While I can't disclose the redacted copy of what it says, I can tell you that there's nothing in this that is any different than that, which we also had unanimously released by the committee.

There is one topic—and I can use the name because it was publicly announced. In the gas plant documents, we were asked to retain four documents. I can tell you them by name, and it's important because we're going to address it here. They asked that we retain the Samsung deal, the Ford deal. They asked us to maintain confidentiality—and this is on a public document—on anything to pertain with Cisco and anything to pertain with the Ring of Fire. Those were four that were publicly discussed; those four names were publicly discussed. I would suggest to you, at first blush, that we use that same guideline here.

Then we did go back to the committee at one of the last meetings and said, "Well, hang on a second, now. The Samsung deal has been released to the public. The Ford deal has been announced to the public." We asked for those redacted documents to be opened, and it was unanimously agreed that the Ford and the Samsung be unanimously opened again.

There has been good debate, good discussion on this in the past. So when we got these documents from estimates, I kind of thought, "Here we go again." They've taken advantage of the opportunity to retain commercially sensitive information and, instead, redacted anything

that's kind of politically sensitive, maybe not very nice to the government, but already known.

Because these are redacted, I don't think I'm even allowed to say what the headings here were.

The Chair (Mr. Michael Prue): Well, if you want, we can go in camera and discuss that. I believe we have to do that—I'll check it out with the Clerk. I'm pretty sure that it can be discussed in committee, provided that we are in camera.

Mr. Victor Fedeli: Look, I'll leave the advice to the Clerk and the Chair. I don't know what instructions the Clerk is getting from some staffer. I don't really know.

0910

The Chair (Mr. Michael Prue): Okay. Yes, the Clerk has confirmed what I thought would have to be done. If you want to do that, we're going to have to go in camera.

Mr. Victor Fedeli: Yes. I'm fine to do that.

Mr. Mike Colle: Just a question: The member speaking—he's not a standing member of the committee. He's subbing in today.

The Chair (Mr. Michael Prue): He's properly subbed in.

Mr. Mike Colle: So therefore, he has seen these documents that were supposed to be privy to the committee. How is that possible?

Mr. Victor Fedeli: I'm a subbed-in member.

Mr. Mike Colle: He just got subbed in this morning. How is that possible? The agreement was that it was just supposed to be the members of the committee.

Mr. Victor Fedeli: I believe I was issued a disk by the Legislature.

The Chair (Mr. Michael Prue): No, the motion that was made actually said that each caucus would get one—what's it called—

Mr. Victor Fedeli: A disk. It was a thumb disk.

The Chair (Mr. Michael Prue): Yes, one disk. Each caucus got it, so I would think that all 107 members of the Legislature—or 106, actually; there's a vacancy—would have access to it. I'm not surprised he has access to it.

Mr. Mike Colle: Can I see a copy of the exact motion?

Mr. Victor Fedeli: I'm sorry, Chair, to see that—

The Chair (Mr. Michael Prue): Just hold onto this. This is an important point that's being raised. We want to be clear on the record before we go in camera that the matters are properly before the committee and you, as a subbed-in member.

Mr. Mike Colle: I thought it was each member of the committee. Anyways—

The Chair (Mr. Michael Prue): All right. So it is now clear, I think, from the motion that was made that each caucus got a disk, and provided that they keep them within their caucus, they're probably doing according to what the committee expected and according to the rules of the Legislature. Anything else before we go in camera?

Mr. Mike Colle: Is there a motion before us? Has he put a motion?

The Chair (Mr. Michael Prue): He has not, but he wants to discuss this document that he has in front of

him, which I do not want to be discussed in open forum because we have not yet agreed to release it. I'm caught in a hard place. I'm trying to be fair to all members of the committee, but if he wants to read it, he's going to have to read it in camera. Then, if you want to discuss it, we can move back out of camera and invite the people who are here back in to hear the discussion.

Mr. Mike Colle: Sure.

The Chair (Mr. Michael Prue): Okay. At this point, I would ask the visitors to leave.

Mr. Dickson, first.

Mr. Joe Dickson: Mr. Chair, just one question, a point of information for myself: Would Mr. Fedeli have the opportunity to see information because of his experience on previous committees or some of the items that you just referenced, I believe from finance?

The Chair (Mr. Michael Prue): I have no idea. Mr. Fedeli may be able to answer this question, but it would seem logical to me that, as his party's finance critic, he would be privy to documents from the finance ministry. I know that that would ordinarily be my responsibility as the critic for finance, except that I'm the Chair of estimates and therefore I have not looked at them. I'm trying to be unbiased. But I'm sure that somebody in the NDP who works on finance matters, one of my colleagues, would have access to it.

Mr. Victor Fedeli: Simply put, I'm here specifically as a result of the disk that all of our caucus—a few of our caucus, actually—received and studied. So this comes from no other experience other than the fact that, yes, this rang a bell with my gas plant hearings where I saw—“Wow, there's nothing about Ontario Northland here, not once.”

So I Googled it. I searched it within the document and it never came up once. Then I searched the unredacted documents, which we were also given, and it came up several hundred times. I thought, “Wow. Why would they be redacting Ontario Northland, of all things?” So I began to look at where—there's nothing commercially sensitive, in my opinion, about it. It's just politically sensitive. Quite frankly, if I can be a little more bold, it's things that would rather not be said out loud, but they have already been said. Thank you.

Mr. Joe Dickson: That doesn't answer my question. So my question is—

The Chair (Mr. Michael Prue): I just want to make sure—we're still not—

Interjection.

The Chair (Mr. Michael Prue): We're still going, yes. Okay. Even though the people have left, we're still on the record. Go ahead, Mr. Dickson.

Mr. Joe Dickson: Okay. I just need to know if Mr. Fedeli, through other committee work, had access to various information that we have not had access to prior to this morning.

Mr. Michael Prue: I don't know. Mr. Fedeli, you're under no—

Mr. Victor Fedeli: I have no idea what he's asking. I apologize. I don't understand what he's asking for, Chair.

Mr. Joe Dickson: Well, you're here to present a motion, obviously, I'm presuming. So whatever was brought to your information or brought from you to the committee's information or to your caucus's committee—I don't know if that information, because of your availability to access, has been available to us.

Mr. Victor Fedeli: Oh, I can answer that, Chair. I went to the disk that we all received from the Clerk—

Mr. Joe Dickson: But I'm talking over and above the disk.

Mr. Victor Fedeli: No. What I'm presenting today is only from the disk that we received from the Clerk, which is the file from estimates.

Mr. Joe Dickson: So there has been no access to further information other than what's on the disk?

Mr. Victor Fedeli: What I'm printing out today is no different than the material you received, a redacted copy and an unredacted copy. You can compare them on your disk, as I did. When I read the Ontario Northland unredacted copy, I think there's nothing commercially sensitive about this. Maybe a little more politically explosive, yes; maybe you wouldn't want us to have this discussed publicly, but it's not commercially sensitive. So I have no other background on that other than the same disk you have.

Mr. Joe Dickson: Through you, Mr. Chair, what you have said to me is you had no access to any other information other than what was on the disk presented to you?

Mr. Victor Fedeli: Perhaps except what's in my head. You know, I have lived in the north for 57 years and I understood—when the announcement that said Ontario Northland would save \$265 million by selling, I shook my head “no” that day and knew better. I may have read the North Bay Nugget for 50 years, where it shows that there's an unfunded pension—

Mr. Joe Dickson: Let me rephrase the question so you understand it. Through you, Mr. Chair, you have no access to any additional information, whether directly or indirectly, from anything associated with the province of Ontario?

Mr. Victor Fedeli: I have no idea what that means, sir. I apologize.

The Chair (Mr. Michael Prue): The subject here is the documents that we have. I mean, I have no way of knowing what any member knows or where they get the information. I don't know how he could answer that question.

Ms. Damerla has a question or—

Ms. Dipika Damerla: Chair, I just want to clarify something, which is—you know, I have much respect for Mr. Fedeli and his experience, but he said he didn't think it was commercially sensitive. Is that what it comes down to, whether any of us who are not necessarily experts decide whether it's commercially sensitive or not, or is there an expert opinion that's also relied on? I'm just curious.

The Chair (Mr. Michael Prue): It is in the committee's hands to make that decision. The committee can call someone from the finance department to make a state-

ment, if they deem that necessary. That can be done, but I think that's a little premature because we actually, as a committee, need to see what Mr. Fedeli wants to release. We need to see the document first and then we can go from there.

Ms. Dipika Damerla: I was just trying to understand what the rules of engagement are. I understand that we are not there yet, but before I go there, I need to understand—and I have another follow-up question.

The Chair (Mr. Michael Prue): I would think the entire committee process is open and all of the things that the committee can do can be done here.

Ms. Dipika Damerla: I have a question for the Clerk then. If inadvertently, through an error in judgment, a majority of committee members decide to release what eventually turns out to be commercially sensitive material, is there any personal liability at that point for these members because it could have a negative impact on private sector dealings or even government dealings? I'm just curious what those liabilities are.

The Clerk of the Committee (Mr. Katch Koch): I wouldn't be able to answer on the spot. We would have to look into that and research and see if there are any cases in the past with any precedence.

Ms. Dipika Damerla: But I'm sure this issue has come up in the past, no? In other committees, in other—I am genuinely interested in the answer to that.

The Chair (Mr. Michael Prue): I have been here 12 years, maybe some longer. Mr. Colle's been here longer. I'm unaware—totally unaware—of this having come up in my time here at this Legislature.

Ms. Dipika Damerla: There's always a first time. But is there a way for me to get the answer? That's what I'm saying. That's all.

The Chair (Mr. Michael Prue): Okay. Anything else? Then I'm going to move us in camera. We are now in camera.

The committee continued in closed session from 0920 to 0940.

The Chair (Mr. Michael Prue): We'll call the meeting back to order. We are now in public session. It's being recorded again.

Mr. Fedeli, you have some motions you wish to make. Mr. Fedeli, are you ready to proceed?

Mr. Victor Fedeli: Yes.

The Chair (Mr. Michael Prue): I know you have a number of motions. So we can distribute them, which motion will you be dealing with first?

Mr. Victor Fedeli: Let's take the Ontario Northland first, and we'll work our way through them.

The Chair (Mr. Michael Prue): Hold on while it is distributed, then.

If you could read your motion into the record.

Mr. Victor Fedeli: I move that the Standing Committee on Estimates make public all unredacted documents pertaining to matters of the Ontario Northland Transportation Commission, ONTC, contained in the document package responsive to parts 1, 2 and 4 of the June 11,

2013, motion adopted in committee during the review of the estimates of the Ministry of Finance.

The Chair (Mr. Michael Prue): Discussion?

Mr. Mike Colle: I'm just wondering whether we could have a recess to consult on this motion.

The Chair (Mr. Michael Prue): I was going to say the same thing. The Clerk is always, though, very, very quick and very efficient, and we must have the same mind on occasion.

I think this is a fair request. How much time are you requesting to consult on this?

Mr. Mike Colle: Twenty minutes.

The Chair (Mr. Michael Prue): Twenty minutes. All right. Then we will be back, according to my watch, because there's no clock in this room, at about two minutes after 10. We are recessed until two minutes after 10 to allow consultations to take place.

The committee recessed from 0942 to 1002.

The Chair (Mr. Michael Prue): The 20 minutes have now expired. We are back. Discussion?

Mr. Steve Clark: Just a point of clarification: Let's say the government decides they're going to filibuster this motion. Obviously, we think we should proceed with the motion today and vote on it. The procedure: Would we come back tomorrow afternoon during our regularly scheduled time to deal with this, if the government is filibustering today?

The Chair (Mr. Michael Prue): First of all, I don't know that you can accuse—nobody has said a word yet.

Mr. Steve Clark: No, if. I said the word "if."

The Chair (Mr. Michael Prue): If we do not finish—because we must finish by 10:25 today. If we do not, then the committee can come back tomorrow at our regular scheduled time, which is in the afternoon as soon as routine proceedings are finished and the order of the day is called, usually around quarter to 4. We could come back tomorrow for two hours plus. But that would be the limit, unless the House leaders agreed that the committee could sit during the winter recess. That's not usual, but if they did—we would not come back again, then, until, if we didn't finish tomorrow, sometime in late February.

Okay, discussion? Ms. Damerla.

Ms. Dipika Damerla: We've had a chance to look at the motion. I'd like to begin by first saying I hope that whatever we do in this committee is based on the merits of what's discussed here and not based on parallels raised with the gas plants or any other things, because each situation is unique. While there might be some lessons to learn, I'm not sure bringing in examples from the gas plants each time to argue the merits of this particular bunch of documents is valid or fair. We hope that any arguments that are made in favour of releasing or not releasing some information is based directly on the circumstances in context of what's going on in this committee and in this ministry, and not based on what the government did there or imputing motives to what was done there, and then bringing that along here and bringing that. So that was number one.

Number two, I would like to assure MPP Clark that the government has absolutely no interest in filibustering anything. If anything, we've been a little bit disappointed with the bell-ringing that has been taking place for the last few weeks, primarily by the PC Party. So it's a little rich to be accusing us of filibustering anything, but I do believe that fulsome debate, or, in deference to the Chair, who doesn't like the word "fulsome," perhaps robust debate—

The Chair (Mr. Michael Prue): Robust, yes. I tend to be more British than American.

Ms. Dipika Damerla: But I did look into it, and I think that one can use "fulsome," but I will defer to the Chair's preferences and use the word "robust." Robust debate is required, especially because, as we were talking—I mean, there's a lot riding on our shoulders here as we decide what is commercially sensitive and what is not commercially sensitive, and it would be unfortunate to assume that political considerations are driving this and, in the bargain, end up releasing something that is commercially sensitive.

I hope that the committee will err on the side of caution and ask ourselves: Is more harm than good being done in the interest of scoring some partisan political points? I think that is very, very important to keep in mind, because as elected legislators, we have to take our duties very, very seriously, and sometimes we have to rely on experts. So my hope will be, before we do anything on this motion, that we actually check with the experts as to what they think of this motion, rather than just us deliberating here, the one, two, three, four, five—eight of us, and including you, Chair, nine. I think it's really, really important that somebody else who is an expert can weigh in on this and look at the Northland documents that the opposition would like to release at this point, to make sure we go line by line, to make sure that there isn't anything that could be—because one thing to keep in mind is that these documents have been redacted as of March. Since then, it's entirely possible that some information isn't commercially sensitive, but on the other hand, it's entirely possible, six months later, that some information that was previously not considered commercially sensitive might be commercially sensitive now with the passage of time. So it's really important that we get a chance to have experts come in to look at this information and help us decide whether the motion put forward, on balance, does more good than harm or the other way. That is really, really important.

If I can summarize, the real concern is that there's a motion in front of this committee, but it would be very, very important that a second set of eyes look at this motion in terms of the commercial sensitivity of information that could be inadvertently released because of what this motion is trying to do.

I do take MPP Fedeli's point that he's familiar with this file. That said, I think it is very, very important that we look at that—cooler heads prevail—and that we take our time to deliberate. As I said, with the passage of time, things have changed. Things that may not have been

commercially sensitive might be commercially sensitive now. That must be taken into account, as well as the flip-side: Things that may have been commercially sensitive at one point might not be so at this point. So it's really important, given the passage of time, that we have an ability to take another look at what this motion is suggesting we do.

I would like to remind everybody in this committee that we are talking about financial documents pertaining to the health of this province, and we have to be very judicious in what is released and what isn't released, because things taken out of context can have ramifications that were unintended, that none of us in this committee would have intended, but because they are being taken out of context and being released, it could lead to problems as well. That must be considered as well.

Finally, one more time, I would like to assure the committee that this side of the government is committed to transparency. We have said that, and I think we have demonstrated that. The Minister of Finance is on record saying in his remarks to committee:

"You now have more documents available to you than any previous finance minister has ever released. With that comes responsibility. In its determination of whether any documents provided under seal should be made public, I ask the committee to keep in mind ... our collective duty as members of the Legislature to safeguard Ontario's public interest. I ask that you honour that trust."

Chair, I cannot say enough about that trust, because we are so privileged to be here as legislators. There are only 107 of us in Ontario, and the province has given us its sacred trust that we will do the right thing, and it's really important that partisan politics not come in the way of doing the right things.

1010

The finance minister has gone on to say, "Companies and organizations look to invest in Ontario because we have a stable and secure government. We cannot jeopardize future investments based on the province having a reputation of being reckless with confidential documents."

So it's very, very important that we keep in mind our duty to the 13 million citizens of Ontario, keep their best interests in mind, park our partisan interests and do what's good for the province, which I believe is to deliberate, to see what exactly this motion entails—what kind of ramifications there might be because of the proposed release of documents being suggested—before we take any other step.

I'm going to turn this over to MPP Colle, if he wants to add any remarks.

The Chair (Mr. Michael Prue): No, no. You can't do that.

Ms. Dipika Damerla: Oh, sorry.

The Chair (Mr. Michael Prue): Are there further debaters? Mr. Fedeli.

Mr. Victor Fedeli: Thank you, Chair. Your point was taken. You talked about the lessons learned. The lesson learned was about transparency.

You spoke about how the government released more documents than anyone in the past. Of course they did; they were ordered by the Speaker.

I would suggest that you have some very valuable points in that which may pertain to the other topics throughout here in my other motions. But the motion about Ontario Northland is very brief, very abridged, very specific to a government agency that has no commercial interests. Therefore, it is not commercially sensitive, and I would ask, Chair, that we call the vote on this.

The Chair (Mr. Michael Prue): Well, first of all, I think that there have only been two speakers. I want to be fair. Are there any other speakers to this issue? Seeing none, all right, then the vote is—

Ms. Dipika Damerla: No, no. There are a few of us.

The Chair (Mr. Michael Prue): Mr. Dickson, you're going to have to be faster, but go ahead.

Mr. Mike Colle: You have to put up your hand.

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

Mr. Joe Dickson: I'll get my left arm working.

I just have some concerns about any information being inappropriate and being, so to speak, formally approved by a committee out in the public, and we find out that information has had a detrimental effect to us down the road.

I can only relate to my own business life, and it's not an uncommon practice for a business person or a new entrepreneur to come in and say, "I need these forms. I've seen them, and it's done by so and so in this town and so and so in this town." Chances are pretty good that we have made those forms for those people. Any time that somebody comes in, we would always say, "I'm sorry. That's private information. It was bought and paid for by the clients. I'm concerned about using that form for your information. If you want to draft up something or go and find a form—because I will not give you a sample out of the docket—and produce that and then bring it in, then that's what you've brought to us and we can use it."

It's just that we went through so much legal information. Virtually in all cases, I was directed by a lawyer not to release any information that someone else had produced, even though we had done a production and we owned the rights to it.

When I think of this—just going back, Mr. Chair, and you correct me if I'm wrong—this information at large was released by the ministry, and it was either deemed private or non-private, or corporate or non-corporate. But those releases came through the bureaucracy, and I'm presuming that the bureaucracy had availability to legal expertise along the way. I see us getting into a scenario that could be legal. So my concern is that we end up voting on something without actual legal advice. I would want somebody to say to me, "That wasn't shown on the list to be released." "Someone from the opposition party says it should be released, so if you indicated originally,

Mr. Lawyer or Mr. Bureaucrat, that it should not be released, then what is your explanation?"

The Chair (Mr. Michael Prue): Mr. Dickson, you're a bit convoluted here, but what I think you're trying to say is that you want someone from the ministry, either the deputy minister or the legal staff, to come here and make a statement as to whether or not these documents can be released, or whether they're commercially sensitive or whatever. Is that what you're saying?

Mr. Joe Dickson: That's what I'm saying. But, Mr. Speaker, through you, what you had actually said is not the entire picture, because it's the same people who said "should be released or shouldn't be released." You have cleared that air for me, but I want to make sure that we have some legal expertise on it.

The Chair (Mr. Michael Prue): This committee also—the Standing Committee on Estimates' report of the subcommittee, which was agreed upon: "(3) That the Ministry of Finance be notified in advance should the committee decide to make the unredacted information public." We are in that discussion now. Are you saying you want to call the ministry to make a statement?

Mr. Joe Dickson: Absolutely.

The Chair (Mr. Michael Prue): Okay. So we've heard that he wants to do that. Any other discussion?

Mr. Mike Colle: Yes. I think that's going back to my point about the committee processes, that we put those in place for that very reason, so that when these requests—and we think there are going to be a number of them that are going to be coming forward, asking for the release of the redacted documents—that we would call upon the ministry officials who brief this committee. It was the legal representative plus the deputy minister here.

I have an amendment to the motion actually asking for that very thing to happen. Whether it's already in the standing—not the standing orders, but in the motions already passed by the committee—maybe the request for that is redundant.

The Chair (Mr. Michael Prue): No, the committee said they had to be informed. It did not say they had to be present.

This is a procedural motion. I don't think it's an amendment to this particular motion, but it is something procedurally that you can do, if you are requesting that staff, in the person of the deputy minister and/or the legal counsel to the Ministry of Finance, be present to answer questions before we do it. That would be in order, but it's not an amendment. It's procedural. It comes before the main motion.

Mr. Mike Colle: Either way, I'm just trying to figure out the appropriate way of doing it. My amendment, if I could just briefly relate it, says—

The Chair (Mr. Michael Prue): First of all, it's not going to be a motion; it's a procedure. It takes precedence over the main motion. So if you want—

Mr. Mike Colle: Yes, and that's what I want to do. I want to—

The Chair (Mr. Michael Prue): So just make the motion. It's not an amendment.

Mr. Mike Colle: Okay. A motion that the passage of this motion be contingent on the committee receiving advice from both the Ministry of Finance and the Ministry of Northern Development and Mines relating to this motion; and the committee or the Clerk should write to the Deputy Ministers of Finance and Northern Development, asking for an opinion on why and whether this information can be released and why it was redacted, basically.

That's my motion: asking them to come forward and explain to us why they redacted it, why it's commercially sensitive, and are there any problems with releasing it.

The Chair (Mr. Michael Prue): If I can ask you, you said to write to them. Could we not just call them tomorrow?

Mr. Mike Colle: Sure. Yes, either way. Just communicate with them, the Clerk.

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

Mr. Victor Fedeli: Thank you very much for the opportunity to speak to this, Chair. Again, I heard earlier, when they talked about no filibustering and no delaying tactics and then chewed up the last 20 minutes of this to try to block us from ever getting our hands on this information—I have to say I'm not surprised at that. They speak about openness and transparency. However, this is anything but open and transparent. It's a stall tactic.

1020

The Auditor General will come out this afternoon with her report on Ontario Northland. I would have hoped that the Liberal group here would have actually been open and transparent, and allowed these documents to be released on Ontario Northland. There's nothing new in them. I can actually fully respect and fully appreciate the discussion they're having with respect to some of the other materials that may or may not be in the redacted copies. Again, because they're redacted, we can't even read the headlines of which topics are being redacted, but there are some very important pieces that are redacted legitimately for commercially sensitive purposes. I can see that; it's plain and simple. The Cisco that's here should be redacted.

There are others that may or may not be redacted, and I do agree that it's an opportunity to have somebody from finance here to talk this committee through some of the rationale. But for the Ontario Northland? Not a chance. This is information—I have personally viewed it—that is politically sensitive, sure. Would I call some of it politically explosive? Maybe. It was more politically explosive last March, when we had it revealed through the gas plant documents, when this was not redacted. It was never even in question whether it was redacted on the gas plant. It wasn't that it was redacted and we had to go and fight to get it unredacted. It was there. There was nothing commercially sensitive about it when they didn't redact it the first time, but you have to imagine how surprised I am to see that this information is redacted in this document and that the Liberals are blocking us from getting our hands on this information in a timely fashion.

I just simply do not understand—well, I guess I do. It's a filibuster; it's a delay.

It's going to come out. Get over it. This information—99.9% of it is already out. The fact that you're trying to hide it from being disclosed today—there's nothing to gain from that. It's out there. Virtually every bit of this was in the original document that's disclosed. You're showing your hand by trying to block it today. I do not understand the logic, the rationale, about trying to block this group from having information that we already have. Chair, I just don't understand that, although I fully respect your comments about bringing a professional in on some of the other information; you may find an open mind on that. But on this one, the fact that you're hiding information that's already been disclosed in other committees, it's just blatant blockage, and I appreciate the opportunity to speak to that, Chair.

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

The Chair (Mr. Michael Prue): No, no, because I do want to deal with the motion. If we're going to be calling the people, we need to notify them, and we're going to be out of here in about three minutes.

The motion that we're dealing with now is Mr. Colle's motion that we call people from the Ministry of Finance to come here tomorrow to pose questions to them prior to voting.

Mr. Victor Fedeli: Is that on the Ontario Northland one only?

The Chair (Mr. Michael Prue): It's the motion we have before us. I don't think that would preclude the committee asking them to stay after we deal with the Ontario Northland for any other motions you might have.

Mr. Victor Fedeli: Can we amend that amendment?

The Chair (Mr. Michael Prue): It's a procedural motion. It is amendable.

Mr. Victor Fedeli: I haven't seen it in writing, or if it can be repeated, I—

The Chair (Mr. Michael Prue): It is not a substantive motion; it's a procedural motion that we invite them tomorrow when we resume. That's what it is.

Mr. Victor Fedeli: What I'd like to do is amend it, if you will, to refer that, for the other aspects, the non-Ontario Northland, for the other ones. I think that's quite acceptable that we bring the finance expert in for non-Ontario Northland-related but not for the Ontario Northland one.

The Chair (Mr. Michael Prue): I'm trying to just play it fairly here. If the motion is that they make themselves available for the entire two hours and 15 minutes approximately that we have tomorrow for any and all questions—but we have to deal with your motion first.

Mr. Victor Fedeli: Yes.

The Chair (Mr. Michael Prue): So, after your motion is disposed of, then we can ask them questions on the other things if they're still here.

Mr. Victor Fedeli: What do you mean “if they're still here”?

The Chair (Mr. Michael Prue): Well, if the motion is that they be here for the entire two hours and 15 minutes—

Mr. Victor Fedeli: Do we do them first and then the Ontario Northland? Or do we do the Ontario Northland first?

The Chair (Mr. Michael Prue): You can ask questions of them, I think, related to the motion that's in front of us, and then there will be other motions. This may take a matter of scant minutes.

Mr. Victor Fedeli: No, I'm uncertain. I want to be able to dispatch the Ontario Northland issue before—

Mr. Mike Colle: He doesn't want to hear from the—

Mr. Steve Clark: Don't put words in his mouth.

Mr. Mike Colle: He's basically going against the process of the committee that's already been established.

Mr. Steve Clark: Mr. Fedeli has the floor.

Mr. Mike Colle: Exactly like I said at the beginning, you do not respect what we've agreed upon.

Mr. Victor Fedeli: Am I being interrupted? I'm not sure what the procedure is here.

Mr. Mike Colle: He's saying, “Well, let this go” for his cherry-picked motion that he has a personal interest in; meanwhile, we haven't established a process on my motion—

Mr. Victor Fedeli: I still have the floor.

The Chair (Mr. Michael Prue): Order. To be fair to all members here, we have a motion that's been moved. We have a procedural motion that we call the staff to comment—

Mr. Victor Fedeli: That I want to amend.

The Chair (Mr. Michael Prue): Yes, and Mr. Colle has requested that the staff be made available to answer other questions should time permit.

Mr. Victor Fedeli: So basically, I want to amend his procedural approach that the staff be called after the Ontario Northland issue is dispatched.

The Chair (Mr. Michael Prue): You cannot negate his motion. You can vote against his motion.

Mr. Victor Fedeli: No, I want to amend it.

The Chair (Mr. Michael Prue): Okay, but—

Ms. Dipika Damerla: You're negating it.

Mr. Victor Fedeli: No, I want to amend it.

The Chair (Mr. Michael Prue): Perhaps I'm trying to put words in your mouth but the sensible thing, in my view, as the Chair, is to bring them here tomorrow to ask questions related to your motion first, and then to ask any other questions to other motions that you may wish to bring forward after.

Mr. Victor Fedeli: But I'm afraid, Chair, with the ragging of the puck we saw today—

Mr. Mike Colle: What are you talking about? It's tomorrow.

Mr. Victor Fedeli: —that that's going to continue tomorrow. They did the same thing to us on the gas plant hearings when we were trying to bring the Auditor General in. They did 20-minute recesses until the clock ran out and we were adjourned for the whole session. We never had a chance to call the auditor in. That's exactly

the procedural stunt they pulled last time. I'm trying to usurp that this time—

The Chair (Mr. Michael Prue): Mr. Fedeli, this is a committee that has worked together well, I think.

Mr. Mike Colle: Yes, until you came along and—

The Chair (Mr. Michael Prue): Please, no, this is not—Mr. Colle, we don't need this—

Mr. Victor Fedeli: Until we received redacted documents that shouldn't be redacted.

The Chair (Mr. Michael Prue): This is a committee that has worked very well and we've come down and we have a process here that was unanimously approved. Part of that process is to contact the officials and to inform them, and we're going to bring in the officials.

I suggest we simply vote on Mr. Colle's motion. If there is time at the end of your motion being dealt with, then we are going to deal with any and all other motions you have tomorrow. I have to be fair and I'm not going to cast aspersions on any member here or what their motives might be. I'm trusting that this will all proceed fairly and above board and be finished by tomorrow—all of it.

Mrs. Amrit Mangat: Chair, I have a point of order: We only have two minutes or one minute. We have to go to question period.

The Chair (Mr. Michael Prue): I know that. That's why I'm going to take the role of the Chair. I hear what you say, Mr. Fedeli, but we're just going to deal with the procedural motion.

Mr. Victor Fedeli: But I can't make an amendment to it? He's amended my motion.

The Chair (Mr. Michael Prue): I have told you what is going to happen procedurally. If this motion passes, they're going to come, they're going to answer questions. We're going to deal with your motion that's on the floor and then I'm going to invite them to stay and you to make additional motions that you can question further.

Mr. Victor Fedeli: But his motion usurps my motion; it usurps the intent of my motion. The intent of my motion is that all unredacted documents pertaining to ONTC contained in responsive package 1, 2 and 4 are released. That's the motion that I have. He's usurping that with a motion that—

Ms. Dipika Damerla: No.

The Chair (Mr. Michael Prue): He is not usurping that. He is simply stating he wants to ask them questions about it and then we're going to vote.

Mr. Mike Colle: Yes.

Ms. Dipika Damerla: We're not usurping—

Mr. Mike Colle: As agreed upon unanimously by this committee.

Mr. Victor Fedeli: Well, Chair, they're filibustering—

The Chair (Mr. Michael Prue): If you would have trust with me and find out tomorrow how it's going to work.

Mr. Victor Fedeli: You're asking me to trust you that we will actually have a vote. We're actually going to get a vote on this and we are not going to see continued 20-minute delay, 20-minute delay.

The Chair (Mr. Michael Prue): I cannot guarantee what they're going to do. I can guarantee you, as the Chair, I'm going to do everything in my power to have a vote on this tomorrow.

Mr. Victor Fedeli: But I'm still not satisfied.

The Chair (Mr. Michael Prue): I'm putting the gavel down; we have to finish.

On Mr. Colle's motion, all those in favour of his motion that we call the staff tomorrow? All those opposed? That carries.

We are adjourned until tomorrow at 3:45, with the staff here to ask questions about the motion and then we will deal with any and all other issues that Mr. Fedeli wishes to bring forward.

The committee adjourned at 1026.

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Vice-Chair / Vice-Président

Mr. Taras Natyshak (Essex ND)

Mrs. Laura Albanese (York South–Weston / York-Sud–Weston L)

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Substitutions / Membres remplaçants

Ms. Dipika Damerla (Mississauga East–Cooksville / Mississauga-Est–Cooksville L)

Mr. Victor Fedeli (Nipissing PC)

Mr. Rob E. Milligan (Northumberland–Quinte West PC)

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Mr. Katch Koch

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