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Tuesday 18 February 2014

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Mardi 18 février 2014

**Standing Committee on
Justice Policy**

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
JUSTICE POLICYCOMITÉ PERMANENT
DE LA JUSTICE

Tuesday 18 February 2014

Mardi 18 février 2014

The committee met at 0831 in room 151.

MEMBERS' PRIVILEGES

The Chair (Mr. Shafiq Qadri): Chers collègues, j'appelle à l'ordre cette séance du Comité permanent de la justice. J'd like to welcome you back for the 2014 season of the justice policy committee. I'd like to thank all members not only for their presence today, but also for making themselves continuously available for the attempted subcommittee meetings during the break.

ONTARIO ASSOCIATION OF ARCHITECTS

The Chair (Mr. Shafiq Qadri): I'd invite our first witness to please come forward: Mr. William Birdsell, president of the Ontario Association of Architects, who will be sworn in by our able Clerk.

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

Mr. Bill Birdsell: I do.

The Chair (Mr. Shafiq Qadri): Thank you. You have five minutes for an opening address—I'm sure you know the drill by now—followed by questions in rotation by each party. Your time begins now.

Mr. Bill Birdsell: Good morning. I'm Bill Birdsell, president of the Ontario Association of Architects.

The Ontario Association of Architects is a self-regulating, self-governing profession established under the Architects Act. The mandate of the OAA is to ensure that the profession remains responsive to the needs of society and relevant to its membership, and to undertake programs and initiatives in order to achieve the objectives of the Architects Act and support practice.

I'm here this morning as the representative of 3,500 member architects, 1,000 interns and 650 associates.

To represent, regulate, support and promote the profession of architecture in the interest of all Ontarians, and to lead design and delivery of the built form in the province of Ontario is the mission of the OAA. This support of the profession includes tools, resources and the Professional Excellence Program that ensures the continued competence of all architects.

The OAA vision is that we are building leaders of Ontario.

2014 is the 125th anniversary of the OAA's service to the people of Ontario. The OAA is proud of its working relationship that we have built with successive governments in this province.

Architects believe that each work of true design should be a complete achievement in itself.

Let's be clear: The public interest in the case of the matter we wrote about, the people of Oakville, is not necessarily the same as the client interest—in this case, the Ontario Power Authority and/or TransCanada Energy Limited. Client interests include client objectives, the bottom line, materials, construction methods and maintenance of all systems that constitute our built environment. "Public," in the term, used to refer to society as a whole.

Public interest in safety means that the courses of action taken by a professional will never compromise the public interest in safety. There is no set of circumstances which bend this rule; it is always the overriding rule of all decision-making by architects.

With passage of the Green Energy Act as a guide to Ontario's future energy use, affecting both the development of a new provincial energy strategy and requiring updates to Ontario's Integrated Power System Plan—however, by the summer of 2009, local opposition to the Oakville generating station was growing. By the summer of 2010, our members were voicing their concerns and expressing those concerns to the council of the OAA.

As Ontario architects, we believe that it is our responsibility to alert the government when, in our opinion, community safety of the built environment will be needlessly threatened. The provincial government decision-making process of 2009-10 did not provide adequate recognition of the urban context where the Oakville generating station was to be located. Council requested the president of the day, Gerrie Doyle, to write the Minister of Energy and express these concerns in September 2010.

Thank you for inviting me to speak with you this morning.

The Chair (Mr. Shafiq Qadri): Thank you, Mr. Birdsell. We'll begin with the Liberal side: Mr. Delaney.

Mr. Bob Delaney: Thank you very much, Chair. Thank you very much for being here, Mr. Birdsell. As you are probably aware, the mandate of the committee is to look into the decision at around the time that you mentioned in your opening remarks that the government,

and indeed all three parties, had made that decision to relocate the natural gas plants in Oakville and Mississauga. The other thing we're here to do is to provide recommendations on how the province can improve the siting process for large-scale energy projects.

We have asked you here today in your capacity as a professional architect and as the president of the Ontario Association of Architects. In 2010, during the time period which the committee is studying, you sent a letter to then-minister Brad Duguid requesting that the government relocate the proposed natural gas plant then proposed for Oakville to another location. I have copies of that letter, and I'll ask the Clerk to please distribute it, including one to yourself so you can, just in case you—

Mr. Bill Birdsell: I have it.

Mr. Bob Delaney: Oh, okay; fine. One of the other reasons that we asked you here today is to solicit your advice as an expert on the form of buildings, to talk to us a little bit about the siting of energy infrastructure in Ontario in more general terms.

A large part of our commitment and the committee's mandate here is to improve the siting of energy infrastructure in Ontario—a lot of that relies on listening to a wide variety of advice from experts who come from a wide variety of fields—and as well to engage local communities and municipalities and to learn from all parties how we can do better as a province in the siting of energy infrastructure. So I welcome the opportunity to share some of this with you and to get some of your insights on this particular matter.

Just before I start, I wonder if you could tell me a little bit about your own background in business and your background as an architect.

Mr. Bill Birdsell: I became licensed here in the province of Ontario in 1987. I currently manage a firm, J. William Birdsell, Architect, that was begun by my late partner, William R. Jarrett, in 1958. Last year we celebrated our 55th year of service to Ontario.

I do a full range of projects across the province and beyond, including adaptive refit and construction of new institutional work as well as a private range of residential and condominium work—so, a full-range service.

Mr. Bob Delaney: As you're the president of the Ontario Association of Architects, could you tell me a little bit more about the association and what role the association plays in terms of a constructive or informative contribution to the design of structures in Ontario in general?

Mr. Bill Birdsell: Well, principally, the association is primarily a regulatory body acting on behalf of architects across the province, in its capacity as a self-regulating profession. However, the Ontario Association of Architects also acts to promote and advocate for architects, good design, and also to work with all of our industry stakeholders, the Ontario General Contractors Association, Professional Engineers Ontario, the Association of Registered Interior Designers and all the building officials. We try to lead.

Mr. Bob Delaney: Okay. Is there a formal or a legal relationship between the Ontario Association of Architects and the government of Ontario?

Mr. Bill Birdsell: It's contained within the Architects Act.
0840

Mr. Bob Delaney: About the letter that you sent to Minister Duguid in 2010 on behalf of the OAA—and we've provided the letter to the committee this morning so that we can all refer to the text—in the letter, you object to the proposed location of the Oakville natural gas plant. Could you speak in a little bit more detail about the OAA's objection to the location of that proposed plant and the rationale behind your thoughts?

Mr. Bill Birdsell: While the location of the plant seemed to make certain sense from a point of view of energy use, being on the grid and being adequately serviced by water and natural gas and being in close proximity to a major user of hydroelectricity, it failed in a primary task of being located within an area in close proximity to housing in Oakville, as well as failing the test of the official plan of the community of Oakville.

Mr. Bob Delaney: Mayor Burton, of course, talked to us about that and many of the other concerns the community had in a great deal of detail. In your letter, you mentioned that the Ontario Association of Architects was aware of the growing local concern about the plant and, in fact, your support for the relocation of the plant. Could you tell the committee in a little bit more detail the nature of the concern?

Mr. Bill Birdsell: Well, we had many architects, our members, come before us at the Ontario Association of Architects Council to express these concerns and voice opposition that they had received locally; as well, they began to review the proposed location and the logic of it, and there was a great deal of fear that the project would go ahead without due consideration of a proper location.

Mr. Bob Delaney: What type of unique insight would an architect bring to the evaluation of the siting or design of an electricity generation plant?

Mr. Bill Birdsell: Well, specifically in this case, while we're aware of facility needs of direct connection to infrastructure, of which this location was amply serviced, we're also designers of the built environment of Ontario and, as a result, we concern ourselves with context. In this case, it primarily fails context for the community, and so alternative locations, equally serviced, were certainly available.

Mr. Bob Delaney: Could you clarify your use of the term "context"?

Mr. Bill Birdsell: "Context" being the urban design fabric of the community of Oakville. This would have represented a great intrusion into that fabric, both from the possibility of noise—and I'm not speaking of the finished plant itself, but my experience with these plants is that during the commissioning phase there's quite a bit of work and noise and associated functions that go on for an extended period of time and would actually disturb lives significantly.

Mr. Bob Delaney: How did the Ontario Association of Architects become aware of the concern in Oakville over that particular project?

Mr. Bill Birdsell: We received input from a local council member who had collected interest from local architects. Then we undertook our own investigation into the presentation made by TransCanada Energy Ltd. to the community. As well, we then reviewed the objections that had been raised the year before by the community itself through its municipal council.

Mr. Bob Delaney: Okay. Did you read at all the testimony before the committee of Mayor Burton?

Mr. Bill Birdsell: No.

Mr. Bob Delaney: Were you following some of the comments at the time of Mayor Burton and Oakville town council?

Mr. Bill Birdsell: Only cursory knowledge of what was carried in the media at the time.

Mr. Bob Delaney: Okay. So now I'm going to ask you, in the context of your opinion as an expert in design, as an architect, if your recollections of the concerns within the community and the concerns by Oakville town council and Halton regional council were justified—in other words, to expand a little bit on the remarks that you made a few minutes ago.

Mr. Bill Birdsell: Yes, I feel that their concerns were justified. It was part of the flawed nature of the Green Energy Act—because it gave significant powers to implement these projects without necessarily involving municipalities to discuss the matter and blend it into their plans. As a result, the project was designed around the concept of pure functionality as an infrastructure project, without due concern to the concerns that may have been raised and developed by the local community through their development of their official plan, their zoning documents and those aspects which are generally raised by a municipality to guide the future of its community, and the likelihood in understanding that community members have as to what that future will be.

Mr. Bob Delaney: You wrote your letter at a time leading up to the 2011 provincial election. Were you following the provincial election closely?

Mr. Bill Birdsell: Yes, we were certainly aware of the provincial election and that beginning to happen. This actually coincided with our return in the fall for our first fall session of the year. That's really when council had the opportunity to discuss it. It was actually more of a coincidence of that timing.

Mr. Bob Delaney: Do you recall whether, before or during the 2011 provincial election, the various candidates for office in Oakville made any sort of a commitment or took a stand on the proposed site for the facility?

Mr. Bill Birdsell: No, I am not aware.

Mr. Bob Delaney: Okay. Your letter to Minister Duguid also mentioned that the Ontario Association of Architects considers it their responsibility to alert the province to their concerns in a case like this. I'm wondering if you could amplify that brief passage in your letter and speak about that type of consideration.

Mr. Bill Birdsell: Yes. Because we view ourselves as the professional leaders of building within Ontario, and because of the nature of our relationship that we've built with successive governments, we felt that it was reasonable, within our mandate as architects here in the province, to actually bring concerns forward as to an aspect that would impact the local urban fabric.

Mr. Bob Delaney: Has the Ontario Association of Architects written to municipal, provincial or federal governments in the past in similar or comparable circumstances?

Mr. Bill Birdsell: Yes. That year, we had also written in opposition to changes at Lansdowne Park in Ottawa. We didn't feel that that actually had met similar concerns to the urban fabric of Ottawa.

Mr. Bob Delaney: Given the association's request to then-Minister Duguid, did the association support the eventual decision to relocate the Oakville gas plant to a willing host community?

Mr. Bill Birdsell: Yes.

Mr. Bob Delaney: Okay. Part of our work here at this committee is to develop recommendations on improving the process of siting large energy infrastructure projects, like gas-fired peaking plants. We've had more than 70 witnesses come before the committee, many of whom have provided interesting and valuable feedback and advice on the siting process.

The main feedback that we've heard from members of the Mississauga and Oakville communities, and siting experts such as yourself, is that there should have been a better consultation process with local residents right from the very outset of the siting process.

Based on your experience—and as you mentioned, you've weighed in on other projects—what role can engaging with the local communities play to better support the decisions regarding building large structures like natural gas generation plants?

Mr. Bill Birdsell: Well, by engaging the community sooner, there's certainly an aspect of education which then allows the municipal leaders and municipal officials to work more effectively at gauging the impact of such a project.

0850

Mr. Bob Delaney: Okay. Let's explore that a little bit. What are some of your recommendations for the most effective ways to engage with the local community? For example, are public consultations enough?

Mr. Bill Birdsell: In this case, no, public consultations weren't enough because the project was already well under way, and so they were actually defending the project from the point of view of mitigating potential impact without having actually engaged the public at all.

Mr. Bob Delaney: Do you have a thought or a recommendation to improve that?

Mr. Bill Birdsell: I believe that we do have a working mandate between the province and municipal leaders to actually work on projects such as this. I would say that the impact that the province has had on the planning process and which is also administered by municipalities

certainly guides this sort of instance of the location of a major infrastructure facility, so it really would allow a municipality to take the lead and be part of the request for proposals process.

Mr. Bob Delaney: Would you believe that energy infrastructure projects such as, in this case, a natural-gas-fired, peak power electricity-generating plant are unique in the kind of local consultation and local considerations that such a project might require when a location is proposed? Would they be different from a different type of industrial facility, a commercial facility, an institutional facility like a school or a hospital, or a shopping centre? Could you talk about that a bit?

Mr. Bill Birdsell: The scale of this project as a major generating station certainly is much of a larger-scale provincial issue than most municipalities would regularly deal with. However, that doesn't relieve the concerns from the plans and policies already set in place by the municipality.

Mr. Bob Delaney: If the proposed project had been an industrial project that didn't involve power generation—let's suppose it involved metalworking or something like that—what would your thoughts have been on the use of land zoned industrial for an industrial purpose? Could you talk about that?

Mr. Bill Birdsell: That is actually why we have a process of site plan approval to review the specifics of a project and gauge them in relation to the actual site and immediate context so that in the case of, for example, a manufacturing facility that perhaps had a major generating component, say, to produce steam for its process, for instance—may still be deemed as inappropriate for a site even though it may be zoned for it.

Mr. Bob Delaney: Talk to me a little bit about the town of Oakville and similar municipalities. At the moment, while they have to plan for such municipal services as waste removal, water and sewer, telecommunications and the like, they don't have to plan for how to get electricity into a development or to generate electricity within their borders. Could you talk a little bit about what changes might be needed to give municipalities a blend of both authority and responsibility to plan for electrical power generation?

Mr. Bill Birdsell: I can certainly speak to two examples that I'm aware of, one within the city of Kingston where Queen's University, because of the scale of steam generation that it did for the university, the hospitals and the local prisons—

The Chair (Mr. Shafiq Qaadri): One minute.

Mr. Bill Birdsell: —was able to develop a co-generation facility. In Guelph, we have a district energy plan which is actually speaking of how to generate energy and potentially electricity to fulfill local needs.

Mr. Bob Delaney: Thanks, Chair. I think we'll stop there.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Delaney. We'll pass it to the PC side: Ms. Thompson.

Ms. Lisa M. Thompson: Thank you for coming in today on a snowy morning. I'm interested in your experi-

ence that you bring to the table in speaking on the relocation of the gas plants. Mr. Birdsell, do you consider yourself an energy expert?

Mr. Bill Birdsell: I wouldn't consider myself an expert. I do have some experience at gauging the impact of facilities like this, however.

Ms. Lisa M. Thompson: Okay. Can you share that experience?

Mr. Bill Birdsell: I've worked with corporations in developing in the pre-2000 era, the Y2K era—of developing electrical facilities to maintain their systems off-grid. So, as a result, I've reviewed those facilities in the context of the Ministry of the Environment guidelines on noise.

Out of that experience, I began to work somewhat with First Nations and Third World countries to look at options for power generation similar to the project that we're looking at but on a much smaller scale.

Ms. Lisa M. Thompson: Can you talk about the MOE guidelines for noise? Do you recall what they are?

Mr. Bill Birdsell: Only that it gauges types of noise and appropriate limitations and appropriate mitigating factors to reduce noise from impacting immediate neighbourhoods.

Ms. Lisa M. Thompson: Can you go into any more specifics about that?

Mr. Bill Birdsell: Not without guidelines in front of me to actually speak to.

Ms. Lisa M. Thompson: Would you be able to provide those guidelines to the committee?

Mr. Bill Birdsell: Most likely I could, yes.

Ms. Lisa M. Thompson: Thank you. So can we take note of that, at the table?

The Chair (Mr. Shafiq Qaadri): Yes. Thank you, Ms. Thompson. Duly noted.

Ms. Lisa M. Thompson: Thank you very much.

Were you ever an employee of OPA or the Ministry of Energy?

Mr. Bill Birdsell: No.

Ms. Lisa M. Thompson: Okay. Prior to today, have you ever given any presentations to energy conferences on the issue of gas-fired generators?

Mr. Bill Birdsell: No.

Ms. Lisa M. Thompson: No? Were you involved at any point in the decisions leading to the cancellation of the Oakville or Mississauga gas plant, aside from the letter that you submitted?

Mr. Bill Birdsell: No.

Ms. Lisa M. Thompson: Okay. I just have to ask: Were you involved in the production of the gas plant documents, or the unparliamentary decision to cancel the gas plants and withhold the documentation associated with the cancellation?

Mr. Bill Birdsell: No.

Ms. Lisa M. Thompson: Okay. Do you have any connections, personal or professional, to any of the current or previous Ministers of Energy?

Mr. Bill Birdsell: No.

Ms. Lisa M. Thompson: No? Okay. So, aside from representing an association that felt compelled to submit a letter with concerns about the flawed nature of the Green Energy Act and your concern about noise and the disturbance around the commissioning of large projects, do you know why you're here today, offering the testimony?

Mr. Bill Birdsell: Primarily in response to our letter to Minister Duguid. In addition to sound issues and issues of context, we also felt that there may be an environmental contamination by the facility in terms of generation of any pollution.

Ms. Lisa M. Thompson: What type of response did you get from Minister Duguid to your letter?

Mr. Bill Birdsell: I don't actually recall.

Ms. Lisa M. Thompson: Do you think you maybe didn't hear from him at all?

Mr. Bill Birdsell: That's a possibility.

Ms. Lisa M. Thompson: Yes, unfortunately. In your specific letter, it says, "The current provincial government decision-making process does not provide adequate buffer zones between power plants and residential neighbourhoods." I'm curious: What's your definition of a power plant?

Mr. Bill Birdsell: A power plant would be a facility such as this that generates electricity to feed into the grid. It could also be a specific plant as an accessory to a major industrial or infrastructure facility, to generate the needs for that facility.

Ms. Lisa M. Thompson: On a megawatt basis or—

Mr. Bill Birdsell: It could be a megawatt basis, or it could actually be just a steam generation facility, steam and cooling.

Ms. Lisa M. Thompson: Just out of curiosity, when we're talking about power plants, would you consider an industrial wind farm a power plant, with 100-plus turbines?

Mr. Bob Delaney: Chair, on a point of order—

Ms. Lisa M. Thompson: He's about to answer.

0900

The Chair (Mr. Shafiq Qaadri): Mr. Delaney, first point of order of 2014: Yes, please.

Mr. Bob Delaney: Chair, I would suggest that the question is well outside the scope of the committee's mandate.

The Chair (Mr. Shafiq Qaadri): I think, Mr. Delaney, with respect, I'll be listening—as I, of course, was already, Ms. Thompson, very intently to your remarks.

Ms. Lisa M. Thompson: Thank you.

The Chair (Mr. Shafiq Qaadri): I'll allow the question, but I think you sense where we're at on this one.

Ms. Lisa M. Thompson: I do.

The Chair (Mr. Shafiq Qaadri): Please go ahead.

Ms. Lisa M. Thompson: Thank you.

Mr. Bill Birdsell: I must confess that I actually have very little knowledge in relation to wind farms.

Ms. Lisa M. Thompson: I want to come back to the flawed nature that you referenced in the Green Energy

Act and how it took away municipal authority, ignoring official plans, zoning, and the understanding of citizens of the future potential of their communities. Do you think that statement has a broad spectrum and covers off all generation of energy?

Mr. Bill Birdsell: Well, it's certainly a broad statement. It considers most forms of power generation, I would say.

Ms. Lisa M. Thompson: All right, I think we'll leave it at that.

The Chair (Mr. Shafiq Qaadri): To the NDP side: Mr. Tabuns.

Mr. Peter Tabuns: Mr. Birdsell, thank you for coming in this morning.

Mr. Bill Birdsell: Thank you.

Mr. Peter Tabuns: I'm not sure if you were aware that we in the NDP publicly warned the government not to sign a contract with TransCanada for this plant prior to their signing a contract in Oakville. Were you aware of that?

Mr. Bill Birdsell: No, I was not.

Mr. Peter Tabuns: We warned them about this; the town council of Oakville warned them about this; you were aware of people in Oakville who had warned them about this, and yet, totally recklessly, they proceeded. I just want to say for the record, we consider all the consequences flowing out of that reckless decision to be on their heads.

I should also note, although we're talking about Oakville, that we had warned them about the risk of private power contracts in 2005, at the time that they were proceeding with the Mississauga plant.

Were you aware that power demand in Ontario had been dropping for three years before the signing of the Oakville plant?

Mr. Bill Birdsell: No, I was not.

Mr. Peter Tabuns: It was. In fact, in 2009, the Mississauga contract had to be renegotiated even though, again, power demand in Ontario had been dropping for three years. Were you aware of that?

Mr. Bill Birdsell: No, I was not.

Mr. Peter Tabuns: Not only was the Liberal government warned that private power contracts were expensive and risky; not only were they warned specifically against that plant, but even though power demand was eventually forced to back off on. You are aware of that now?

Mr. Bill Birdsell: Yes.

Mr. Peter Tabuns: You opposed the Oakville plant and the Liberals ignored you. You didn't get a response from Mr. Duguid.

Mr. Bill Birdsell: I'm not aware of a response, no.

Mr. Peter Tabuns: I think that if he phoned you, you would remember.

Did you know the Green Energy Act doesn't cover fossil fuel plants?

Mr. Bill Birdsell: No, I did not.

Mr. Peter Tabuns: Did you know that in this case, with the Oakville plant, there was no exemption from

zoning? In fact, the whole thing was tied up in court because of a zoning decision and an interim control bylaw put forward by the town of Oakville. Were you aware of that?

Mr. Bill Birdsell: I was not aware of those details.

Mr. Peter Tabuns: I don't have any other questions in this round. Thank you.

The Chair (Mr. Shafiq Qaadri): Mr. Bisson? No? Thank you.

We'll move back to the government side. Mr. Delaney, you have 10 minutes.

Mr. Bob Delaney: Mr. Birdsell, there was a recent report by the Ontario Power Authority and the Independent Electricity System Operator on how to improve the siting process of energy infrastructure moving forward. Have you seen it?

Mr. Bill Birdsell: No, I have not.

Mr. Bob Delaney: While we can get you a report, for the record, on August 1, 2013, the Minister of Energy asked the Ontario Power Authority, or the OPA, and the Independent Electricity System Operator, which we call IESO, to work together to develop recommendations on how to improve large energy infrastructure projects and how they're sited and how to include local voices in the planning and siting process. I'm going to mention this because some of the contents of the report bear on the comments you made in my previous round of questions. When they released their report, which is entitled Engaging Local Communities in Ontario's Electricity Planning Continuum: Enhancing Regional Planning and Siting, the report included 18 recommendations reflecting the feedback from more than 1,250 Ontarians.

The report included a number of other recommendations that fall into four themes, and if you'll bear with me for just a moment, let me just outline them.

The first was "Bringing Communities to the Table," which was intended to foster ongoing relationships with First Nations and Métis, and it recognized the duty to consult.

The second was "Linking Local and Provincial Planning" to integrate electricity needs into relevant municipal plans and to incorporate relevant municipal information into regional electricity plans.

The third was "Reinforcing the Planning/Siting Continuum." This was to facilitate a seamless transition from planning to siting while considering broader criteria in the generation procurement process.

And the fourth was "Enhancing Electricity Awareness and Improving Access to Information," which was designed to increase awareness of electricity needs and how these needs can be better met, and, of course, to increase the transparency of and access to data and information.

Some of the comments that you made earlier fell very much within those four categories. Having just heard the broad overview of what the report focused on when it was released last fall, would that fall in line with the general direction that you were advocating earlier?

Mr. Bill Birdsell: Yes, it would.

Mr. Bob Delaney: Okay. Was there anything I mentioned in there in those four broad classes of recommendations, or failed to mention, that you would be able to add to the table—another category of recommendations or a specific recommendation?

Mr. Bill Birdsell: No. The four seemed quite comprehensive in our concerns addressing the issue of siting and maintenance, really of dialogue between communities and these larger bodies. I would applaud an effort like that to improve the working relationship. Of course, we would have to then look and see how these projects are implemented. Much of the work of an architect is actually choosing and advocating for our clients to move projects forward, so it's always in the implementation, those details.

Mr. Bob Delaney: Okay. The province recently announced that small and medium-sized municipalities would be eligible for funding for municipal energy plans, which do, as we were talking about earlier, align infrastructure, energy and land use planning. These plans would focus on helping to identify the best energy infrastructure options for a community.

Again, looking at it in the way that you mentioned just now, do you think this would have a tangible benefit for communities that receive this type of funding?

Mr. Bill Birdsell: Yes, it would, because it would certainly encourage local growth of infrastructure and skills by a local community.

Mr. Bob Delaney: I think we're of a somewhat similar vintage, so we can remember through most of our lives where electricity generation was done in very large central facilities, distributed over centralized grids, and how following, I guess, how we saw computing power move from that model to a much more distributed model, we've seen electricity power generation move to a similar distributed model.

Would there have been any way of predicting, back in the mid-1980s, looking at, for example, the architecture of the computing infrastructure, how that would have evolved in the early to mid-1980s?

Mr. Bill Birdsell: No, I don't think we really had a strong handle on where the future was going for generation of electricity.

Mr. Bob Delaney: Okay. So, in a similar vein, having described how this province—and I'm sure you've followed other jurisdictions as they too have looked at the increasing ability to diversify and decentralize the power generation and transmission grid. Has our experience been unique here, or, in your observation, are we doing much the same things the rest have been doing in grappling with additional sources of generation and decentralized generation?

Mr. Bill Birdsell: No, the challenges are very similar. Where grids exist, we have aging infrastructure relating to the grid, and where power generation exists, we have the same aspect of adding new facilities and taking advantage of opportunities as they present themselves.

Of course, the equipment now is much better adept at creating energy and allowing larger corporations to do peak-load shaving to reduce their overall needs.

Mr. Bob Delaney: Would it be realistic to have expected any jurisdiction in the world to have had perfect 20/20 foresight, and to have gotten the diversification and decentralization of electricity generation and transmission right the first time?

Mr. Bill Birdsell: No, it wouldn't have been expected.

Mr. Bob Delaney: Do you have any other advice that you'd like to provide to the committee as we work to improve the process behind siting large energy infrastructure?

Mr. Bill Birdsell: No.

Mr. Bob Delaney: Thank you, Chair.

The Chair (Mr. Shafiq Qaadri): Ms. Thompson.

Ms. Lisa M. Thompson: I want to go back to the letter that was distributed. I had the sense that you have a copy of your original letter with you today.

Mr. Bill Birdsell: Yes.

Ms. Lisa M. Thompson: Very good. Mr. Birdsell, could you tell me the date that the letter was written?

Mr. Bill Birdsell: September 22, 2010.

Ms. Lisa M. Thompson: To your knowledge, you never received an acknowledgement or a "thank you for expressing your concern" letter from Minister Duguid.

Mr. Bill Birdsell: That is correct. I was the vice-president of practice at that time, so I wasn't dealing directly with this file.

Ms. Lisa M. Thompson: To that end, do you feel that your letter had any significance in the political decision to cancel the gas plants?

Mr. Bill Birdsell: Well, given our positive relationship with government, I like to think we had some impact, but—

Ms. Lisa M. Thompson: You're agreeing that it was a political decision, then?

Mr. Bill Birdsell: No. I don't know how the final decision was made.

Ms. Lisa M. Thompson: That's fine. Thank you.

The Chair (Mr. Shafiq Qaadri): Mr. Tabuns?

Mr. Peter Tabuns: September 22, 2010, was a year after the contract had been signed. Why had you not spoken out earlier, given the concerns about the plant?

Mr. Bill Birdsell: We waited until we had a level of involvement by local architects, who then brought the issue to us, and then we went through a process of our own investigation, and then we brought the issue to council and debated it, and then council gave instructions to the president of the day, Gerrie Doyle, to write the letter.

Mr. Peter Tabuns: Thank you. I have no further questions.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Tabuns, and thanks to you, Mr. Birdsell, for your presence and testimony.

The committee is in recess till this afternoon. Thank you, colleagues.

The committee recessed from 0913 to 1501.

MR. ANDREW TELISZEWSKY

The Chair (Mr. Shafiq Qaadri): Thank you, colleagues. I call the Standing Committee on Justice Policy to order. We have our first afternoon witness of the 2014 session, Andrew Teliszewsky, who will be sworn in by our Clerk.

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

Mr. Andrew Teliszewsky: I do.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Teliszewsky. You have five minutes for an opening address, beginning now.

Mr. Andrew Teliszewsky: Thank you, Chair and honourable members. My name is Andrew Teliszewsky, and I am the chief of staff to Bob Chiarelli in his capacity as the Minister of Energy. I've got some brief comments to make about my role in Minister Chiarelli's office, and then I'll respond to your questions.

I've had the privilege of working for Minister Chiarelli since early 2011, beginning first at the Ministry of Infrastructure. In the fall of 2011, responsibility for the Ministry of Transportation was added to the portfolio, and my role with the minister expanded correspondingly.

In February 2013, Minister Chiarelli was shuffled to the Ministry of Energy and I subsequently joined him, again as chief of staff. Prior to joining Minister Chiarelli's office, I worked in various roles at the Liberal Caucus Service Bureau as well as the former Premier's office. In one way or another, I've been a Queen's Park staffer since about April 2006.

Upon arrival at the Ministry of Energy minister's office, it became clear that we had two sets of files to contend with: the first, moving forward with the government's positive agenda and how that related to the Ministry of Energy; and the second, issues management with regard to the legacy files this committee is charged with reviewing; namely, the relocation of natural gas plants as well as the subsequent auditors' reports. To that end, with respect to any new information that came forward, either through the deputy minister's office or the Ontario Power Authority as it related to cost estimates as well as the progress of Auditor Generals' reports, I maintained ownership of these files within our office's reporting structures. I took care to appropriately limit the engagement of other political staff, to ensure clear lines of accountability between the deputy minister, myself and Minister Chiarelli.

This delineation of responsibility allowed our team to focus as much as possible on the first set of files I mentioned: our government's positive agenda.

In about a year's time, I'm proud to have been part of the accomplishments at the Ministry of Energy. I've done my best in my role to ensure that decision-makers have access to the information they need and, to that end, have relied on the tremendous work of officials at the Ministry of Energy and the Ontario Power Authority.

Over the course of the past several months, this committee has had the benefit of testimony from individuals who participated directly in the decisions regarding the relocation of those two natural gas power plants. You've also had the benefit of two Auditor Generals' reports as well as hours of testimony from the Ministry of Energy and the OPA to explain and support those findings. This committee has also passed several motions regarding document disclosure requests.

In all instances, my role was to ensure that the staff in our office were following the directions provided by the Ministry of Energy, which were developed in collaboration with Cabinet Office, to search for and disclose all relevant records.

Meetings occurred regularly with the deputy minister and ministry legal staff to ensure that adequate resources were being devoted to document search and that the process was being undertaken in accordance with the wishes of this committee.

I would like to emphasize the incredible amount of staff time that is required to ensure that all responsive documents are captured and, once again, reiterate to the committee that we undertook this effort as quickly as possible.

Both Minister Chiarelli and Deputy Minister Imbrogno undertook to update this committee in writing as part of our efforts to comply with those motions.

Thank you for allowing to me to make this opening statement. I will do my best to answer any questions you may have related to my time at the Ministry of Energy.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Teliszewsky. To the Conservative side: Ms. MacLeod.

Ms. Lisa MacLeod: Thanks very much, Andrew, for coming. I'm sure it was probably not the way you envisaged your first day back at work here—well, you've been working, but the first day back at the Legislature coming to this committee. So I thank you for coming in.

I've got a couple of questions just to help me with the context of your position in the minister's office and what Mr. Imbrogno knows, what Minister Chiarelli knows—where everybody fits in, and I think you might be able to help me with that.

I'd like to, first, start by asking how you prepared for this committee appearance today and whether or not you spoke with your boss about things you might say and things that you might not say here. So if you'd just maybe humour us by providing some of the context and the content of those conversations and how you prepared.

Mr. Andrew Teliszewsky: I did spend some time on my own reviewing previous committee testimony. I did spend some time with staff in our office discussing the nature of questions. Minister Chiarelli is aware that I'm here today. I think he provided me with counsel in terms of how to respond. So—

Ms. Lisa MacLeod: Oh, did he? What did he say—“Don't answer any of MacLeod's questions?”

Mr. Andrew Teliszewsky: No.

Ms. Lisa MacLeod: It's a joke.

Mr. Andrew Teliszewsky: I believe he does certainly send his regards.

Ms. Lisa MacLeod: Yes, okay. Of course he does.

Mr. Andrew Teliszewsky: Kind of perfunctory how-to-respond sort of things, in terms of pacing. But in terms of content, I have not had an occasion to discuss with the minister.

Ms. Lisa MacLeod: Did you at any time prepare his remarks or Mr. Imbrogno's remarks or remarks for the Premier or anybody else who has attended here as a witness?

Mr. Andrew Teliszewsky: Over the course of—

Ms. Lisa MacLeod: Since you've been in the Ministry of Energy?

Mr. Andrew Teliszewsky: I've had occasion to work with my minister in terms of his preparation for testimony.

Ms. Lisa MacLeod: Would it be fair to say you sort of prepared and edited comments?

Mr. Andrew Teliszewsky: Minister Chiarelli takes a very proactive approach in terms of his own comments, and so I believe they would be his and his alone. We provide counsel as staff, but he's comfortable in the file.

Ms. Lisa MacLeod: Can you remind me again what you did previous to working for the Minister of Energy?

Mr. Andrew Teliszewsky: I worked for the Minister of Transportation and the Minister of Infrastructure.

Ms. Lisa MacLeod: Which was the same person.

Mr. Andrew Teliszewsky: Yes.

Ms. Lisa MacLeod: And what did you do previous to that? You seem to have long links to the Liberal Party.

Mr. Andrew Teliszewsky: As I mentioned in my opening statement, I've been a Queen's Park staffer since about April 2006.

Ms. Lisa MacLeod: Right. But you've played other roles, right, on campaigns?

Mr. Andrew Teliszewsky: Yes.

Ms. Lisa MacLeod: Yes. Can you elaborate on those?

Mr. Andrew Teliszewsky: During the fall of 2011, I took a leave of absence from my engagement at the Ministry of Infrastructure at the time to work on Minister Chiarelli's campaign in Ottawa West–Nepean.

Ms. Lisa MacLeod: In Ottawa West–Nepean? When did you find out about the cancelled gas plants? Through the campaign or through the media?

Mr. Andrew Teliszewsky: In Ottawa, as you'd recall during the 2011 campaign—

Ms. Lisa MacLeod: I was there.

Mr. Andrew Teliszewsky: —it really wasn't an issue that we were coping with in terms of the local Ottawa campaign. So it would have been through any provincial media coverage—

Ms. Lisa MacLeod: I can assure you, this time you will deal with it in the Ottawa campaign, the gas plants. I'm teasing you. Actually no, I'm not. Strike that from the record. I'm going to have to raise it.

As chief of staff, at some point you had been briefed on the gas plant issue. So you found out during the 2011 campaign through your sources, through the media, through your boss as a cabinet minister. The neighbouring riding is the Premier. Next door to you is the

really wonderful MPP for Nepean–Carleton. We're all talking about this issue. You then, after that election, move into the transportation/infrastructure office, and then about a year later you end up in the Ministry of Energy. At any time when you were at infrastructure and transportation were you briefed on the cancelled gas plants?

Mr. Andrew Teliszewsky: No.

1510

Ms. Lisa MacLeod: You weren't. When were you first briefed by officials in your department about the cancelled gas plants?

Mr. Andrew Teliszewsky: I would have received briefings with regard to that file at transition, when the new government was invested in February 2013.

Ms. Lisa MacLeod: And who briefed you?

Mr. Andrew Teliszewsky: Officials at the Ministry of Energy.

Ms. Lisa MacLeod: Which officials? Can you provide their names?

Mr. Andrew Teliszewsky: Those meetings would have been organized by the deputy minister's office. The deputy would have attended most if not all of the transition briefings at the time. We followed the protocols of the normal government transition. We worked with the new deputy minister's office to arrange those briefings, and officials were present accordingly.

Ms. Lisa MacLeod: Was anyone from the Premier's office in that briefing?

Mr. Andrew Teliszewsky: Not that I recall, no.

Ms. Lisa MacLeod: Were you ever in a briefing with the Premier's office with respect to cancelled gas plants, either in Mississauga or Oakville?

Mr. Andrew Teliszewsky: I've had occasion to be in meetings with Premier's office staff—

Ms. Lisa MacLeod: And which staff?

Mr. Andrew Teliszewsky: I would have had discussions or meetings with various Premier's office policy staff. We were all coming in to new roles after the installation of the new government. Being the chief of staff at the Ministry of Energy, we would receive the information, and to the extent that it was necessary to synthesize that information for—

Ms. Lisa MacLeod: Can you name names?

Mr. Andrew Teliszewsky: Name names of whom?

Ms. Lisa MacLeod: Could you provide us with who those names are that you met with?

Mr. Andrew Teliszewsky: My primary points of contact in this Premier's office, you mean?

Ms. Lisa MacLeod: Yes.

Mr. Andrew Teliszewsky: So that would be primarily Mr. Andrew Bevan, who is currently the Premier's principal secretary, I believe.

Ms. Lisa MacLeod: Okay. And who else?

Mr. Andrew Teliszewsky: The policy adviser—

Ms. Lisa MacLeod: Who is?

Mr. Andrew Teliszewsky: —responsible for energy is a gentleman by the name of Andrew Hurd.

Ms. Lisa MacLeod: And who else?

Mr. Andrew Teliszewsky: As it relates to an issue of some media and legislative salience, Mr. Brian Clow.

Ms. Lisa MacLeod: And who else?

Mr. Andrew Teliszewsky: On occasion, during briefings, the Premier's chief of staff, Mr. Tom Teahen, would be there.

Ms. Lisa MacLeod: Yes. Who else? Can you just give me the whole list, and then I won't have to keep asking you who else?

Mr. Andrew Teliszewsky: Oh, I'm just trying to recall. There have been several discussions.

Ms. Lisa MacLeod: And have you ever met with the Premier's campaign team, like David Herle or Pat Sorbara, about this?

Mr. Andrew Teliszewsky: About this topic, if I met with—no, I don't believe so.

Ms. Lisa MacLeod: You don't believe so. Have you met with anybody on the campaign team other than Tom Teahen?

Mr. Andrew Teliszewsky: I've had occasion to have discussions with Pat Sorbara over the course of the last number of months, but I don't believe we discussed—we have not discussed this topic in broad strokes—

Ms. Lisa MacLeod: Would you say it's fair to say that this is going to be a campaign issue in the upcoming campaign?

Mr. Andrew Teliszewsky: When would that campaign occur?

Ms. Lisa MacLeod: Well, I mean, you're in a good position to tell us.

Mr. Andrew Teliszewsky: I don't think I'd be one—

Ms. Lisa MacLeod: Maybe we could ask Mr. Tabuns, too.

Mr. Andrew Teliszewsky: I don't think I'd be one to speculate about what the issues can and cannot be during a particular campaign.

Ms. Lisa MacLeod: So have you prepared any issues notes for the campaign on the cancelled gas plants?

Mr. Andrew Teliszewsky: That's not my role as chief of staff.

Ms. Lisa MacLeod: Is it the role of one of your policy advisers?

Mr. Andrew Teliszewsky: I think that, largely speaking, the issues notes that are prepared to support the minister's House book in terms of preparation for question period are that—

Ms. Lisa MacLeod: So no policy advisers within the Liberal government are advising the Liberal campaign on serious issues as they pertain to perhaps the cancelled gas plants in Mississauga and Oakville? There have been no issue notes prepared by you or your department for the Liberal campaign in the next election?

Mr. Andrew Teliszewsky: I can't speak to what individuals in offices outside of our own have undertaken. In terms of issue notes that are requested, we do our best to answer any questions that come our way, be it requests from government or opposition caucus members about any particular public policy issues of the day—

Ms. Lisa MacLeod: But it's safe to say, then—

The Chair (Mr. Shafiq Qaadri): Colleagues. Ms. MacLeod, we of course welcome your line of questioning. Future campaigns are not really part of the mandate of this committee. I'm just flagging that for you. Please continue.

Ms. Lisa MacLeod: Well, I'm just asking because it is sort of the mandate to know about the Oakville and Mississauga gas plants.

When the auditor's report came out, you would have prepared issue notes for Ontario Liberal MPPs. Would any of those have reached Liberal campaign staff?

Mr. Andrew Teliszewsky: I don't know how to answer that specifically in terms of, once we release something to a caucus member or a colleague cabinet minister, what they do with that information is outside of our control.

Ms. Lisa MacLeod: Your leader has told this committee on a number of occasions that cancelling the gas plants in Oakville and Mississauga was a political decision. It was made by the campaign team in 2011. We know that within the next year there will be an election; I suspect it will be much sooner than that. If that does happen, I know this will be an issue, not because I say so, but because I think that the public has indicated it will be. With that in mind—and it was a politically motivated decision of a billion dollars. It was initiated by your Premier and your former Premier. It does warrant mention in documents or policy. Moving forward in the long-term energy plan, I think it's important to know whether or not you are providing communications advice or policy-issues advice to the central Liberal campaign that has now been established. I think that's important, number one; I'd like to hear your thoughts on that.

Secondly, and we noticed this on a couple of occasions—and the previous Minister of Finance and previous Minister of Energy, Dwight Duncan, sort of highlighted to us, whether he wanted to or not, that the Liberal government of the day, and certainly the current one, has been playing a bit fast and loose with the terminology of “ratepayer” versus “taxpayer.” That's very concerning to us, because it looks as if, it appears as if and it seems as if there was political motivation to exclude these extra political costs from the taxpayer/ratepayer by how they've been described.

In your briefing materials to the minister, to the Premier, to the OPA, have you ever come across this rationalization to separate what a ratepayer is from a taxpayer?

Mr. Andrew Teliszewsky: I'm sorry, could you repeat the question?

Ms. Lisa MacLeod: There's only one ratepayer/taxpayer. It's me, or Yak, or Mr. Tabuns or pretty much everybody in this room. When we pay our bills and we pay our taxes, we pay it as one individual. It appears to me that the Liberal government deliberately chose to suggest that the cancellation of Oakville was only \$40 million because they knew that was what the sunk cost was and that was what was going to affect the taxpayer. However, for over a year, the Liberal government,

including the Premier, including several of the cabinet and including the former Premier, repeatedly said that it was only \$40 million and deliberately hid the costs that were going to be borne by the ratepayer, which we would then learn would be in excess of \$900 million.

In your calculations—whether it's now or whether it's through the long-term energy plan, have you been part of those discussions? Have you reiterated that distinction? And why did the government do that? Why would they make a politically motivated decision and then continue that political motivation to try to separate what the ratepayer cost was and what the taxpayer cost was, knowing that at the end of the day, it's the same individual who pays both?

Mr. Bob Delaney: Chair, this is—

The Chair (Shafiq Qaadri): Point of order, Mr. Delaney.

Mr. Bob Delaney: Yes, it is a point of order, Chair. This is very close to the scope of the committee's mandate. Ms. MacLeod is asking a staffer to speculate on the motivation of policy of the government at a time in which he wasn't associated with that particular ministry. I think that's a little out of scope, and I would like the Chair to just clarify on these matters pertaining to either election briefings or matters of policy which are discussed by cabinet. Most if not all of those documents should be in possession of the member. What is or what is not in scope here?

1520

The Chair (Mr. Shafiq Qaadri): The frames of reference are getting stratospheric. I think it's a speculative question.

Mr. Teliszewsky, you may answer the question as you see fit. However, as it is a speculative question, you're not required to. Please proceed.

Mr. Andrew Teliszewsky: I would refer the committee to the testimony of experts who have spoken about this very delineation between the ratepayer and the taxpayer; namely, the robust discussions you've had with Mr. Colin Andersen, Ms. JoAnne Butler and Deputy Minister Imbrogno, who, I think, upon reviewing their testimony in my own preparation here, did their best to explain that delineation for the members of this committee.

Ms. Lisa MacLeod: Okay. I just want it to be very clear that for a very long period of time, this Liberal government chose to announce that there was only a certain amount of costs that was going to be borne by the taxpayer, because they decided to split hairs and not actually acknowledge the costs that were going to be borne by the ratepayer, which is effectively the same individual.

I just want to go back to this, because you then put forward a long-term energy plan, and the long-term energy plan talks about what energy prices or rates would be over the next period of years—the next 20 years or what have you. In that, I asked the Minister of Energy in the Legislature if the costs of the cancelled gas plants would be incorporated into that increase. He initially stood up and said no, which, I think, concerned a great

deal of us. Then he came back and he backtracked off of that.

I'm actually not clear on whether or not Bob Chiarelli understands that somebody, meaning the tax base of Ontario and the ratepayer base of Ontario, is actually going to have to pick up the costs of these cancelled gas plants.

Is it understood by the Liberal government that rate-payers across Ontario are going to have to pick up that billion dollars' worth of cancellation fees, lost power generation and those extra delivery charges? Is that understood, that that billion dollars has to be picked up by somebody?

Mr. Bob Delaney: Chair, on much the same point of order, we have had this discussion before, and the long-term energy plan is not within the scope of our committee's terms of reference.

The Chair (Mr. Shafiq Qaadri): It's within the scope. Proceed.

Ms. Lisa MacLeod: I like that you're trying to shut me down there, Bob, but it's not going to work.

Mr. Bob Delaney: You are entitled to your opinion, as I am to mine.

Ms. Lisa MacLeod: I'm asking why your government chose to mislead the Legislature and say it was only a \$40-million bill—

The Chair (Mr. Shafiq Qaadri): Ms. MacLeod, I'd ask you to just please use parliamentary language, if at all possible.

Ms. Lisa MacLeod: Thank you. I'll withdraw the word "mislead."

I would ask why this government would pretend for so long that there was one cost of \$40 million when it was \$1 billion. I would ask, then, why this government decided to suggest that it was a taxpayer issue when they knew quite well it was also going to be coming from the rate base. I would ask why this government, in its last long-term energy plan, which was only tabled two and a half months ago, would not include the billion-dollar price tag and how it is going to be paid for by the public here in Ontario. I think that's a significant question I not only ask of my colleague opposite, but I would ask of the deputant here before us today.

Mr. Bob Delaney: But you know as well as the rest of the committee does—

Ms. Lisa MacLeod: This is not for debate with you; this is for debate with the witness.

Mr. Bob Delaney: No, but you did direct the question to me.

Ms. Lisa MacLeod: I'd just ask that—

The Chair (Mr. Shafiq Qaadri): The floor is yours, Mr. Teliszewsky.

Mr. Andrew Teliszewsky: The costs related to the relocation of those two natural-gas-fired power plants are included in the OPA's projections, which form the basis of the long-term energy plan.

I can testify to the fact that we participated in meetings where the deputy minister specifically instructed the OPA, in terms of the cost profile that's included in the

long-term energy plan, to include exactly the format that the Auditor General's reports utilized. Certainly, this committee has had testimony from the OPA and the benefit of their input into the distinction between their costing and where the auditor ultimately came in at. It was the direction of the ministry, which ultimately formed the backbone of the long-term energy plan that the projected costs would be incorporated as best as possible into the long-term energy plan.

I've brought a copy of the long-term energy plan to speak to precisely that point and—

Ms. Lisa MacLeod: Just one second, Andrew, if you don't mind.

Could we ensure that every member of the committee is given a copy of the long-term energy plan, and can we ensure that the page that Mr. Teliszewsky is referring to is highlighted for the members of this committee so that we may discuss it?

The Chair (Mr. Shafiq Qaadri): (a) You were given it and you may be given it again, and (b) yes.

Ms. Lisa MacLeod: Thank you.

Mr. Andrew Teliszewsky: I'm going to speak to the total cost of electricity service forecast, which is figure 6 on page 15, and there is a breakout box there which speaks to the—

The Chair (Mr. Shafiq Qaadri): One minute.

Mr. Andrew Teliszewsky: —total cumulative cost of electricity service. So this again, to your point, includes the cost allocation as described by the Auditors General.

The total cumulative cost of electricity service is expected to be less than previously forecast by \$16 billion in the near term, and that's explained in parenthetical notation here, in 2013.

Ms. Lisa MacLeod: Can I just ask a quick question? What was it previously forecast at?

Mr. Andrew Teliszewsky: It's a comparison table which shows you—

Ms. Lisa MacLeod: You just said, though, that it would be less than previously forecast by \$16 billion, so what was it—

Mr. Andrew Teliszewsky: It's forecast in the 2010 long-term energy plan.

Ms. Lisa MacLeod: Right. And what was it previously forecasted at?

Mr. Andrew Teliszewsky: The cumulative cost, you'd have to add that all up, all the billions per year—

Ms. Lisa MacLeod: So it's less than clear, right?

Mr. Andrew Teliszewsky: Well, no. You could add up the numbers. They are on the chart there.

Ms. Lisa MacLeod: But I just asked you to do that and you couldn't do it, so it's a little less than clear.

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. MacLeod. Mr. Tabuns, the floor is yours.

Mr. Peter Tabuns: Thank you, Mr. Chair, and good afternoon, Mr. Teliszewsky. Do you follow the requirements of the Archives and Recordkeeping Act in managing your electronic and hard copy records?

Mr. Andrew Teliszewsky: We have had the benefit of some training in this regard and, as well, ensure that staff follow all of those protocols.

Mr. Peter Tabuns: So do you follow the requirements of the act?

Mr. Andrew Teliszewsky: Based on the training that we have received, I, at this moment in time, would say that we are in compliance with the act.

Mr. Peter Tabuns: And you personally are in compliance?

Mr. Andrew Teliszewsky: Based on the training that I received, I believe myself to be in compliance.

Mr. Peter Tabuns: And you also believe that all members of your staff adhere to the act?

Mr. Andrew Teliszewsky: Based on the training that we've received, I believe myself and my staff are in compliance.

Mr. Peter Tabuns: And within your minister's office, who is responsible for seeing that the staff are in compliance?

Mr. Andrew Teliszewsky: That would be the chief of staff, myself.

Mr. Peter Tabuns: That's you. Okay.

How does your minister usually communicate a change in policy to the Ontario Power Authority?

Mr. Andrew Teliszewsky: What do you mean by a change in policy?

Mr. Peter Tabuns: A direction. How does the minister give an order to the Ontario Power Authority?

Mr. Andrew Teliszewsky: A direction to the Ontario Power Authority is done via directives, written directives, I believe. In the testimony that the minister provided, you had some exchange to that effect.

Mr. Peter Tabuns: And as chief of staff, what would you do if the OPA was acting without a clear direction from the minister?

Mr. Andrew Teliszewsky: I can't speculate on a hypothetical.

Mr. Peter Tabuns: If the OPA was acting in a direction that wasn't supported by a clear directive, would you take action to correct them?

Mr. Andrew Teliszewsky: The purpose of the directives is to provide the OPA with procurement authority and the government's policy framework within which they are to act, so they are not able to act outside the bounds of those directives as they're set out.

Mr. Peter Tabuns: Do you ever communicate major changes in policy or major changes which could have large rate base or tax base implications without a directive?

Mr. Andrew Teliszewsky: Directives are those which provide the OPA with procurement authority, which would have the largest impact on ratepayers.

Mr. Peter Tabuns: So you would always use a directive.

Mr. Andrew Teliszewsky: The directive mechanism is the way in which the government provides the OPA with procurement authority.

1530

Mr. Peter Tabuns: What are the legal risks in communicating a major change in policy without a directive or a letter?

Mr. Andrew Teliszewsky: I have not had the benefit of formal legal training, so I don't think I could answer your question fully.

Mr. Peter Tabuns: Do you expect the Ontario Power Authority to intuit the wishes of the government or to follow explicit direction?

Laughter.

Mr. Peter Tabuns: Mr. Chair, I'm glad you approve of my question.

Mr. Andrew Teliszewsky: I'm sorry, could you repeat the question?

Mr. Peter Tabuns: Do you expect the OPA to intuit the wishes of the government?

Mr. Andrew Teliszewsky: What do you mean by "intuit"?

Mr. Peter Tabuns: To guess in a very accurate way as to what you want done. Or do you expect them to follow directives?

Mr. Andrew Teliszewsky: The directive mechanism, as outlined in the Electricity Act, is the mechanism by which the government sets high-level policy framework and provides the procurement authority for the Ontario Power Authority to engage in their various activities.

Mr. Peter Tabuns: So the use of directives is the way that you give instructions to the OPA, and that's what you expect to be used when instructions are given, correct?

Mr. Andrew Teliszewsky: The relationship between the ministry, the minister's office and the Ontario Power Authority is—it's a collaborative process. It's a collaborative process that includes in-person discussion and formal directives that provide procurement authority, and so the procurement authority resides through the directive power.

Mr. Peter Tabuns: Okay, thank you. I will turn my questions over to Mr. Bisson and look forward to seeing you again shortly.

Mr. Gilles Bisson: How much time do I have, Chair?

The Chair (Mr. Shafiq Qaadri): Monsieur Bisson, you have about 15 minutes.

Mr. Gilles Bisson: Wow.

The Chair (Mr. Shafiq Qaadri): Just before you begin, I'd like to acknowledge our MPP-elect for the circonscription of Niagara Falls, Mr. Gates. Welcome.

Mr. Gilles Bisson: Good day, Mr. Gates. Nice to see you.

At the time that the documents in question were being requested by the estimates committee, you were at Infrastructure Ontario, correct?

Mr. Andrew Teliszewsky: No, that's not correct.

Mr. Gilles Bisson: No? Okay, where were you? I thought you were at IO.

Mr. Andrew Teliszewsky: No, I was at the Ministry of Infrastructure, serving as Minister Chiarelli's chief of staff in the immediate aftermath of the 2011 election to the investiture of the new government in February 2013.

Mr. Gilles Bisson: So you were working for Chiarelli at the time?

Mr. Andrew Teliszewsky: For Minister Chiarelli, I served as his chief of staff at the Ministry of Infrastructure and Ministry of Transportation.

Mr. Gilles Bisson: Yes, that's what I'm saying. That's what I meant by IO.

Mr. Andrew Teliszewsky: Yes, sorry. I believe you mentioned Infrastructure Ontario.

Mr. Gilles Bisson: Yes, I know. You were essentially in the minister's office.

Mr. Andrew Teliszewsky: Yes.

Mr. Gilles Bisson: So at the time, were you aware of the request by the estimates committee in order to request these documents?

Mr. Andrew Teliszewsky: The estimates committee request of the Ministry of Energy?

Mr. Gilles Bisson: Yes.

Mr. Andrew Teliszewsky: I would have been aware through media sources at the time.

Mr. Gilles Bisson: So you would have known that there was a request by the estimates committee in order to ask for documents in relationship to the decisions around the gas plants cancellation. You would have been aware of that.

Mr. Andrew Teliszewsky: Generally aware, but not in my course as a staffer at the Ministries of Transport and Infrastructure at the time.

Mr. Gilles Bisson: Did you have any discussions at the time with other political staff in regard to this particular issue?

Mr. Andrew Teliszewsky: I don't believe so, no.

Mr. Gilles Bisson: Do you ever talk to political staff about any issue?

Mr. Andrew Teliszewsky: Certainly. I engage with my colleagues on a very frequent basis.

Mr. Gilles Bisson: This issue started to become larger and larger as time went on. The request was made; it was refused. Mr. Leone came in the House and then introduced a question of a prima facie case of contempt. At that point, were you aware that that was going on?

Mr. Andrew Teliszewsky: Certainly, I would have been aware, again, through provincial media sources' updates that there was this debate happening in the chamber.

Mr. Gilles Bisson: Okay. Did you have any discussions with anybody on political staff in regard to what was going on at that point in the House when it came to an allegation of a prima facie case of contempt?

Mr. Andrew Teliszewsky: No.

Mr. Gilles Bisson: Really? Did you hear any kind of rumblings or any kind of noise about it?

Mr. Andrew Teliszewsky: Well, as I just testified, I would have heard about it through the various sources—provincial media—that were reporting on the issues of the day.

Mr. Gilles Bisson: All right. Did you hear today, for example, that Andrea Horwath said no to any new taxes or fees when it comes to what the Premier had been suggesting in regard to infrastructure in this budget?

Mr. Andrew Teliszewsky: I did hear tell of your leader's media studio event this morning.

Mr. Gilles Bisson: Okay. Did you have any discussion with political staff about that issue?

Mr. Andrew Teliszewsky: About your leader's testimony—

Mr. Gilles Bisson: Yes, about my leader's comments this morning.

Mr. Andrew Teliszewsky: No.

Mr. Gilles Bisson: Really?

The Chair (Mr. Shafiq Qaadri): Mr. Bisson, as you're well aware, the—

Mr. Gilles Bisson: No, this is all related. This is all related.

The Chair (Mr. Shafiq Qaadri): It's not related to the scope.

Mr. Gilles Bisson: It's all related to the scope, and if you permit, you will see why.

I'm having a bit of a hard time accepting that in fact there is no discussion by political staff when it comes to the largest political issue going on in the government at the time. You're telling me that you're not aware of any discussion by political staff about what was going on in regard to the request—of the estimates committee being refused those documents?

Mr. Andrew Teliszewsky: My role was at the Ministry of Transportation and Infrastructure, so we were engaged in our own public policy files of the day. When my counsel or advice or information is sought from other political staff, it typically relates to when our files would intersect. In the case of the Premier's office, if they had a question about a Ministry of Transportation file—at the time we were also engaged in some conversations with the city of Toronto with regard to their public transportation. That is what my conversations—

Mr. Gilles Bisson: I understand that the majority of your discussion would obviously be about your portfolio, but I'm having a bit of a hard time accepting that there was not any kind of discussion by political staff in regard to the prime facie case of contempt regarding the non-release of documents to the estimates committee. You never had a chat with anybody about that?

Mr. Andrew Teliszewsky: So my role was at the Ministry of Transportation—

Mr. Gilles Bisson: No, I understand that, and you would have been consumed with your files. I get that, and that's fair. But you're telling me that you never had any discussions with political staff about the issue of the prima facie case of contempt—with no political staff?

Mr. Andrew Teliszewsky: My advice was not sought.

Mr. Bob Delaney: Chair, point of order.

The Chair (Mr. Shafiq Qaadri): Point of order, Mr. Delaney.

Mr. Bob Delaney: Asked and answered.

The Chair (Mr. Shafiq Qaadri): Pardon me?

Mr. Bob Delaney: The question has been asked and answered.

The Chair (Mr. Shafiq Qadri): Thank you, Mr. Delaney, for that fact.

Mr. Gilles Bisson: Thank you, my learned friend.

So I'm asking you again: Just to be clear, you had no discussion with political staff about that issue as it was the dominant political issue hitting the government at the time, through May, June and July of that year?

Mr. Andrew Teliszewsky: I myself did not have any exchange with other political staff on this topic.

Mr. Gilles Bisson: Did you have any of those discussions with your minister?

Mr. Andrew Teliszewsky: My minister and I have frequent discussions about the issues of the day, about our public policy files, about how things went at question period for him. I couldn't speculate about what conversations I have had with my minister. However, they would have primarily revolved around the work that we were engaged in at the ministry—

Mr. Gilles Bisson: So you never had discussions with your minister about the number one political issue hitting the government at the time when it came to a possible ruling of contempt—never discussed it?

Mr. Andrew Teliszewsky: I don't believe my minister and I had any specific conversation about it. We didn't sit down to have a specific conversation about this issue. We were engaged in the work at the Ministry of Transportation and Infrastructure at the time.

Mr. Gilles Bisson: It's kind of hard to believe. You're political staff—and I've been around this place long enough, both on the opposition side and the government side. When the biggest issue hits your government, it's the buzz within all political staff and all ministers and politicians around this place—the talk about our views, and sometimes they're just our private views, in this case, with political staff, on the issue. You're telling me this issue hits the floor, this issue hits the province, the government is now in a position where they may be found in contempt of the House, and no discussions whatsoever can you recall being had between yourself and other political staffers or the minister in regard to this issue?

Mr. Andrew Teliszewsky: That's correct.

Mr. Gilles Bisson: Wow. I have a really hard time believing that.

Mr. Tabuns, would you want to try to do something with this guy?

The Chair (Mr. Shafiq Qadri): Mr. Tabuns.

Mr. Peter Tabuns: Mr. Bisson, I may well have questions. You've left off where?

Mr. Gilles Bisson: I can continue. I just thought you had something.

Mr. Peter Tabuns: No. Be my guest.

Mr. Gilles Bisson: Okay. I thought my colleague wanted to get in on this.

Let's get to the next step. So then the Speaker finds a prima facie case of contempt. It was August, if I remember correctly. Did you have any discussions at that time in regard to this particular issue with political staff?

Mr. Andrew Teliszewsky: In August 2012?

Mr. Gilles Bisson: Yes. When the ruling was found, yes.

Mr. Andrew Teliszewsky: I did not have discussions about a portfolio that did not intersect with the Ministry of Transportation and Infrastructure.

Mr. Gilles Bisson: So let me see. I just want to be clear. The Speaker finds that there's a prima facie case of contempt against the government for not having released the documents, and the political staff have no discussion about it?

Mr. Andrew Teliszewsky: I'm sorry. Could you repeat the question?

1540

Mr. Gilles Bisson: I'm going to do it again. The Speaker finds that there's a prima facie case of contempt against the government for not having released those documents, and you're telling me that political staff have no discussions or thoughts on that particular issue? They didn't talk about it?

Mr. Andrew Teliszewsky: I personally cannot testify as to what other political staff may or may not have done at that time. I undertook my responsibilities as chief of staff to the Minister of Transportation and the Minister of Infrastructure quite seriously—

Mr. Gilles Bisson: I'm sure you did.

Mr. Andrew Teliszewsky: It is a busy portfolio, and I dedicated my time to the government—

Mr. Gilles Bisson: And I would expect you would. That's what you're paid to do.

My point is, you've got to do your job, and I understand that 99% of your effort is around your minister and the portfolio that he's responsible for. But I have a really hard time believing that no political staff talked about this from the time that there was a request by the committee for documents that were refused to the point of a ruling—that political staff didn't have a discussion about it.

The reason I'm asking the question is, it's pretty obvious that this was the biggest issue driving the government at the time, and if you're telling me that there were no discussions, I have a hard time believing it. I don't see you as a credible witness at this point, quite frankly.

Mr. Bob Delaney: Chair, on a point of order.

The Chair (Mr. Shafiq Qadri): Yes, but before you speak—Mr. Bisson, I don't think that's really appropriate commentary. You're free to hold your views, but to express them on the—

Mr. Gilles Bisson: Well, it's like saying you were standing next to a building where there was a burning fire going on, and then you walked away and didn't tell anybody that you saw the building burning.

The Chair (Mr. Shafiq Qadri): Fires usually burn, Mr. Bisson—

Mr. Gilles Bisson: That's not how humans operate, so I'm asking the question again—

The Chair (Mr. Shafiq Qadri): Mr. Delaney, a point of order.

Mr. Bob Delaney: Chair, thank you for the first part of my point of order.

My second point of order is, this is six times that I've counted Mr. Bisson asking precisely the same question. It has been asked and answered. To continue to persist with this amounts to badgering the witness, and I would ask that he move on.

Ms. Lisa MacLeod: No it doesn't. Come on.

The Chair (Mr. Shafiq Qadri): Thank you, Mr. Delaney. Mr. Bisson, with all the comments, I'd invite you to please proceed, but just be mindful of some of the comments made.

Mr. Gilles Bisson: Well, I thank you, but you follow where I'm going? What I'm saying is, human nature is that if something like that is going around, you're going to talk about it to your colleagues and friends. I just have a hard time believing that well-paid political staff working for the Liberal government didn't have discussions in regard to what was going on with the prima facie case of contempt. The rest of my questions flow from that. What you're telling me is that you had no discussions about this. Really?

Mr. Andrew Teliszewsky: My role at the Ministries of Transportation and Infrastructure was to work with ministry staff at the time there to move forward the government's agenda as it related to those two portfolios.

Mr. Gilles Bisson: Rightfully so.

Mr. Andrew Teliszewsky: I was not a staffer in the government House leader's office. I was not a staffer in the whip's office. I was not a staffer in the Premier's office. I wasn't a staffer in the Minister of Energy's office at the time. As I testified earlier, it is in instances like that, where there is an intersection of responsibility, where I would suggest there would be an appropriate consultation or conversation amongst political staff. But if you're suggesting that there should have been a conversation between the chief of staff and the Minister of Transportation—

Mr. Gilles Bisson: I'm asking if there was a conversation.

Mr. Andrew Teliszewsky: There was not a conversation with the chief of staff to the Minister of Transportation about matters that were before the Speaker or chamber at the time, as it was outside the purview of the Ministry of Transportation and the Ministry of Infrastructure.

Mr. Gilles Bisson: We all know that political staff are a gregarious lot. They work hard, they're underpaid, and they're really interested in their jobs and especially interested in the future of what happens to their political party or the government.

I have a really, really hard time with you as a witness coming here and saying that you never heard any discussion, nobody ever talked to you about it, you never talked to your minister, you never talked to any other political staffer within the Liberal government about everything leading from the time that the documents were not released when requested to the point that there was a prima facie case of contempt. It was the number one issue driving the Legislature and your political party at the time, as well as mine and the Conservatives, and

you're telling me there was no discussion. I'm going to ask you one last time: Was there any discussion? Last chance.

Mr. Andrew Teliszewsky: I can only testify as to any discussions that would have occurred with myself in my capacity at the time. I was not involved in any of the decisions or discussions with regard to those matters, as they did not pertain to my role at the time.

You mentioned political staff and the scuttlebutt that occurs amongst political staff. I myself carry a policy of keeping that to a minimum for myself. I can only testify for myself that I personally—also to the point that you raised in terms of how busy the portfolios are that I've been engaged in—don't have the time to engage in rumour, innuendo and speculation. I can only move forward with the files that I have at the time.

Mr. Gilles Bisson: All right, let me ask you this, then: Do you think that it was right for the government to withhold those documents when they were requested?

Mr. Andrew Teliszewsky: I'm sorry. Could you repeat the question?

Mr. Gilles Bisson: Was it right—

Mr. Bob Delaney: Chair, again on another point of order: He's asking the witness to speculate.

Mr. Gilles Bisson: No, it's a question.

Mr. Bob Delaney: He's welcome to ask what he knows but not to ask him—

Mr. Gilles Bisson: So my question is, do you think it was right—

The Chair (Mr. Shafiq Qadri): Please proceed, Mr. Bisson.

Mr. Gilles Bisson: My question is, do you think it was right for the government to not release those documents to the estimates committee when they were asked to be released? Yes or no, or you have no opinion about that?

Mr. Andrew Teliszewsky: I was not at the Ministry of Energy at the time and so I don't think that any of my speculation in this regard would be helpful.

Mr. Gilles Bisson: The Speaker found a prima facie case of contempt, which essentially says, "You know what? Where there's smoke, there's fire." Do you think that the Speaker was correct in giving that ruling?

Mr. Andrew Teliszewsky: I am not an expert in parliamentary procedure. I believe you had testimony from the former Speaker of the Canadian House of Commons to speak to that very issue.

Mr. Gilles Bisson: So Infrastructure Ontario, in the end, did they have some kind of a role in regard to the cancellation of the gas plants?

Mr. Andrew Teliszewsky: I understand that Infrastructure Ontario at various points in time has been engaged with the Ministry of Energy or the Ontario Power Authority to—

Mr. Gilles Bisson: That's right, and were they engaged prior to the finding of a prima facie case of contempt? Were there any discussions between the Ministry of Energy and your office, your ministry, in regard to the

cancellation of the gas plants prior to the contempt ruling?

The Chair (Mr. Shafiq Qaadri): One minute.

Mr. Andrew Teliszewsky: Between—sorry. Between whom?

Mr. Gilles Bisson: Between your ministry and the Ministry of Energy or any other level of—any other branch of government. Were there discussions in regard to the cancellation of the gas plants?

Mr. Andrew Teliszewsky: Any of the work that Infrastructure Ontario would have engaged in would have been between Infrastructure Ontario and the host ministry that they would work for. So—

Mr. Gilles Bisson: That's right. Did your ministry have any discussions with the Ministry of Energy in regard to the cancellation of the gas plants prior to the prime facie case of contempt being ruled?

Mr. Andrew Teliszewsky: Our ministry, as in, at the time, Ministry of Infrastructure?

Mr. Gilles Bisson: Yes.

Mr. Andrew Teliszewsky: In my role as the chief of staff to the Ministry of Infrastructure, I did not engage in any conversations with the Ministry of Energy at the time with regard to that file.

Mr. Gilles Bisson: Any time left?

Le Président (M. Shafiq Qaadri): Huit secondes.

Mr. Gilles Bisson: Wow. It's pretty hard to buy what you're telling us, because your ministry had to have some involvement in regard to the contracts that were signed.

Le Président (M. Shafiq Qaadri): Merci, monsieur Bisson, pour vos questions et votre contribution. Je passe la parole maintenant au gouvernement.

Monsieur Delaney.

Mr. Bob Delaney: Thank you very much, Chair.

Ms. Lisa MacLeod: Here we go. Point of order.

Mr. Bob Delaney: Feel free, as long as it's done professionally.

Mr. Teliszewsky, just before we get into some of the questions, after the two rounds you've had, are there any particular points you wanted to add that you have not been able to get in?

Mr. Andrew Teliszewsky: No, thank you.

Mr. Bob Delaney: Okay. With regard to your employment in the office of the Minister of Energy, when did you start working there?

Mr. Andrew Teliszewsky: At the Ministry of Energy?

Mr. Bob Delaney: Yes.

Mr. Andrew Teliszewsky: It would have been after transition in February 2013.

Mr. Bob Delaney: Okay. So this means that the estimates motion asking for correspondence related to the gas plants would not have captured any of your documents because the motion asked for correspondence up to December 2011. Correct?

Mr. Andrew Teliszewsky: Correct.

Mr. Bob Delaney: Back on September 10, 2013, this committee passed a motion requesting documents from the Ministry of Energy from January 1, 2012, to August

2013. So if my understanding of this is correct, that would be the first committee motion that would have applied to any correspondence from you. Correct?

Mr. Andrew Teliszewsky: Correct.

Mr. Bob Delaney: You were actually in the ministry on March 5, 2013, at which point the government members of the committee moved a motion directing a government-wide search of all documents related to the relocations of Oakville and Mississauga, both gas plants, and the motion would have required all government ministries, ministers' offices, Cabinet Office, Premier's office and the OPA to conduct a search. Do you recall that?

Mr. Andrew Teliszewsky: As I testified in my opening statement, we've done our best to comply with the motions of this committee.

Mr. Bob Delaney: Were you aware that that particular motion was voted down by the opposition members of the committee?

Mr. Andrew Teliszewsky: As motions come and go—I understand they are frequent here at committee—when something is defeated, it dies here and we take no further action.

1550

Mr. Bob Delaney: As you were not with the Ministry of Energy until the formation of the new government in 2013, you would then have had no seat at the table, no ear to the discussions, nor would you have known much about the negotiations with the parties before you came to join the Minister of Energy as his chief of staff. Correct?

Mr. Andrew Teliszewsky: Correct. As I testified, I was busy at the Ministry of Infrastructure and the Ministry of Transportation at the time.

Mr. Bob Delaney: Okay. Let's talk a little bit about commercial sensitivity on government-procurement projects. To look back to the spring of 2012—and again, you were not at that time with the Ministry of Energy yet. But when the estimates committee moved a motion asking for documents related to the two gas plants, we're all well aware that, at that time, negotiations were ongoing with the proponents of both the Oakville and Mississauga power plants. Knowing what you do know now in your role as chief of staff to the Minister of Energy, would it be accurate to say that any outstanding negotiations, on whatever the project might be, that are not complete would be classified as commercially sensitive?

Mr. Andrew Teliszewsky: I would agree with that statement, yes.

Mr. Bob Delaney: So in general, turning over commercially sensitive information could compromise any government's position and may ultimately lead to a far more expensive and complex situation, which would be litigation. Correct?

Mr. Andrew Teliszewsky: Yes.

Mr. Bob Delaney: As you're aware, there have been a series of document-request motions, all of which the government has complied with, to produce, in total, so far, some 300,000 documents over the life of this com-

mittee's work. Given the volume of the documents— we've already acknowledged that it was a learning process in a search of hitherto unprecedented scale and scope. In fact, the testimony from the secretary of cabinet, ministry staff and the OPA has consistently stated that the searches were done in good faith. In your time with the ministry, would you agree with that?

Mr. Andrew Teliszewsky: As I testified, we've done our best to comply with the wishes of this committee, yes.

Mr. Bob Delaney: Okay. When Deputy Imbrogno testified before the committee, he described the enormous amount of time and resources that went into searching for, identifying and compiling documents related to the estimates committee motion. To use his words, he told us:

"We basically shut the ministry down for that search period ... a lot of the time and effort was spent with policy legal staff going through and determining what is responsive and what is non-responsive ... that took a lot of time and effort, but the ministry basically worked 24/7, and that was the priority for the ministry."

Perhaps you could speak to the time and the effort that go into these document-production requests.

Mr. Andrew Teliszewsky: Certainly. The time and effort on the part of ministry staff, both political and bureaucratic, is quite significant, because certainly the scope of some of the requests has been rather broad. In fact, I believe it's the Ontario Power Authority that is yet to fully come into compliance with that motion in terms of being able to table everything that has been asked for, just based on the sheer volume. They certainly are in the processes of updating the committee on a rolling basis. Our own ministry did the same to come into compliance late last year with those document-production requests.

In terms of the process, we have also now engaged an outside legal firm to support this effort, precisely to your point, to assist in the redaction process. The government has secured legal experts to help sort and sift through all of the documents to be able to provide to the committee in a workable format, so that presents a lot of time challenge. It also has been a fiscal challenge for the ministry in order to maintain the services of this outside legal counsel.

Mr. Bob Delaney: Okay. I just want to talk, then, a little bit more about record-keeping. Were you ever directed by any of the former Ministry of Energy staff to delete emails?

Mr. Andrew Teliszewsky: No.

Mr. Bob Delaney: Former Premier McGuinty has testified that there had been a lack of adequate training for the staff in this area, and in fact, at one point while we had an IT expert here, I was talking with him about the evolution of the technology. Indeed, 10 years ago, when we formed government, the technology to simply retain the volume of emails that the province receives didn't exist.

Going back to Premier McGuinty and his June 7 response to the report from the Information and Privacy

Commissioner, he stated, "I agree with the commissioner that despite some efforts, we did not devote adequate resources and attention to ensuring all government staff in all ministries and in the Premier's office were fully informed of their responsibilities. This inadequate training made it difficult for staff government-wide to both understand their responsibilities regarding the preservation of public records and to exercise sound judgment in determining which records must be kept as public records and which can be eliminated."

Would you agree with the former Premier that there was a lack of formal training with respect to how to manage records?

Mr. Andrew Teliszewsky: Yes, I would.

Mr. Bob Delaney: Okay. With that said, I'm sure it's apparent to most staff that they were not required to keep every single record all of the time. This also being said, we know that the practices of record-keeping have been substantially improved over the course of the last year.

The Archives and Recordkeeping Act explains transitory records as those that are not required to be kept, and the common records series defines these records as "records of temporary usefulness in any format or medium, created or received by a public body in carrying out its activities, having no ongoing value beyond an immediate and minor transaction or the preparation of a subsequent record."

According to the act, there are many types of records that would fall into this transitory category—for example, duplicates, records of short-term value, intermediate records, draft documents. Archives of Ontario even has a fact sheet entitled *The Fine Art of Destruction: Weeding Out Transitory Records*.

How have staff benefited from the extra effort paid to what is and what is not a transitory record and what must and what must not be kept?

Mr. Andrew Teliszewsky: Political staff have now received significant training to understand better what we are to do with regard to the records that cross our desks and that cross through our email accounts. That training occurred precisely following the issues that were raised at this committee, and the Information and Privacy Commissioner says—

The Chair (Mr. Shafiq Qadri): Thank you, Mr. Delaney. To the PC side: Ms. MacLeod.

Ms. Lisa MacLeod: Thanks very much, Andrew. You've stated repeatedly—and we're not getting, I think, the clearest of answers from you, with all due respect, particularly of your time when you were in transportation and infrastructure. I'm going to ask you a few questions, and if I don't get to all of them, I think I'll be calling for you to come back to the committee, just so you know.

Do you know who David Livingston is?

Mr. Andrew Teliszewsky: I'm sorry, could you repeat that?

Ms. Lisa MacLeod: Do you know who David Livingston is?

Mr. Andrew Teliszewsky: Yes.

Ms. Lisa MacLeod: How do you know who he is?

Mr. Andrew Teliszewsky: David Livingston is a former staffer with the Ontario government.

Ms. Lisa MacLeod: Yes. Where? Infrastructure Ontario?

Mr. Andrew Teliszewsky: He began his work at Infrastructure Ontario, yes.

Ms. Lisa MacLeod: And then what was his next role?

Mr. Andrew Teliszewsky: After that, he moved on to become chief of staff to then-Premier McGuinty.

Ms. Lisa MacLeod: So when he talks about the cancelled gas plants, one would assume that Mr. David Livingston knows a thing or two, would you say?

Mr. Andrew Teliszewsky: I believe you've had—

Ms. Lisa MacLeod: He was here.

Mr. Andrew Teliszewsky: —opportunity to speak with Mr. Livingston—

Ms. Lisa MacLeod: Right. Did you ever speak to David Livingston when you were at transportation and infrastructure and when he was at Infrastructure Ontario?

Mr. Andrew Teliszewsky: I think this is an important point, and it goes to some of the questioning from—

Ms. Lisa MacLeod: I just asked for a simple yes or no. I don't need to be explained different points. Did you ever speak—

The Chair (Mr. Shafiq Qadri): Ms. MacLeod, you cannot impose a “yes or no” on a witness's answers.

Ms. Lisa MacLeod: Okay.

Mr. Andrew Teliszewsky: It goes to your line of questioning right now, and it certainly goes to the line of questioning from the third party, in terms of Infrastructure Ontario's relationship across other ministries.

Infrastructure Ontario is an agency that resides within the Ministry of Infrastructure, yes. The CEO would report in to the minister, yes. But as that agency was set up to be a nimble and important institution that would engage in procurement and engage in other transactions on the part of the Ontario government, they would be engaged by another ministry to do a particular line of business.

1600

Ms. Lisa MacLeod: Okay.

Mr. Andrew Teliszewsky: So in that regard they would have been engaged by the Ministry of Energy or another ministry to undertake some efforts.

Ms. Lisa MacLeod: Okay. Just let—

Mr. Andrew Teliszewsky: For example, they would undertake—

Ms. Lisa MacLeod: I know—

Mr. Andrew Teliszewsky: —procurements for health care infrastructure at the Ministry of Health.

Ms. Lisa MacLeod: Thank you. I'd like to just continue to ask some questions.

Mr. Andrew Teliszewsky: I would not have had discussions with David Livingston about the work that he was doing with the Ministry of Health—

Ms. Lisa MacLeod: Well, I mean, this is getting ridiculous. He's not prepared to listen to any questions I want to ask.

Mr. Andrew Teliszewsky: —as it didn't relate to the Ministry of Infrastructure.

Ms. Lisa MacLeod: He's just speaking over me.

Mr. Andrew Teliszewsky: Infrastructure Ontario would have been charged with the work around the ONTC, which was certainly something that—

Ms. Lisa MacLeod: Thanks. I actually would like to ask another question.

Infrastructure Ontario and the Minister of Energy would have been involved in negotiations with TCE and Greenfield South. So David Livingston, the former chief of staff to the former Premier, the former head of Infrastructure Ontario—I've had him into previous committees before, government agencies, during discussions. He was in on those negotiations. Bob Chiarelli, the now Minister of Energy, the former Minister of Infrastructure and Transportation and all-round best friend to Dalton McGuinty, was also part of discussions in cabinet, as we know because of a cabinet minute that was walked around and it was discussed.

You have worked for Bob Chiarelli as Minister of Transportation and Bob Chiarelli as Minister of Energy. We know that David Livingston, in both his capacities, would have been in negotiations with TCE and Greenfield, particularly with Infrastructure Ontario. Given your previous role and your current role, how can you stand here and expect anybody to believe you have any credibility that your ministry was not involved in the gas plant scandal when the timeline, the ministry, the people—all of that—are connected, and you can only give us a response that says “can't speculate on discussions I had with my minister”? This makes no sense. I must say that my colleague in the third party is talking about your credibility. You've come here today to effectively whitewash and stonewall us. We're here, with all due respect, to try and get a job done. It would be helpful if you'd answer our questions and be truthful about those answers.

The Chair (Mr. Shafiq Qadri): Ms. MacLeod, I think we're probably over the top with this one. I'd ask you just to please respect the witness's—

Ms. Lisa MacLeod: Well, I want to know how he can say that he and his ministry were not involved with the gas plant scandal when David Livingston, former chief of staff to Premier Dalton McGuinty and former head of Infrastructure Ontario, has indicated that they were.

I think you have a real problem if you can't answer that or you won't answer that, and I think you have a real problem in trying to maintain any credibility here with respect to documents and briefings that you're not prepared to inform us about, because it makes very little sense that anybody in your government, particularly somebody who works for a senior minister, particularly one who was so close to the Premier, Dalton McGuinty at the time, had no discussions. You briefly mentioned that you have spoken with Pat Sorbara about this, but then you moved on.

This is very disappointing, that in one element you're going to acknowledge a discussion, and then in another you're backing away from that.

So I think what I'm going to do, Chair—I'll ask my colleague if he has any other questions. Jim, do you have any other questions? And just before you do, I want to say this: I will be asking for this witness to come back, because I want to review his Hansard. I want to review some of the other information that we have. Can I make that request right now?

The Chair (Mr. Shafiq Qaadri): So subcommittee, yes.

Ms. Lisa MacLeod: Okay. And Mr. McDonell has a couple of questions.

Mr. Andrew Teliszewsky: Sorry. Can I respond to the question?

The Chair (Mr. Shafiq Qaadri): Mr. McDonell, you have the floor.

Mr. Andrew Teliszewsky: I'm sorry. There was a lengthy statement there. Can I respond to that at all?

The Chair (Mr. Shafiq Qaadri): There's three and a half minutes on the clock. So as you like, whoever has the floor.

Mr. Jim McDonell: I had a question. We talked about the information being redacted because of its commercial value, but was the Speaker not very clear that that was not a reason that any information should be held back from the committee? I'm just wondering why that was considered acceptable, to receive so many documents with attachments clearly omitted and with so much of the information electronically deleted, which was against—

Mr. Bob Delaney: Chair—

The Chair (Mr. Shafiq Qaadri): Mr. Delaney, point of order.

Mr. Bob Delaney: I do have to come in with a point of order here. The witness is being asked about—

Mr. Jim McDonell: The practice of—

Mr. Bob Delaney: —the practice of whatever it is on documents that he didn't create and that were submitted before he joined the Ministry of Energy. I would also note that the PCs called Mr. Livingston and had a chance to ask him questions.

Mr. Jim McDonell: I'm asking about a point of information—

The Chair (Mr. Shafiq Qaadri): Thank you. He's allowed to answer the question as he sees fit. Please proceed.

Mr. Andrew Teliszewsky: Sorry, could you repeat your question?

Mr. Jim McDonell: What I'm asking about is the discussion beforehand, where you were asked about deleting information in these documents because they were commercially sensitive and may affect negotiations, where that was a practice of the documents we saw. But that was clearly against the instructions of the Speaker, who said that previous examples had shown that that was not a reason for any deletion of information, that the Legislature should have access to all information. But clearly we saw documents with information redacted. I'm just asking for the—

Mr. Andrew Teliszewsky: So in response to the estimates committee motion?

Mr. Jim McDonell: Yes. I mean, was that the direction? Or do you see that as—that that direction was given out to actually hold information back from the Legislature?

Mr. Andrew Teliszewsky: The estimates committee motion was something that the Ministry of Energy was coping with in advance of my time there, and so I don't think I could speak to that in and of itself. As per my testimony earlier, in response to this committee and what our office has done to be able to come into compliance with the various motions that have been voted on, we've relied on the support of cabinet office and ministry legal, as well as an outside legal firm, to support that process so that the information can come to members of this committee in a format both redacted and unredacted for your use and review.

Mr. Jim McDonell: I'm fine.

The Chair (Mr. Shafiq Qaadri): Thanks, Mr. McDonnell. To Mr. Tabuns.

Mr. Peter Tabuns: Thank you, Mr. Chair. Mr. Teliszewsky, the plants that have been moved to Napanee and to Sarnia: Will they be making power that is surplus to Ontario's needs?

Mr. Andrew Teliszewsky: I think the best folks to answer that would be the Ontario Power Authority, in terms of when that power would be coming into service. I believe there has been some discussion between the OPA and in fact the Auditor General in the various reports vis-à-vis what the in-service date would be for those various plants. As you adjust the in-service date, then you certainly have an impact on what the SBG—the surplus baseload generation—would be at that particular point in time.

Mr. Peter Tabuns: That long-term energy plan in front of you: I'm assuming that as chief of staff to the Minister of Energy you were deeply involved in its preparation. Is that a correct assumption?

Mr. Andrew Teliszewsky: I would have been involved in the preparation of the ministry's long-term energy plan, certainly.

Mr. Peter Tabuns: So you're aware of the direction that demand is headed in Ontario in the next four to five years?

Mr. Andrew Teliszewsky: We rely on the Ontario Power Authority as well as the Ministry of Energy to present us with those forecasts. The minister's office does not have the ability to make those projections on its own.

Mr. Peter Tabuns: Correct. So is demand for power in the next four years going up, down, or staying flat?

Mr. Andrew Teliszewsky: With regard to demand, again, I would refer you to the Ontario Power Authority for a specific discussion in this regard. But demand is something that will fluctuate. It is something that is estimated going forward. Demand certainly is also temporal, so demand did rise in the winter months here this past January vis-à-vis the temperature that many Ontarians were facing. So demand goes up and down. Projections come from the Ontario Power Authority.

Mr. Peter Tabuns: Have you looked at their projections?

Mr. Andrew Teliszewsky: We have received briefings with regard to the projections of the expected demand.

1610

Mr. Peter Tabuns: So are they telling you that demand is going up, down, or staying flat for the next four years?

Mr. Andrew Teliszewsky: Demand is uncertain, so the information that we receive from the Ontario Power Authority speaks to a range of uncertainty that will come in the future. It is anticipated that demand will go up, perhaps not at the slope of that curve. It may not be as steep as what Ontarians experienced in the past. Certainly, as you go further out into the out-years, there is a range of uncertainty in that regard.

Mr. Peter Tabuns: So you don't know whether these plants will be surplus to Ontario's needs or not? That's what you're saying to me?

Mr. Andrew Teliszewsky: Again, the in-service date of those plants plus what the demand would be at that particular moment in time would be what would determine whether or not they would be surplus. The natural gas fleet in Ontario is very much at peak—the natural gas fleet is not the baseload power. The natural gas plants in Ontario are turned on as load rises throughout the day. Your natural gas plant is not firing 24/7; typically, it's your nuclear generation that is firing 24/7, and then, as load rises throughout the day—we wake up, we turn on our appliances, we go about our daily lives—the demands that Ontarians have on the system increase. So it would be in that middle chunk of the day, between 10 and, say, about 4, that the power from any of our natural gas plants would be used.

Mr. Peter Tabuns: You know, you're the chief of staff to the Minister of Energy. Will these plants be needed or will they be surplus when they come on?

Mr. Andrew Teliszewsky: I've done my best to answer your question. We rely on—

Mr. Peter Tabuns: I know you rely on others to give you numbers. I don't have any doubt about that. What do they tell you?

Mr. Andrew Teliszewsky: That in fact, in the time period when Ontario will refurbish its nuclear fleet, we will require replacement generation. If you take a look at the timeline published in Ontario's Long-Term Energy Plan of the time period by which we would start the refurbishment of the nuclear fleet and the time period within which these natural gas plants would come into service, then it would generally correlate.

Again, I would rely on the expertise of the Ontario Power Authority and the Ministry of Energy, but I think that when you line up those factors, these plants would ultimately serve the purposes of Ontarians. But again, I would refer you to the testimony I just gave about the way in which the natural gas fleet is used.

Mr. Peter Tabuns: I understand how the natural gas fleet is used.

I'm just going to go back to a piece I missed; unfortunately, I had to go up to the chamber. You were chief of staff to David Livingston when he was head of Infrastructure Ontario?

Mr. Andrew Teliszewsky: I was chief of staff to Minister Chiarelli.

Mr. Peter Tabuns: You weren't working for—I see.

Mr. Andrew Teliszewsky: Okay. I was at the minister's office, at the Ministry of Infrastructure and Ministry of Transportation. Infrastructure Ontario is an agency of the Ministry of Infrastructure, similar to the fact that the OPA is an agency of the Ministry of Energy and Metro-linx an agency of the Ministry of Transportation.

These agencies are set up to be nimble and bring their particular expertise to the engagements that they are tasked with. As I was explaining earlier to the opposition question, the relationship between Infrastructure Ontario and the government perhaps might be unique across government but is actually one that I would suggest works well. Infrastructure Ontario is tasked with—

Mr. Peter Tabuns: That's okay. Did you interact with Mr. Livingston when he was head of Infrastructure Ontario and you were in the minister's office?

Mr. Andrew Teliszewsky: Yes, I would interact with the CEO of Infrastructure Ontario as the chief of staff to the Minister of Infrastructure, but as it relates to the work of the Ministry of Infrastructure or the Ministry of Transportation. As their work related to any other portfolio, in this instance, the Ministry of Energy, I would not have had reason to discuss their work with another ministry specifically for the reasons of commercial sensitivity that have come before this committee in the past. It would not have been within the purview of myself as chief of staff to the then Minister of Infrastructure to get into the weeds on the work that Infrastructure Ontario was doing for another ministry.

Mr. Peter Tabuns: So you didn't have any discussions with Mr. Livingston in his temporary role working for the Ministry of Energy or the Premier's office on the negotiations around Oakville; is that correct?

Mr. Andrew Teliszewsky: I would not have had reason to have conversations with Mr. Livingston in this regard.

Mr. Peter Tabuns: And you didn't have conversations with him; is that correct?

Mr. Andrew Teliszewsky: To the best of my recollection, I did not have conversations with Mr. Livingston in this regard.

Mr. Peter Tabuns: What interest rate were we paying for infrastructure projects in the 2009-2010-2011 period?

Mr. Andrew Teliszewsky: Interest rate of which?

Mr. Peter Tabuns: Interest rates for capital works.

Mr. Andrew Teliszewsky: You'd have to inquire with the Ministry of Infrastructure or Infrastructure Ontario. You're referencing the interest rate that they would receive—

Mr. Peter Tabuns: That as a province, we would have been paying for large infrastructure projects managed by IO in those years.

Mr. Andrew Teliszewsky: IO manages the procurement of that infrastructure. They run a RFQ, RFP, and that is then done. It's a public-private partnership. It is one where the government retains ownership of the asset. So in many instances, when Infrastructure Ontario is engaged in, say, a capital buildout, then that occurs—if you're building a hospital with the Ministry of Health and it's done by Ministry of Health—

Mr. Peter Tabuns: What were the interest rates that were common on projects at the time?

Mr. Andrew Teliszewsky: Those interest rates would have been provincial borrowing interest rates, if it was a capital buildout.

Mr. Peter Tabuns: And what was provincial borrowing at the time?

Mr. Andrew Teliszewsky: I'd have to refer you to the Ministry of Finance or the Ontario Financing Authority.

Mr. Peter Tabuns: Was it 14%, by any chance?

Mr. Andrew Teliszewsky: I would only be speculating. I'm sorry.

Mr. Peter Tabuns: The numbers that your minister first gave Mr. Chiarelli when he became Minister of Energy for the cost of the Oakville plant—when did you first learn that the \$40-million figure was not an accurate number for the cost of the Oakville plant's relocation?

Mr. Andrew Teliszewsky: I believe the \$40-million figure has actually reappeared in the auditor's special report as an accurate description of—

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Tabuns. To the government side, Mr. Delaney.

Mr. Andrew Teliszewsky: —the taxpayer costs.

Mr. Bob Delaney: Thank you very much, Chair. Andrew, is it fair to say that right now Ontario is able to supply its demand for electricity, both base and peak, from sources within Ontario?

Mr. Andrew Teliszewsky: Ontario is electricity independent at this moment in time, yes.

Mr. Bob Delaney: How many gas plants have been built since—well, since you've been in government, that have been located in willing host communities and are now supplying power to families and businesses all across Ontario?

Mr. Andrew Teliszewsky: I believe that's been testified in the past. I don't want to misspeak. I think there's an 18-gas-plant figure, but I could be incorrect in that regard. Again, not having been at the Ministry of Energy during those procurements, I can't speak to that.

Mr. Bob Delaney: Okay. So let's ask you to be speculative. When's the next major windstorm going to topple the power line?

Mr. Andrew Teliszewsky: We don't know what Mother Nature will bring us.

Mr. Bob Delaney: Okay. When is the next, hitherto-unforeseen equipment failure going to bring a power station offline?

Mr. Andrew Teliszewsky: Again, those things we can't predict.

Mr. Bob Delaney: Is it reasonable, then, to say that as the chief of staff in the Ministry of Energy a lot of your

effort is to be able to supply clean, reliable, affordable electricity and to supply it from a diverse series of sources to be able to meet baseload and peak generation on any given day, regardless of such circumstances?

Mr. Andrew Teliszewsky: We do our best working with the agencies and the ministry in that regard, yes.

Mr. Bob Delaney: Okay. From your experience in working with the Ministry of Energy, are there any other observations you'd like to make on siting processes that might be valuable to this committee going forward?

Mr. Andrew Teliszewsky: I think that this committee's had the benefit of hours of testimony from experts in this regard. The government itself has benefited significantly from the work of IESO and OPA with regard to their recommendations on siting. That was a report that was commissioned by our government and that was accepted ultimately by the Premier and minister—accepting their 18 recommendations with regard to siting, with regard to specifically community engagement. Our government has done a lot to turn the page in terms of having a discussion early with municipalities about energy infrastructure needs. I think ultimately this is a question of both rights and responsibilities, where communities who do need to be engaged in these discussions have a right to be engaged early. They certainly have a responsibility to engage in that planning process. It's incumbent upon us across all levels, provincial and municipal, to engage in these honest conversations about the energy and electricity needs of the province and to move forward accordingly.

Mr. Bob Delaney: Thank you very much for your time today.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Delaney, and thanks to you, Mr. Teliszewsky, for your presentation and testimony. We have a subcommittee meeting. You're officially dismissed; thank you.

SUBCOMMITTEE REPORT

The Chair (Mr. Shafiq Qaadri): A subcommittee report: Mr. Del Duca?

Mr. Bob Delaney: Five-minute recess, please?

The Chair (Mr. Shafiq Qaadri): Five-minute recess? Yes.

The committee recessed from 1621 to 1624.

The Chair (Mr. Shafiq Qaadri): Thank you, colleagues. The committee is back in session.

Mr. Del Duca, you're going to read our subcommittee report?

Mr. Steven Del Duca: Sure. The report of the subcommittee:

Your subcommittee on committee business met on Thursday, December 12, 2013, to consider the method of proceeding on the orders of the House dated February 20, 2013, and March 5, 2013, and recommends the following regarding the summary of testimony:

(1) That the research officer and the table research Clerk provide a summary of testimony of witnesses from

October 11, 2013, to December 10, 2013, by Tuesday, February 18, 2014.

(2) That the summary of testimony be broken down by witnesses, as follows:

(a) a summary of testimony respecting the tendering, planning, commissioning, cancellation and relocation of the Mississauga and/or Oakville gas plants; and

(b) a summary of testimony respecting the Speaker's finding of a prima facie case of privilege.

I move that the subcommittee report be adopted.

Ms. Lisa MacLeod: I have to second that.

The Chair (Mr. Shafiq Qadri): Thank you. Is there any discussion before the premature seconding?

Ms. Lisa MacLeod: I call the vote.

The Chair (Mr. Shafiq Qadri): Fair enough. We'll assume that the subcommittee report is adopted as read.

All those in favour? All those opposed? I believe that's unanimous.

Ms. Lisa MacLeod: And they say we can't get along here at Queen's Park—

The Chair (Mr. Shafiq Qadri): The full committee is now adjourned.

The committee adjourned at 1626.

CONTENTS

Tuesday 18 February 2014

Members' privileges	JP-1225
Ontario Association of Architects	JP-1225
Mr. Bill Birdsell	
Mr. Andrew Teliszewsky	JP-1231
Subcommittee report	JP-1245

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