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**Official Report  
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(Hansard)**

Tuesday 1 April 2014

**Journal  
des débats  
(Hansard)**

Mardi 1<sup>er</sup> avril 2014

**Standing Committee on  
Estimates**

Committee business

**Comité permanent des  
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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
ESTIMATESCOMITÉ PERMANENT DES  
BUDGETS DES DÉPENSES

Tuesday 1 April 2014

Mardi 1<sup>er</sup> avril 2014

*The committee met at 0932 in committee room 2.*

## COMMITTEE BUSINESS

**The Chair (Mr. Michael Prue):** Seeing that everyone is now present, I'd like to start the meeting. This meeting was called by me as the Chair. We attempted on two occasions to hold a subcommittee meeting, but unfortunately, not all members could be present. So I felt compelled, upon the request of Mr. Leone on behalf of the Conservative Party, to call the meeting for today.

The Speaker, in his ruling on a prima facie case of contempt, ruled that it was premature that the Speaker rule on it and in fact it needed, if desired, to come back to the estimates committee to do some preliminary work. The Conservatives are asking that that work be done.

I understand, unless there are any questions, that Mr. Clark has a motion he wishes to make.

**Mr. Steve Clark:** Do I have the floor, Chair?

**The Chair (Mr. Michael Prue):** You have the floor.

**Mr. Steve Clark:** Thank you, Chair. I move that the Standing Committee on Estimates directs the Clerk to verify that the documents referred to by Mr. Vic Fedeli, the member for Nipissing, on Tuesday, March 18, 2014, and sent to the Speaker on March 20, 2014, were part of the redacted documents provided by the Ministry of Finance in conjunction with the motion passed by the committee on November 26, 2013, and report back to the committee by the afternoon meeting on Tuesday, April 1, 2014.

**The Chair (Mr. Michael Prue):** Does everyone have a copy of that motion? Any discussion on the motion?

**Mr. Steve Clark:** Chair, can I just provide a few comments?

**The Chair (Mr. Michael Prue):** Yes, Mr. Clark.

**Mr. Steve Clark:** As we all know, each caucus was given a copy of these documents. Clearly, when you review the documents that were in the redacted box, box number 1—the four documents that were in question in this motion were in redacted box number 1; two of them were in redacted box number 4; and one was in redacted box number 7. I think anyone who reviews the documents will see why this motion is in order and why we need to deal with this matter in this way.

I think we were very clear, when we dealt with this information, on what was going to be made public versus a redacted document. I think this is in order that the Clerk

can now review that what Mr. Fedeli was dealing with was in fact no problem to be provided in a public forum. I think that it gives us the opportunity this afternoon to come back and have the Clerk verify that fact.

**The Chair (Mr. Michael Prue):** Any further discussion?

**Mr. Mike Colle:** I'm just wondering: The Clerk is going to verify exactly what? What are you asking the Clerk to do? I'm just not clear—

**The Chair (Mr. Michael Prue):** I think what is being asked is that the Clerk take a look at the documents in question and determine whether they came out of the redacted boxes or whether they came out of the unredacted boxes. I do believe that Mr. Clark is going to provide the documents in question, are you not?

**Mr. Steve Clark:** I have a copy right here.

**The Chair (Mr. Michael Prue):** All right. I think that's what the question is.

Should the Clerk come back this afternoon and say that it's from the redacted boxes, then I think the committee will report that out. If it comes back from the Clerk this afternoon and he says that it comes from the unredacted box, then this committee will have to start the proceedings for a prima facie case of contempt. Really, that's what it is.

Ms. Wong.

**Ms. Soo Wong:** I saw this motion just now from Mr. Clark. I just want to hear from the Clerk: Does he have enough time, from now until this afternoon, to review this document? I don't know. So I just want to hear from staff, because it's now 9:40. The motion is very clear: Report back to the committee by this afternoon's meeting.

*Interjection.*

**The Chair (Mr. Michael Prue):** The Clerk advises me that this is on electronic copy, so he should be able to do it. However, if for some reason he cannot, he would report that this afternoon and seek an extension.

**Ms. Soo Wong:** Okay.

**The Chair (Mr. Michael Prue):** Mr. Balkissoon.

**Mr. Bas Balkissoon:** I don't have a problem with the request, Mr. Chair. I had the same concern that my colleague had about time.

I guess we're going to the Clerk as a neutral person in this case. I'm wondering if it wouldn't be appropriate also, since the documents were supplied by the Ministry of Finance, for the Clerk to work with the Ministry of

Finance, at least to understand. I understand these documents were provided in different boxes, and there's a reason why it was done that way. But at least the supplier of the information should also be consulted, to give an explanation of why it was done the way it was. Hopefully, we'll get the right decision at the end of the day.

**The Chair (Mr. Michael Prue):** Well, I mean—  
*Interjection.*

**The Chair (Mr. Michael Prue):** No, no. I just want to deal with the motion first. The motion is quite specific. If you want to make an amendment to that effect—but the motion itself does not—

**Mr. Bas Balkissoon:** Then I'd ask for a 10-minute recess, Mr. Chair.

**Mr. Mike Colle:** I just—oh, you asked for a recess? I just had another question. There were documents that Mr. Fedeli asked for, here at the committee, on the ONTC—is that what we're referring to here?—that were sent back.

**The Chair (Mr. Michael Prue):** This is a bit of a complicated matter, in that Mr. Fedeli asked a question in the House. A few days later, the government House leader stood up on a motion for a prima facie case of contempt of the House. Then there were other people who spoke to that, including the Conservative House leader, the NDP House leader and Mr. Fedeli himself. I believe, also, that Mr. Leone spoke to it, if my memory is correct. He spoke to it as well.

The Speaker reserved judgment and came back the following week and stated that it was premature inasmuch as it had to be brought to this committee first. We are just attempting to find out the documents, and since we did have two piles, we're having the Clerk determine from which pile it came. If it came from the redacted pile, then I think Mr. Fedeli was probably well within his rights. If it came from the unredacted pile, then I would think that the case that was made by the government House leader is probably accurate.

So the determination and what is being requested here by Mr. Clark is that the Clerk determine from which box it came. Mr. Clark has provided the boxes from which Mr. Fedeli claims these came from. He can check and find out whether they are, in fact—

**Mr. Mike Colle:** Okay, yes, now I get the—because again, I thought it was in relation to Mr. Fedeli's request on the ONTC. Could we get a copy of what transpired in the House, and the motion? I wasn't present in the House, so I think we need written documentation of what this is all about. It refers to—

**The Chair (Mr. Michael Prue):** First of all, I have on the floor a motion for recess, and it's supposed to be dealt with—

**Mr. Bas Balkissoon:** Mr. Chair, I would ask for my recess. Maybe we need to change it to 20 minutes, and let's get the Hansard documents.

**The Chair (Mr. Michael Prue):** And you can discuss what you would like. You would like a 20-minute recess.

**Mr. Bas Balkissoon:** And get the documents at the same time.

**The Chair (Mr. Michael Prue):** We will do a 20-minute recess. Please come back promptly at 10. I'd like to try to finish this.

**Mr. Mike Colle:** And can we get some of this documentation of what transpired before the House? Because that's never been before the committee.

**Mr. Steve Clark:** It doesn't matter, Mike. It doesn't matter. Listen, we made a motion here back on June 11 and we asked for certain documents from the Ministry of Finance. Then, once the documents were received, we passed another motion on November 26 that said that each caucus is going to get one copy of redacted documents and each caucus was going to get a copy of the unredacted documents. We then went on and decided as a committee that the unredacted documents are going to remain confidential and the redacted documents are going to be made public. That was our decision at the committee.

We don't need a recess. We don't need to fool around. There was an issue in the House that you—

**Mr. Mike Colle:** Wait a minute—

**The Chair (Mr. Michael Prue):** There is an unqualified right to a recess. I'm asking everybody to be—

**Mr. Mike Colle:** But I also have the unqualified right to ask for information about what transpired in the House, because that's never been before this committee. That's all I'm asking for: what went on in the House. I wasn't there.

**The Chair (Mr. Michael Prue):** A request has been made for the recess. We are not prior to a vote, so it does require a committee decision. Are there any objections to a recess?

**Interjections:** Yes.

**The Chair (Mr. Michael Prue):** All right. I'm going to have to call the vote, then. All those in favour of the 20-minute recess, please indicate. All those opposed?

**Mr. Bas Balkissoon:** I've never seen a vote taken on a recess.

**The Chair (Mr. Michael Prue):** There's no vote on a recess when it's prior to a vote. This is a recess for another reason, and therefore—

**Mr. Bas Balkissoon:** I thought it was prior to a vote that you were going to vote on, because—

**The Chair (Mr. Michael Prue):** No, no. If that's what you're asking for, then we come right back to vote.

**Mr. Bas Balkissoon:** All right. Okay. I won't argue with you. Fine.

**The Chair (Mr. Michael Prue):** If you want it and you say it's prior to a vote, then 20 minutes from now we're voting.

**Mr. Bas Balkissoon:** No, no. It's okay. You didn't call the vote. I accept.

**The Chair (Mr. Michael Prue):** Okay. It's a tie.

*Interjection.*

**The Chair (Mr. Michael Prue):** Yes, of course, I realize it's a tie. Thank you, Mr. Clerk.

It is a tie. I realize this is contentious. I want to make sure that all sides are heard. On this occasion, I am going to vote for the recess. I'm going to uphold the request.

We have a 20-minute recess. Please be prompt. At four minutes after 10, please be back here.

*The committee recessed from 0944 to 1004.*

**The Chair (Mr. Michael Prue):** The meeting is resumed. For the record, it's four minutes after 10. Mr. Balkissoon, you requested the recess in order to consider; I understand you may have an amendment.

**Mr. Bas Balkissoon:** I do, Mr. Chair. If I could just read the amendment and give an explanation, I'd appreciate that.

I move that the motion brought by Steve Clark on April 1, 2014 be amended to include the words "in consultation with the Deputy Minister of Finance" after the words "the Standing Committee on Estimates" and that the words "Tuesday, April 1, 2014" be struck and replaced with "Tuesday, April 8, 2014".

Mr. Chair, quickly, the date change is strictly to give the Clerk the opportunity to do the work that the committee is requesting, but I would like to read into the record a particular couple of paragraphs from communications the committee received, because it was given to the Clerk's office when the package came with all the documents. I'll read the last two paragraphs in this letter. It's a letter from Minister Charles Sousa to Michael Prue, the Chair of the Standing Committee on Estimates, and it's dated March 4, 2014. I'll just read that into the record.

"In its determination of which documents provided under seal should be made public, I am sure the committee will keep in mind not only my responsibility as minister to protect confidential, commercial and other information that has come into the hands of the ministry, but also our collective duty as members of the Legislature to safeguard Ontario's public interests.

"Finally, inasmuch as this package contains information that is subject to cabinet confidentiality, commercial confidentiality and other forms of legal and statutory privilege and confidentiality, it is important to note that the disclosure of these records in compliance with the motion of the committee does not constitute a waiver by the ministry of that privilege in confidentiality."

Mr. Chair, those exact words in various sentences were also included in a package that went to the committee. There was a letter from Mr. Steve Orsini, the deputy minister, to the Honourable Charles Sousa, the Minister of Finance, and I believe as a result of that letter from the deputy minister to the minister, the minister wrote to the committee. I am of the understanding that both letters were provided to the committee along with the electronic file.

I think it's important that the deputy minister be included in the review that the Clerk is doing, only in consultation with him. The Clerk will rule based on the evidence provided in front of him what Mr. Clark is asking to clarify, and I have no problems with that, because I think clearly the issue will come back in front of the committee. The Hansard will be reviewed and the documents will be reviewed, and we will have an unbiased opinion, hopefully, from the Clerk.

**The Chair (Mr. Michael Prue):** Mr. Clark?

**Mr. Steve Clark:** Yes. I don't believe the amendment is necessary and we'll be voting against it. Again, I want to reiterate that this issue stems from a motion that the Standing Committee on Estimates passed on June 11, 2013. We asked that certain documents be provided by the Ministry of Finance. We also passed a motion on November 26 that provided one electronic copy of unredacted documents and one copy of redacted documents to all the caucuses. It goes on, the motion—as I said earlier, the unredacted documents were to remain confidential and the redacted documents were to be made public.

I want to bring forward to the committee subsection (4) of the November 26 motion: "That the redacted documents responsive to part 2 of the motion be made public." That is what Mr. Fedeli released and sourced from the redacted files, which are our committee documents.

I'm voting against this motion. That's all I have to say.

**1010**

**Mr. Bas Balkissoon:** Mr. Chair?

**The Chair (Mr. Michael Prue):** Further discussion, Mr. Balkissoon.

**Mr. Bas Balkissoon:** Mr. Chair, I don't have an argument against what Mr. Clark is saying. Yes, the committee dealt with those documents and the section that he coded. But my point to the committee is, if you read the Hansard and you read the last two paragraphs of the letters that accompany the electronic file, there's a duty of due diligence beyond what is in front of us. As a result of that, I think it's only fair that the supplier of the documents be part of this review that has been requested by Mr. Clark, because that's the only way that the Clerk can determine exactly what took place and what is the fiduciary duty of members of this committee in protecting government information that is confidential.

**The Chair (Mr. Michael Prue):** Ms. Wong.

**Ms. Soo Wong:** Just to further clarify this amended motion by my colleague Mr. Balkissoon, I believe Mr. Fedeli, in the past, has returned documents to the Ministry of Finance to ask for review. So given that the holder of these materials that are in question involves the Ministry of Finance and the most senior member of the finance department, the deputy minister, it is imperative for us, given the letter from both the minister as well as the deputy minister, to ask, to ensure.

I totally get what Mr. Balkissoon said, and I also get what Mr. Clark said. I think that the document is housed at the Ministry of Finance. It is imperative that we have a conversation, consult the deputy minister, to make sure going forward when we make the final decision.

Those are my comments, Mr. Chair.

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

**Mr. Victor Fedeli:** Thank you, Chair. These are documents that have already been released to this committee and reviewed by finance. These are, again, documents that are in the sole possession of the estimates committee and are documents that have been previously released in the public domain. We don't need the Ministry of Fi-

nance any longer. We had that review with them already, if this committee would recall. We have called them in; we have reviewed documents. These are the redacted box of documents that are open, that have been presented to the public four months ago. I can't see any reason why we can't have a quick ruling on this, Chair, and I'd appreciate that.

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

**Mr. Mike Colle:** This is something that I think has two sides to this story: I think there's Mr. Fedeli's side, and there's the statement in the House by the House leader. It is, I think, important to ensure that we look at all aspects of this. In fairness to Mr. Fedeli, I really don't know whether it was a mistake, you were right or the House leader is. I have no way of judging that, because I don't know the intricacies of all these documents. As you know, I've had about 20 million documents go through my office, and they don't stop.

I just want to clear this up, because ultimately, the Speaker, in his letter to us, talks about, "This power rests with the Standing Committee on Estimates, which, as the custodian of the documents in question, is best able to decide if the allegation of improper disclosure is correct..." I think that's the onus on us.

I just want to get the thing put before us in an understandable way, because I do not challenge Mr. Fedeli on this at all. As I said, I wasn't there in the House when this happened, and I'm not sure what the pros and cons of your argument or Mr. Milloy's arguments are. We're going to have to look at this and see whether there was a mistake, whether the House Speaker is wrong, whether Mr. Fedeli had all right and he, in good conscience, did the right thing. That's why I think, rather than rushing on this, I just want a better understanding of this and to deal with this in a way that is fair to everyone, making up our minds in a way that doesn't preclude a good understanding of what's before us.

At this point, I do not quite, I think, have the judicial prudence to judge Mr. Fedeli or judge which documents were redacted or unredacted. It would take an amazing person to try and determine, not only in this situation but in all other situations, what should be disclosed or not disclosed. And the committee has been quite good. As you know, Mr. Fedeli came before this committee about ONTC documents and they were dealt with fairly. He responded, and the items were dealt with; they weren't commercially sensitive and were made public. So the committee has dealt with these things, I think, in a very prudent way, considering the complexities and the number of documents.

So all I'm saying is that I would just like to have a bit more information and a bit more of a discussion so that the committee members, through the help of the Clerk, could try and come up with a reasonable determination, as we've been directed by the Speaker. That's all I ask for, and that's why I think, in this motion here, we're getting towards that. That's all I have to say on that.

**The Chair (Mr. Michael Prue):** I have three more speakers down: Mr. Balkissoon, Ms. Mangat and then Mr. Clark.

Mr. Balkissoon.

**Mr. Bas Balkissoon:** Mr. Chair, I think Ms. Mangat was before me.

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

**Mr. Bas Balkissoon:** I will waive and go after.

**The Chair (Mr. Michael Prue):** Sorry. I saw two hands at the same time. Okay. Ms. Mangat?

**Mrs. Amrit Mangat:** Given the complexity of the nature of the documents, as you have stated it before, and the commercially sensitive information all these redacted and unredacted documents include, it's very, very important that we must consult with the deputy minister. We are not against it. We are not saying that we are not going to do this. We just want that the deputy minister must be consulted because of the complexity of the nature of the documents. I think that time should be given until April 8 and the deputy minister must be consulted, given the complexity of the documents.

We want to ensure that the documents which have been asked to release are not released. Those documents requested include all fiscal journals that were produced by treasury board/Management Board of Cabinet between April 1, 2013, and June 11, 2013; medium- and long-term expense outlooks containing fiscal years 2015-16, 2016-17 and 2017-18; any documents dated 2013 containing considerations of user fees and/or revenue-generating fees, taxes or tolls; all fiscal and economic update presentations and slide decks provided to cabinet. Moreover, more commercially sensitive information about businesses: Why would businesses like to do business if their information is not kept confidential and private?

So it's very, very important that we must consult with the deputy minister before going through that part.

**The Chair (Mr. Michael Prue):** Mr. Balkissoon and then Mr. Clark.

**Mr. Bas Balkissoon:** Mr. Chair, I think I hear Mr. Fedeli and his comments, and I accept his comments. But I think in fairness to his comments, the whole issue has to be reviewed. That's why I mentioned just a couple of paragraphs in a letter that accompanied the electronic files that were given to the committee. Maybe I need to include these two documents with my motion—I don't know if it's appropriate. But I just want to read the minister's full letter, because I think the committee needs to understand why my amendment is necessary in the review, if any review is going to be conducted. It says:

"To Michael Prue, Chair of the Standing Committee on Estimates

"Dear Mr. Prue:

"I am writing with respect to the June 11, 2013 motion of the Standing Committee on Estimates requesting from the Ministry of Finance and the Office of the Budget and Treasury Board, which is part of the Ministry of Finance, the following documents: all fiscal journals produced for treasury board/Management Board of Cabinet between

April 1, 2013, and June 11, 2013; medium- and long-term expense outlooks containing fiscal years 2015-16, 2016-17 and 2017-18; any documents dated 2013 containing considerations of user fees and/or revenue-generating fees, taxes or tolls; all fiscal and economic update presentations and slide decks provided to cabinet.

“I am pleased to provide with this letter a package of documents responsive to part 3 of the June 11, 2013, motion.

“I am also including three searchable USB keys containing electronic versions of the hard copy records we are providing to you, as requested (one for unredacted records, one for records that have been redacted for various privileges, and a final one for records that have been redacted for various privileges and for non-responsiveness).

“Also attached is a letter from the Deputy Minister of Finance outlining the methodology used by the Ministry of Finance, in consultation with legal counsel, in responding to the committee’s requests.

“Should members of the committee have any questions regarding the search methodology that was employed, please let me know. If the committee identifies any records that they believe are illegible, incomplete or miscopied, we will check the records and provide additional records that are available. If we have misinterpreted the motion in any way, we would be prepared to provide any further documents required by the committee.

“Although the ministry has redacted the records to assist the committee in identifying particular information that is commercially sensitive and privileged and to protect the rights of third parties, the entire records have also been sealed as they contain cabinet records that are normally not disclosed to the public.

“In its determination of which documents provided under seal should be made public, I am sure the committee will keep in mind not only my responsibility as minister to protect confidential, commercial and other information that has come into the hands of the ministry, but also our collective duty as members of the Legislature to safeguard Ontario’s public interests.

“Finally, inasmuch as this package contains information that is subject to cabinet confidentiality, commercial confidentiality and other forms of legal and statutory privilege and confidentiality, it is important to note that the disclosure of these records in compliance with the motion of the committee does not constitute a waiver by the ministry of that privilege or confidentiality.”

I read this, Mr. Chair, in particular because I think the Speaker has reviewed what took place in the House; the Speaker has not reviewed these letters. If we’re going to proceed in the direction that Mr. Clark is requesting, then I think the entire process has to be looked at, and it has to be looked at in consultation with the provider of the documents. It is very important, because if we do this piecemeal, yes, people will get answers that they’re looking for, but I think you need to do fair justice to what took place, and that a report be provided by the committee back to the Legislature.

**The Chair (Mr. Michael Prue):** Mr. Clark.

**Mr. Steve Clark:** I call the question.

**The Chair (Mr. Michael Prue):** I just want to be clear—and the Clerk has advised me, and he’s absolutely right. Are you calling the question on the amendment?

**Mr. Steve Clark:** Yes.

**The Chair (Mr. Michael Prue):** On the amendment. Okay.

**Mr. Mike Colle:** I’d like to move a recess before the vote.

**The Chair (Mr. Michael Prue):** All right. It is in order, and given that the bells are about to ring, we will be recessed until this afternoon at approximately 3:45. The first order of business, when we come back, will be voting on this amendment.

*The committee recessed from 1024 to 1551.*

**The Chair (Mr. Michael Prue):** Okay, we have commenced, in the House, orders of the day, so the committee is now ordered. When we adjourned, there was a request for a 20-minute recess, which necessitates holding the vote immediately upon return. The vote will be on the amendment by Mr. Balkissoon. Everybody has that in front of them?

**Mr. Bas Balkissoon:** Can I get a recorded vote, Chair?

**The Chair (Mr. Michael Prue):** On a recorded vote. We have a request for a recorded vote as well.

#### Ayes

Balkissoon, Colle, Mangat, Wong.

#### Nays

Clark, Fedeli, Natyshak, Nicholls.

**The Chair (Mr. Michael Prue):** Okay. This committee constantly puts me into this position. There is a bit of a conundrum here, because as the Chair, I have had to vote one side or the other to break almost every single vote in the last year—at least all the contentious ones. The convention is that the Chair does not decide for the committee, except in procedural matters. I’m wrestling, in my mind, as to whether this is a procedural matter or a substantive matter, the amendment to ask the Clerk to perform clerical—I don’t know what other word to use—duties. Is that administrative or is it procedural?

In my mind, this would go more to procedural matters, and I want to say why. I’m going to be very blunt about how this may unfold as we go down through the votes, depending on how I vote on the amendment. Then we will go to the main motion as amended or not amended, and then there will be, I guess, the order for the Clerk to research what is required for the committee. Depending on what the Clerk then discovers, we would get into a debate as to whether there was nothing for the committee to do or whether we were to go to the possibility that there would be a contempt hearing initiated within the committee for us to make advice to the Speaker. That, I

think, has already been decided, at least in the past, when we dealt with a similar matter involving the former cabinet minister responsible for energy.

At this time—I'm sorry if I'm struggling here for words, because this is very difficult. At this time, I am being asked to adjudicate, or to decide or to cast a vote, on whether or not to include consultation with the Deputy Minister of Finance and changing the date. I want to do it right, and I want to do it fairly, and so, with the indulgence of the members—and I know we've all been brought back here—I would like to take a 10-minute recess in order to discuss the problem that I have inherent in this, whether it is procedural or whether it is substantive, with the Clerk. I don't mean this Clerk; I think I need to discuss this Ms. Deller, if she is available.

So I'm going to take that 10-minute recess to make sure that I do it right and do it fairly, and then I'll come back and either cast my vote or make my position known.

We stand recessed for 10 minutes.

*The committee recessed from 1555 to 1611.*

**The Chair (Mr. Michael Prue):** We will call the meeting back to order. In the intervening period, I had an opportunity, along with Mr. Koch, to meet with the Clerk of the Assembly, Deb Deller, and to discuss with her what would happen if I were to vote.

As I said, there is precedence that goes back many years that says that if the committee cannot decide, the Chair should not decide in committee to move something forward, but there is also precedence that it is the Chair's responsibility to move things forward. As Ms. Deller explained to me, I could rule either way, and it would be upheld, because this is a very difficult conundrum that we find ourselves in.

Ms. Deller did point out to me what supporting the motion by Mr. Balkissoon would do. In part, what it would do—and I just want the members, Mr. Balkissoon especially, who moved the motion, to see the effect of the actual wording of his amendment. His amendment states: "I move that the motion brought by Steve Clark on April 1, 2014, be amended to include the words 'in consultation with the Deputy Minister of Finance' after the words 'the Standing Committee on Estimates.'" So this amendment, if I was to support it, the motion, as amended, would read "that the Standing Committee on Estimates, in consultation with the Deputy Minister of Finance, directs the Clerk to verify the documents."

*Interjection.*

**The Chair (Mr. Michael Prue):** No, no. What it means is that the Standing Committee on Estimates—that's all of us—in consultation with the Deputy Minister of Finance, directs the Clerk to verify the documents. It doesn't say, and maybe should have said, that "the Standing Committee on Estimates directs the Clerk, in consultation with the Deputy Minister of Finance...." See, the Clerk would then work with the Deputy Minister of Finance.

**Mr. Bas Balkissoon:** That was my intent. English is a tough language, but you have my motion.

**The Chair (Mr. Michael Prue):** Okay, but I mean, they do two different and separate things. Your intent is

one thing and the words are another. That's the conundrum I have.

So I'm going to take the advice of the Clerk and take the amendment as it reads, and I am not going to support the amendment. I am going to cast my vote against the amendment, because two things: first of all, I don't think that the Standing Committee on Estimates, in consultation with the Deputy Minister of Finance—that is not what I think the standing committee should do—

*Interjection.*

**The Chair (Mr. Michael Prue):** I'll get to you in a second. I just wanted to give my ruling.

I don't think that the committee should actually go out and consult with the Deputy Minister of Finance and then direct the Clerk. I think maybe had it been the other way, I might have been more amenable to it. But I also think that the committee has been very clear in the past and has listened to both the minister and the assistant deputy minister on what documents should be given out, and has, I think, given its own directive, and that the committee does not at this point need to consult with the Deputy Minister of Finance before making this decision. The Deputy Minister of Finance has said what we need to do, the minister has said what they're hoping we would do and, in fact, the committee has done that in its own ruling, which was adopted, I think, unanimously—one of the very rare things that was adopted unanimously.

So in order to allow this to proceed on to the main motion, I am going to cast my vote against the amendment. So the amendment fails.

Mr. Clark?

**Mr. Steve Clark:** I'd like to ask that the question be called for the main motion, Mr. Chair. And thank you for your ruling.

**The Chair (Mr. Michael Prue):** The Clerk is faster at telling me what to do than I am at even getting the words out of my mouth. I would gladly entertain that, but I have to first of all determine whether or not there has been some debate on the main motion. I have to determine whether there is any other will, or any other people who wish to speak to the main motion.

To the main motion: Mr. Balkissoon.

**Mr. Bas Balkissoon:** Thank you, Mr. Chair. I respect your ruling and thank you for your ruling. The intent was to identify that the main motion, in its current form, lends itself to the Clerk conducting a very narrow assessment of what actually took place in regard to what should have taken place. I say that because I want to go back to the letter that I read into the record. If you listen to what I said carefully, that letter clearly states that all of us, as elected members, regardless of if we identify a situation of confidentiality, have a responsibility. I would say to you, based on the Hansard that was handed to us—I want to read the Hansard, if you could just give me a second here. In the Hansard, when Mr. Fedeli got up to ask his question, he said:

"Good morning, Speaker. My question is for the Minister of Finance. In yesterday's Focus on Finance presentation, we had an insider's look into the secret workings of the Liberal Party.

“Last year, when your finance officials told you one thing, you immediately went out and told the bond-rating agencies something completely opposite. We also saw that you blacked out many emails, labelling them ‘commercially sensitive information.’

“Let’s take a look at what you were covering over: ‘No funding for incremental compensation increases for new collective agreements; salaries for designated groups frozen until 2017-18.’ Minister, you voted against our across-the-board wage freeze when you were secretly planning to do the same thing. What else are you hiding?”

So if the staff in the ministry had redacted that information out of one package, but mistakenly put it in the second package by a photocopying error, and the staff is not able to explain that to the Clerk, a different decision will come out. I think Mr. Fedeli wants to clear his name—that he did what he thought was right—and I don’t disagree with that. But I think that the truth, the whole truth and nothing but the truth should be investigated, which is the whole story.

It seems as though—and I’m assessing based on what Mr. Fedeli said in the House—between the packages of documents there was an administrative error or clerical error where a document that was supposed to be redacted accidentally had another copy in the other group. If he recognized that there was that clerical error, if you read the covering letter that accompanied the records from the deputy minister, there is a duty upon all of us who are elected to protect the establishment, the confidentiality and the credibility of this place.

I was asking in my amendment that that is what I would like the Clerk to do as that extra step that is not included in this motion. This motion is strictly to look at the two documents that he had. I don’t argue with him; those two documents may have found themselves in the two packages. I haven’t seen the total packages. I haven’t read them all, but I’m just doing my own assessment of what has been put in front of us.

**1620**

Without including the deputy minister to explain what he sent to the committee via the finance minister, and explaining to his staff what they did, and how it occurred, does not lend justice to what took place.

I put that on the record that this motion might be legitimate, but it’s another unfair assessment of what is taking place around here, and I find it’s very degrading of this institution.

**The Chair (Mr. Michael Prue):** Your comments are noted, but I do have to advise you that this is an amendable motion. If you want to add something to it then something can be added, or separate motions can be made around the issue.

**Mr. Bas Balkissoon:** Well, then, Mr. Chair, if you would explain that to me, I would have moved a second motion, correcting my error in the first motion, because that was my intent. One of my colleagues may do it.

**The Chair (Mr. Michael Prue):** The difficulty I had with doing that is there was a 20-minute recess that brought it to the—and I have to proceed immediately to

the vote. And I had to proceed immediately to the vote with what was written there.

**Mr. Bas Balkissoon:** I take your decision. One of my colleagues will do the correction. They understand what you are looking for now.

**The Chair (Mr. Michael Prue):** I have Mr. Clark first and then Ms. Wong second to speak to this, and then Mr. Fedeli.

**Mr. Steve Clark:** I just can’t believe, Chair that the Liberal Party is now using the word “mistake.” We had a motion at this committee in June 2013.

**Mr. Bas Balkissoon:** Mr. Chair, on a point of order.

**Mr. Steve Clark:** That’s what you used. You used the word “mistake”—

**The Chair (Mr. Michael Prue):** On a point of order, Mr. Balkissoon.

**Mr. Bas Balkissoon:** Mr. Chair, I did not say there was a mistake. I said the deputy minister should be consulted to find out if there was a mistake. I didn’t say there was one. I am reading what Mr. Fedeli said in the House and what is being put to us today, and the Hansard that took place before, and the copies of the documents that were handed to us. I’m assuming that the deputy minister should be in front of whoever is going to pass judgment to at least be given a chance. I rest my case. I did not state what he stated.

**The Chair (Mr. Michael Prue):** I don’t know if an actual point of order ensued from what you stated, but it is on the record.

Back to Mr. Clark.

**Mr. Steve Clark:** Again, Chair, I want to get on the record: June 11, we passed a motion for documents. Months later, on November 26, we passed a motion about those documents and made a very clear direction on which documents would be made public and which would not. If there was some mistake, then this government could have come forward and indicated that, rather than smearing Mr. Fedeli’s good name through a process.

I’m sick and tired of these procedural games to kick the can down the road on this document.

We received some redacted documents that we could make public. Every slide that I talked about this morning was in that package. Anybody right now, Chair, can ask for these documents. These are public documents. It’s not just Vic Fedeli or Steve Clark or Rick Nicholls or any of you; anybody right now can ask for these documents because this committee has deemed that they be made public.

You can’t go back and revise history just because they’re not politically good for the government. We made a decision. I’d love, at some point down the road, to find out which company did this, and the principals of that company, and who was involved. I certainly hope that the gentleman we were discussing in question period wasn’t involved in redacting these documents, but that’s another story down the road.

Again, we’ve made a decision on what would be public and what isn’t going to be public. I clearly stated this morning where these four slides were received from

Mr. Fedeli. They were received in the box that was in the public domain.

Any further amendments by the government are just being mischievous and not dealing with the issue that Mr. Fedeli did nothing wrong.

**The Chair (Mr. Michael Prue):** Ms. Wong.

**Ms. Soo Wong:** Given the original motion that Mr. Clark presented to the committee, the date of this motion now needs to be changed. Right? I have no idea what timeline we're talking about. The Clerk is coming back to this committee. I don't know, because he said he would report back to the committee by this afternoon's meeting on Tuesday, April 1? So that's our first question; right? I don't know.

Given, Mr. Chair, you have ruled on my colleague Mr. Balkissoon's amended motion, I'm going to ask for a friendly motion. I read the Speaker's release statement of Tuesday, March 25, and I believe just toward the second-last paragraph on page 1—I'm going to quote it so it will be on record: "This power rests with the Standing Committee on Estimates, which, as the custodian of the documents in question, is best able to decide if the allegation of improper disclosure is correct, and it can bring this matter properly before the House by adopting and presenting a report, if it chooses to do so." So, Mr. Chair, we are putting a lot of responsibility on the Clerk. That's what I'm reading.

From this motion that Mr. Clark has asked this committee to do directing the Clerk to review the documents—I have no problem with that. I just want some clarification: Is it normal practice—I'm a new member of this committee. I want there to be clarification that we are putting all of the onus onto the Clerk.

According to the statement from the Speaker on this ruling, he put the power to the committee, the nine of us here. Now we are seeing the motion by Mr. Clark to ask the staff, the Clerk, to verify the document. I'm quite comfortable with that. I just want to hear, Mr. Chair: Is that normal practice? As a new member of this committee, I just want some clarification of the role and responsibility of the staff so that before we go forward—but I do definitely want to know the timeline. I don't know what the timeline is now because the initial motion is to report back to this committee this afternoon. So what is the new timeline we're moving to?

**The Chair (Mr. Michael Prue):** You've asked a couple of questions, and before I go to the next speaker I'm going to clarify what would happen.

The Speaker is absolutely correct: There can be no doubt that the power rests with the standing committee, not with the Clerk. All this motion does is it directs that the Clerk go out, research the box or boxes, determine whether these were redacted documents that could be released or if they were unredacted documents that could not be released.

The Clerk will then report back to the committee. It is at that point that the committee is seized with it, and any number of motions might be made. It is the committee and not the Clerk who will make those motions.

All that this motion does is direct the Clerk to determine, from those boxes, where the actual documents in question came from to determine what action or lack of action the committee might make.

In terms of the date, you are absolutely correct: The date may be problematic. I don't know how long it will take the Clerk to look through the boxes, but we can meet tomorrow. Part of our mandate is to meet on Wednesday afternoons at 3:45. That could be changed if it is the request of the committee that it be changed to tomorrow, or if the Clerk thinks that he could not research it or more is involved, it could be adjourned to next Tuesday, as in the original amendment which was defeated by Mr. Balkissoon. So there are several possibilities, but that's up to the full committee.

All the motion does, in my view, is request that the Clerk, in his professional and, I know, unbiased manner, determine from whence the documents came. That's pretty much it. After that, I'm in the full committee's hands as to what to do with that information once the Clerk reports.

Now, I have a list here and, Mr. Colle, I'll add you to the list as soon as I find it here.

I have Mr. Fedeli next.

**Mr. Victor Fedeli:** Thank you, Chair. I have a question, maybe through you to the Clerk, if possible. I'll let you decide. I have constituents in North Bay who have contacted my office and said, "I would like a copy of the document that was released by the committee." How do I obtain four copies, in sealed envelopes, of that disk?

**The Chair (Mr. Michael Prue):** I'm not sure.

**Mr. Victor Fedeli:** So I'm asking the Clerk through you.

1630

**The Chair (Mr. Michael Prue):** I'm going to ask the Clerk. If I disagree with the Clerk again, I'll speak. I'm going to give him this one.

**The Clerk of the Committee (Mr. Katch Koch):** Mr. Fedeli, normally when we have a request for information or documents, we would try to narrow it down to what exactly the person making a request is looking for.

**Mr. Victor Fedeli:** They were looking for the copy—in the letter from this committee, it said that they'd be declared public documents. It's whatever we declared public documents on a disk.

**The Clerk of the Committee (Mr. Katch Koch):** I would not normally give them a specific timeline, depending on how long it would take us to find the documents.

**Mr. Victor Fedeli:** No, no. They're talking about that one set of documents that was released in November, that disk of documents, all the documents that were declared public documents that day.

**The Clerk of the Committee (Mr. Katch Koch):** If they want the full disk, then we would make a copy of the full disk. But if they're looking for a specific page—

**Mr. Victor Fedeli:** No, just the full disk.

**The Clerk of the Committee (Mr. Katch Koch):** Then we would make a copy of the disk.

**Mr. Victor Fedeli:** Is that something that's easily accommodated?

**The Clerk of the Committee (Mr. Katch Koch):** Normally for something like that, we can turn it over within a day.

**Mr. Victor Fedeli:** Do you want me to bring you a formal request from my constituents, or will you take my undertaking that I need four of the disks that were released public documents?

**The Chair (Mr. Michael Prue):** Again, I'll let him answer this question, but he is serving the committee here—

**Mr. Victor Fedeli:** I understand that.

**The Chair (Mr. Michael Prue):** —and this is not a committee—

**Mr. Victor Fedeli:** Well, I'm getting to my point.

**The Chair (Mr. Michael Prue):** This is your individual responsibility outside the boundaries of this committee. But I'll let him answer it and I'm going to stop the questions on that.

**Mr. Victor Fedeli:** I appreciate that.

**The Clerk of the Committee (Mr. Katch Koch):** I would ask you to get your constituents to give me a call and we will determine whatever arrangement to try to provide information to your constituents.

**Mr. Victor Fedeli:** Okay. Thank you. Chair, I would call the vote.

**The Chair (Mr. Michael Prue):** I still have Mr. Colle on the list.

**Mr. Mike Colle:** I would like to move an amendment, and I've written it out.

I move that the motion brought forward by Mr. Steve Clark on April 1, 2014, be amended to include the words "in consultation with the Deputy Minister of Finance" after the words "directs the Clerk," and that the words "Tuesday, April 1, 2014" be struck out and replaced with "Tuesday, April 8, 2014." I'm just trying to correct the confusion that was in the previous amendment in a more clear and transparent way that will help clarify the situation, so that the Clerk can consult with the Deputy Minister of Finance so that he could have a full examination of the whole issue and the disclosure and which documents were confidential and which ones were not. That's my motion.

**The Chair (Mr. Michael Prue):** We have a motion, Mr. Fedeli, on the amendment.

**Mr. Victor Fedeli:** In your ruling of about 10 minutes ago—and I quote your words: "The committee does not need to consult with the Deputy Minister of Finance." I don't know how this motion can be any different than the last, although there are some word changes. Those are exactly what your words were.

**The Chair (Mr. Michael Prue):** And I stand by my words. The committee does not need to consult with the Deputy Minister of Finance. What is being moved here is that the Clerk consult with the Deputy Minister of Finance. This is a fundamentally different amendment because it is changing the onus from us to ask permission to the Clerk to consult with.

**Mr. Victor Fedeli:** Again, Chair, the ministry turned these documents over to this committee. This committee, in a vote, declared certain documents public domain. All we're asking is that the Clerk verify that the documents that were used are the ones in the public domain. You don't need a deputy minister to tell you that. We already have the documents freed and given freely by the minister and the deputy minister to this committee. The committee has then gone and done their good work to release these documents. This is an incredibly simple ask of the Clerk. Quite frankly, I'm very upset at the stall tactics, which go completely against the Premier's comments on these lowball tactics. Either they're flying on their own against the advice of the Premier or this is a conspiracy, like many we've had—

**Mr. Mike Colle:** Oh, Mr. Speaker—

**Mr. Victor Fedeli:** Hey, I'm speaking here. Excuse me. I'm tired of this—

**Mr. Mike Colle:** Wait a minute. It's a bit—

**Mr. Victor Fedeli:** Yes, it is a bit, and I'm tired of it, to be quite honest. I'm sick and tired of this. This is absolute nonsense. You know it. You're good people. You are all good people and you know what you're being asked to do. I just think that it's absolutely shocking that you're continuing to do this. In five minutes, the Clerk could resolve this, like that. The Clerk could—

**Mr. Mike Colle:** He's insulting the members of the committee.

**Mr. Victor Fedeli:** How could I insult you by saying you're good—

*Interjections.*

**The Chair (Mr. Michael Prue):** Order. Order. Order, please.

*Interjections.*

**The Chair (Mr. Michael Prue):** Order. Order.

Mr. Fedeli, I think—

**Mr. Bas Balkissoon:** I'd ask him to retract his statement, because he's basically saying that I came here and I made a decision because somebody ordered me to do it. That is furthest from the truth.

**The Chair (Mr. Michael Prue):** Mr. Fedeli, I think some of your statement was intemperate, and I would ask that you withdraw it.

**Mr. Victor Fedeli:** I will withdraw the intemperate portion, Chair, with my apologies to you and the committee.

**The Chair (Mr. Michael Prue):** Okay, thank you. The question I have as the Chair is, is this motion sufficiently different from the previous one to allow it to proceed? I don't have to agree with it, and you don't have to agree with it. My ruling has to be, is it sufficiently different? It is, because it changes to whom the deputy minister will relate to the committee, which I explained was not a good thing. Now it is being changed to the Clerk.

I'm not going to make a statement on this, because I don't know how people are going to vote, and I'm hoping I don't have to break a tie. But it is different, so I have to allow it.

You have spoken against it. That is your right, to say you don't like it. Does anyone else wish to speak to this amendment?

**Mr. Mike Colle:** Just briefly, Mr. Chair, as I've said from the beginning, we have been asked by the Speaker to play Solomon here. All I've said from the beginning is that we want to make sure we understand the context of this. It was something that had happened in the House that then evolved into issues between the House leader and the member from Nipissing. We're asking for some clarification here so that the Clerk can direct us in terms of what he is able to explain to us as to what transpired. That's all I'm trying to get at.

The suggestion here in this amendment is for the Clerk to at least be able to consult with the Deputy Minister of Finance so he gets an opportunity to clarify this very complex document dispute. Then we can rule, with the full information before us. That's all I'm asking for. I said from the beginning that I find this a very complicated, confusing thing, because of all the different players in this.

**Mr. Victor Fedeli:** It's not complicated at all.

**Mr. Mike Colle:** Well, I think before we make a decision as a committee, I want all the information, and I want the Clerk to have all the information. So what do you have against having the information? That's what I'm asking for.

**Mr. Steve Clark:** We made the decision on what is public.

**Mr. Mike Colle:** You wanted to have the vote in the first minute.

**The Chair (Mr. Michael Prue):** Order, please.

**Mr. Steve Clark:** We made the decision—

**Mr. Mike Colle:** You didn't want any discussion. You said, "Vote, vote, vote."

*Interjections.*

**Mr. Mike Colle:** Oh, God, give me a break.

**The Chair (Mr. Michael Prue):** Order. Order, please. This needs to be a rational decision that is made. Does anybody else wish to speak to the amendment? All right, then.

On the amendment made by Mr. Colle, the amendment will read—and I'm going to read it into the record so everybody understands that it is different.

"Mr. Colle: I move that the motion brought forward by Mr. Steve Clark on April 1, 2014, be amended to include the words 'in consultation with the Deputy Minister of Finance' after the words 'directs the Clerk,' and that the words 'Tuesday, April 1, 2014' be struck and replaced with 'Tuesday, April 8, 2014.'"

That's the amendment you have before you. All those in favour of the amendment?

**Mr. Bas Balkissoon:** A recorded vote.

## Ayes

Balkissoon, Colle, Mangat, Wong.

## Nays

Clark, Fedeli, Natyshak, Nicholls.

**The Chair (Mr. Michael Prue):** First of all, there were two problems with the last one, and I explained them. The first one was that I didn't think the committee on estimates needed to consult, because they already did with the deputy minister.

This is different. This requires that the Clerk, in consultation, do the research. I don't know how the Clerk feels about this, quite frankly.

I would agree that this is a fairly routine matter for somebody who has a USB key and who can locate the documents in question, probably within a matter of minutes, to determine whether or not they came from boxes 1 through 7 of the boxes that were redacted, or, in a matter of other minutes, to determine whether they are in unredacted copy, which were not to be released without the committee's permission. I'm not sure what the deputy minister would have to advise the Clerk. That's the problem I have with this. I'm not sure what the deputy minister would have to advise the Clerk on what he was looking for. There could be a real reason, once the Clerk has uncovered from whence the documents came, for this committee to call the deputy minister back. That seems to me to be the appropriate time to determine whether or not the intent of the deputy minister's letter and the minister's letter, and the decision of this committee—especially the decision of this committee—was followed.

**1640**

Again, I have problems with this, because it seems to me to be unnecessarily bureaucratic, when this motion is simply asking the Clerk to do the research and report back to the committee. I have been here 13 years. I don't ever remember when an officer, whether it be the researcher or the Clerk, or anyone else brought before us—where the committee has instructed those officers to be shadowed or to consult with a deputy minister on their authority to do so. The committee is properly struck by the Legislature and has its own jurisdiction, and I would not want to encumber that jurisdiction. That is my position, and I cannot support the amendment. So I cast my vote against it.

Back to the main motion.

**Mr. Steve Clark:** Can I call the question?

**The Chair (Mr. Michael Prue):** Is there any discussion on the main motion? On the main motion, Mr. Colle.

**Mr. Mike Colle:** I know the difficult spot that the Chair is put in. It's just that I don't see what harm it would do, because this is, again, very difficult to determine in terms of which pile this came out of—redacted, unredacted—who said what, who's wrong, who's right. I just thought, in the fulsomeness of his research, the Clerk could basically get further clarification about this whole thing. Because the Ministry of Finance has had key involvement in this document disclosure. They are their documents, and I think talking to the deputy minister, who has been here before, would not hurt in terms of

clarifying this whole issue up. I don't want to condemn anybody for voting against it, but on the other hand, I just don't see the harm in getting more information from the ministry as to who it might have come from, especially when the deputy minister has been directly involved in these said documents that are in dispute. That's all.

**The Chair (Mr. Michael Prue):** You made your statement, but I would remind all members of the committee that when those documents were turned over by the minister and the deputy minister, they became the property of this committee. They are the property of this committee, and it is this committee that must make the determination about how the documents are to be dealt with. We made that decision in consultation and after having consulted with both the minister and the deputy minister. The agreement was unanimously made by everyone present at that time that the unredacted copies would not be made public without bringing them back to the committee and that the redacted copies were public knowledge and that they could be released. That's the decision that was made.

The determination of the committee at this stage is simply to determine whether these were redacted or unredacted copies. From that, everything else will flow, including the right to call the deputy minister, including the right to possibly find Mr. Fedeli in contempt, including the right for the committee to write a report and find he is not in contempt. Any number of possibilities will ensue from the simple finding of fact. That's clear to me. I hope it's clear to everyone else.

We've had a call for the question. Is there any other discussion? Seeing no other discussion—

**Interjection:** A recorded vote, please

**The Chair (Mr. Michael Prue):** We do have a problem with the date. We do have a problem, unless the clerk can advise me that within the next hour he can finish this for sure. We can recess for an hour until a quarter to 6 and have him come back, if he feels he wants to do that, or—and I'm going to be in his hands on this—whether he would prefer to leave it until tomorrow at 3:45, because the committee may meet again on Wednesdays. We would simply adjourn until tomorrow.

*Interjection.*

**The Chair (Mr. Michael Prue):** He's right. It is not his decision; it is our decision. If we decide that we want him to report back in an hour, if he can't find the information, he will so advise. If he can find the information, he would advise that as well, and we can proceed at that point. If the committee, in its wisdom, wants to wait until tomorrow, it needs to be amended. I'm in your hands.

Mr. Clark?

**Mr. Steve Clark:** My initial thoughts were that we do sit until 6 o'clock. If the Clerk wants an hour to review it and if he comes back and indicates he needs additional time, then I'd be prepared to deal with that in the form of a motion at that time. I'm certainly scheduled to be here until 6 o'clock, and I'm certainly able to deal with that in the time frame of our committee today.

**The Chair (Mr. Michael Prue):** Is this the will of the committee?

**Mr. Mike Colle:** We get outvoted anyway, so what's the use of the will of the committee?

**The Chair (Mr. Michael Prue):** I don't think you should assume that the Chair is going to do that. I've ruled on behalf of the government members once today and on behalf of the opposition twice. I'm trying to be as fair as I can. All right, so—

**Mr. Mike Colle:** It makes no difference, really. If he can get it done, he gets it done. I don't really care. I'm just saying—

**The Chair (Mr. Michael Prue):** Having heard that, I'm going to take the vote. Do you want a recorded vote on this as well?

**Mr. Taras Natyshak:** Yes.

**Ayes**

Balkissoon, Clark, Fedeli, Mangat, Natyshak, Nicholls, Wong.

**The Chair (Mr. Michael Prue):** That carries.

All right; we are now recessed until a quarter to 6. We await the Clerk's findings.

*The committee recessed from 1645 to 1745.*

**The Chair (Mr. Michael Prue):** All members now being present, I would ask the Clerk to inform the committee of his findings.

**The Clerk of the Committee (Mr. Katch Koch):** Committee members, I have put on your desks the corresponding slides. On top of the slides, it indicates where these slides came from. They came from the redacted boxes. It also identifies the box and the page number for each one of the slides.

**The Chair (Mr. Michael Prue):** Just to be clear for the record, were any of the slides found in the unredacted boxes?

**The Clerk of the Committee (Mr. Katch Koch):** I did not look in the unredacted boxes.

**The Chair (Mr. Michael Prue):** But you did find all of these four in the redacted boxes?

**The Clerk of the Committee (Mr. Katch Koch):** Correct.

**The Chair (Mr. Michael Prue):** On the page indicated?

**The Clerk of the Committee (Mr. Katch Koch):** Correct.

**The Chair (Mr. Michael Prue):** Okay, thank you. I am now in the committee's hands. Having been informed of where these slides came from, what do you wish to do?

**Mr. Steve Clark:** Chair, if I might, my contention was that these documents were in the redacted boxes all along, and that Mr. Fedeli did nothing wrong in releasing them, because, clearly, that was the direction that the committee—we made a decision that the redacted boxes could be made public and that the unredacted boxes would remain confidential, unless this committee decided otherwise.

So I take it that this decision vindicates Mr. Fedeli. That's my interpretation. I wanted to make those comments on the record.

**The Chair (Mr. Michael Prue):** Mr. Balkissoon.

**Mr. Bas Balkissoon:** I'm not sure we got a complete job here, Mr. Chair, because the Clerk has just said that the documents are just verified to be in the redacted box. I don't think anything was done to verify what was made public and what statements were made public. That was my argument from the onset.

**The Chair (Mr. Michael Prue):** Well, you can make that argument, and you have, on the record. My recollection, and the Clerk verifies that with me, is that the committee unanimously stated that those items which were in the redacted box were to be made public, so they were made public.

Further speakers?

**Mr. Mike Colle:** Were some of the documents in both boxes, the redacted and the unredacted? Is that possible too?

**The Chair (Mr. Michael Prue):** I have not looked through the unredacted box. The unredacted box would have the documents in their totality. So—

**Mr. Mike Colle:** I just think there was some confusion about where they came from, that it was the understanding—that's why I wanted to get the Deputy Minister of Finance here, to basically explain the confusion and to clear up why the Minister of Finance indicated they came from the unredacted documents. That's the clarity I wanted. But since we weren't allowed to have the Clerk discuss it with the deputy minister, I think we have incomplete information here.

**The Chair (Mr. Michael Prue):** The Clerk has stated that the documents that were presented to the committee all came from an unredacted box—

*Interjection.*

**The Chair (Mr. Michael Prue):** Excuse me—from the redacted box. I'm flicking back and forth.

1750

I trust the Clerk is correct. He has given citations where they came from in each case. Each one of the four pages can be looked up by anyone who wants to know whether the documents in Mr. Fedeli's possession and that he states he used in the framing of his question came from a redacted box, which this committee, in its wisdom and unanimously, said could be released.

**Mr. Mike Colle:** Well, anyway, I think we should ask—where this confusion came from was that the minister—

**Mr. Steve Clark:** There's no confusion.

**Mr. Rick Nicholls:** It's straightforward.

**Mr. Mike Colle:** Well, why would the House leader say that it came from the unredacted box—

**Mr. Taras Natyshak:** Ask the House leader.

**Mr. Mike Colle:** That's what I'm trying to find out.

**Mr. Victor Fedeli:** That's not what he said.

**The Chair (Mr. Michael Prue):** We have this information. Is there anything else the committee wants to do now that this information is known to the committee?

Mr. Fedeli?

**Mr. Victor Fedeli:** Thank you, Chair. There are two sets of files. "Unredacted" means these are files with no

redactions and we're free to use. The redacted box, which we're also free to use, has some files that are blacked out.

I have a question, through you, to the Clerk again: Was all the information I released public documents?

**The Clerk of the Committee (Mr. Katch Koch):** After reading Hansard, what was quoted in your question in the House, yes, it's available in the redacted documents.

**Mr. Victor Fedeli:** No, I don't want to use the word "redacted." Is it public information?

**The Clerk of the Committee (Mr. Katch Koch):** Yes.

**Mr. Victor Fedeli:** Thank you.

**The Clerk of the Committee (Mr. Katch Koch):** When the committee made the decision to make the documents public, we exhibited the documents that day.

**Mr. Victor Fedeli:** And only the public documents are the documents that I released, as you read in Hansard?

**The Clerk of the Committee (Mr. Katch Koch):** As ordered by the committee.

**Mr. Victor Fedeli:** Thank you. Chair, I don't think there's anything further from our party.

**The Chair (Mr. Michael Prue):** Is there anything else the committee wants to do, having made this determination?

**Mr. Mike Colle:** I'd like to speak to my House leader to see where this all came from. I'd like to hear his version of it, because I haven't spoken to him and I don't think he has appeared in this committee, or where this came from—I just want that opportunity. I haven't spoken with him.

**The Chair (Mr. Michael Prue):** Are you asking that this matter be adjourned today and resumed tomorrow? Is that what you're doing at this point?

**Mr. Mike Colle:** Yes, or even if I could ask him to explain what happened, because I haven't had that opportunity. It doesn't even have to come before the committee. I'd just like an explanation.

**The Chair (Mr. Michael Prue):** You are free, as a member of this House, to ask anybody any question you want, including a member of your caucus. I don't know. Do you want this committee to do anything with the information we have? That's the question I have of each of you.

Mr. Clark?

**Mr. Steve Clark:** I do, and I have a motion, Chair.

I move that the Standing Committee on Estimates report to the House that the Clerk has verified that the documents referred to by the member for Nipissing on Tuesday, March 18, 2014, and sent to the Speaker on March 20, 2014, are public information.

**The Chair (Mr. Michael Prue):** The Clerk is right. As I see it and as the Clerk informs me—and I agree with him on this one; I didn't agree with him earlier today, but I agree with him on this one—our responsibility is to report back to the House, through the Speaker, if we believe there was a breach of the committee's motion and instructions to the members of the committee.

This would not be a breach, that you're seeking to go back. I would hear argument, but I'm not sure at this point that I think the motion would be in order.

**Mr. Victor Fedeli:** Sorry. Can you repeat the last part? Is or is not?

**The Chair (Mr. Michael Prue):** Is not. I am not convinced that it is in order at this point. I would hear argument that it is in order, but this is in the negative to what the committee is supposed to do. The committee is supposed to report back to the House if we feel there is a breach. As the committee did earlier last year with the Minister of Energy, as he then was, we reported that there was a prima facie case. We would not have reported to the House that we did not believe there was a prima facie case. That is not the role of the committee. It would be the same thing here. We could report back if there was a prima facie case against Mr. Fedeli, but I don't think we have the authority to go back to the House and tell them that there is none.

Mr. Fedeli.

**Mr. Victor Fedeli:** I appreciate your comments, Chair. When they ask a question about a breach, is it not proper for this committee to let them know that a conclusion has been made? It's a pending file, an open file; is it not appropriate to have the opportunity to write a letter to the Speaker or the Legislature that says that the answer is no?

**The Chair (Mr. Michael Prue):** We report back to the House asking the House, through the Speaker, to investigate. That's what the Speaker did with the former Minister of Energy. We felt, in our combined wisdom, that there was a prima facie case and asked the Speaker to investigate. Through this motion, what are you asking the Speaker to investigate?

**Mr. Victor Fedeli:** I'm not asking him to investigate. We're informing him of the decision that came from this committee.

*Interjections.*

**The Chair (Mr. Michael Prue):** I don't think the committee can do this. Personally, I've thought of this, and I don't see how we can do it. There is nothing to stop you, Mr. Fedeli, any of the members of your caucus, any members of the government or anyone else standing up in the House on a point of privilege and making a statement to the Speaker. But I don't think that we can, as a combined committee, ask him to do the impossible. There is no breach. We cannot report to him that he must—a report that he do something; there is nothing for him to do. I don't know any way around this.

**Mr. Victor Fedeli:** So your point is the fact that there's no breach means we don't have to write—

**The Chair (Mr. Michael Prue):** The fact that there is no breach. There is nothing for us to report. How do you report nothing?

**Mr. Bas Balkissoon:** It's 6 o'clock.

**The Chair (Mr. Michael Prue):** Yes, it is 6 o'clock. Do you—

**Mr. Mike Colle:** Move adjournment?

**The Chair (Mr. Michael Prue):** No; we're automatically adjourned. I just need to know whether anyone wishes to continue this debate. It would be tomorrow if you wish to continue this debate. Does anyone wish to? If not, I will not schedule for tomorrow.

**Mr. Mike Colle:** I would like to get clarification tomorrow on exactly what has transpired.

**The Chair (Mr. Michael Prue):** So do you want the committee to meet again tomorrow?

**Mr. Mike Colle:** Yes.

**The Chair (Mr. Michael Prue):** All right. If we have a request—

**Mr. Steve Clark:** Well, if the committee is going to meet tomorrow, I want to know a little more details about the company that did the redacting.

**The Chair (Mr. Michael Prue):** If we meet, anything can be brought. We have a request that we continue, so I'm going to ask the Clerk to schedule tomorrow at 3:45 and any—

**Mr. Victor Fedeli:** The Chair says there's no breach. The Clerk says they came—it was all information resolved to be released.

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

**Mr. Taras Natyshak:** Mr. Colle had indicated that he's unclear, but it's more targeted towards the issues within his own caucus. He also indicated that he wanted to speak to his House leader about some unanswered questions. Might he want to do that and bring any of his focus to the subcommittee prior to having another meeting? If we're just going to answer questions that he believes could be answered through his own House leader—

**The Chair (Mr. Michael Prue):** There are many possibilities—

**Mr. Taras Natyshak:** I'd like to know what the focus of tomorrow's meeting would be.

**The Chair (Mr. Michael Prue):** The reason we are here today is that a member, Mr. Leone, requested a meeting. He came to me and requested it, and I called it. If Mr. Colle wants to request that there be a meeting tomorrow, I will give him the same courtesy that I gave Mr. Leone. So, Mr. Colle, do you want to meet tomorrow?

**Mr. Mike Colle:** Well, all I want is a clarification of what is happening. I don't know if it requires the full committee to meet—

**The Chair (Mr. Michael Prue):** No, I need to know from you now: Are we meeting tomorrow? Because I will instruct the Clerk.

**Mr. Taras Natyshak:** If the clarification you seek is from your own House leader, then seek it and then come back to the committee or request the committee meet on questions.

**Mr. Mike Colle:** I'm told that I can discuss this with my own House leader on my own time, so I don't want to meet tomorrow.

**The Chair (Mr. Michael Prue):** All right. There being no request that we resume this tomorrow, I would move that the committee is adjourned.

*The committee adjourned at 1800.*

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Mr. Katch Koch

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