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Tuesday 1 April 2014

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Mardi 1^{er} avril 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 1 April 2014

Mardi 1^{er} avril 2014

The committee met at 0832 in room 151.

MEMBERS' PRIVILEGES

The Vice-Chair (Mr. Phil McNeely): Good morning. I call the Standing Committee on Justice Policy to order.

Mr. Bob Delaney: Chair, before we get going, may I move a motion that we can perhaps discuss?

I move that this committee retain external legal counsel and that the external counsel be present during all hearings into the Speaker's finding of a prima facie case of privilege, with respect to the production of documents by the Minister of Energy and the Ontario Power Authority to the Standing Committee on Estimates and to consider and report its observations and recommendations concerning the tendering, planning, commissioning, cancellation and relocation of the Mississauga and Oakville gas plants. Referred February 20, 2013—

The Vice-Chair (Mr. Phil McNeely): Mr. Delaney, we need that in writing.

Mr. Bob Delaney: —March 5, 2013.

I'll pass this to the Clerk.

Ms. Lisa MacLeod: Can we have a recess—

Interjections.

The Vice-Chair (Mr. Phil McNeely): And call a five-minute recess to copy it. Thank you.

Ms. Lisa MacLeod: Actually, could we have a 20-minute recess so that—

Interjection: Sure. A 20-minute recess.

Mr. Bob Delaney: This is not the recess for the vote, but absolutely—

Ms. Lisa MacLeod: I haven't seen it, so—

Mr. Bob Delaney: Yes, I know.

The Vice-Chair (Mr. Phil McNeely): Are you agreed with the recess?

Interjections: Yes.

The Vice-Chair (Mr. Phil McNeely): And I'll get equipment that I can hear here.

Mr. John Yakabuski: I just wonder why we couldn't have done this after the witness had—

Mr. Steven Del Duca: I think we've agreed to the recess.

Mr. Bob Delaney: We don't have to debate it [*inaudible*] we can do that after—

The Vice-Chair (Mr. Phil McNeely): I have equipment here that doesn't work. I had equipment that worked well yesterday; I'll have to get that. I understand

it's coming up, so I demand a recess until I can hear what's being said. Sorry about that.

Mr. John Yakabuski: Well, if you demand a recess, Chair, then we're going to acquiesce to your demand.

The committee recessed from 0833 until 0856.

The Vice-Chair (Mr. Phil McNeely): We'll get the meeting going again. I believe, Mr. Delaney, you're prepared to withdraw the motion and submit a revised motion.

Mr. Bob Delaney: Yes, Chair. I would like to withdraw the motion I tabled a short time ago. I believe the Clerk has passed out the one that I wish to substitute, which reads as follows: Pursuant to the subcommittee report dated March 5, 2013, I move that the Standing Committee on Justice Policy retain external legal counsel and that external legal counsel be present during committee meetings related to the orders of the House of February 20, 2013 and March 5, 2013.

I thank the Clerk's office for their assistance in the motion.

The Vice-Chair (Mr. Phil McNeely): Thank you, Mr. Delaney.

I think we'd like to move forward with the witness who has come here early this morning to be with us, so I would like to proceed with that.

Ms. Lisa MacLeod: Okay. I guess we'll defer this motion. But, Chair, we were wondering if the Clerk could come back to us, perhaps either this afternoon or Thursday morning, with the implications of this so that we can assess whether it's supportable.

Mr. Bob Delaney: That actually is a fair request, because when we moved that, none of the three of you were sitting on the committee at the time—you scooted out—because I wanted to run out and explain it to you.

Ms. Lisa MacLeod: Yes, sorry. We had a—

Mr. Bob Delaney: But that's a fair request.

The Vice-Chair (Mr. Phil McNeely): I will consult with the Clerk on that.

Mr. John Yakabuski: Well, we also want to decide how we're going to determine—

Mr. Bob Delaney: But that's part of the history in it, because prior to your coming on the committee, the committee went so far as to narrow it down to a short list of firms.

Mr. John Yakabuski: I was on the committee.

Mr. Bob Delaney: Were you on—okay. Basically, we're just sort of going back to that. Perhaps after we've heard from the witness, we'll discuss that. Okay?

The Vice-Chair (Mr. Phil McNeely): Let's hear from the Clerk on that. Is that possible?

The Clerk of the Committee (Ms. Tamara Poman-ski): If this motion were to pass, we can—and if you recall, we had a lot of discussions last year about this. I can bring an example of what the public accounts committee had done and the mandate of what their lawyer had done for the committee, and also come up with names in terms of a short list of who we would like to hear from or interview etc. I'm not sure. I'll find out the whole process. But again, if it passes, we can deal with all this in subcommittee—the logistics—and then bring it back to the full committee.

Mr. Bob Delaney: That's fair.

The Vice-Chair (Mr. Phil McNeely): Thank you, Clerk.

We want to welcome Michael Ivanco, president of the Society of Professional Engineers.

Mr. Jagmeet Singh: Point of order.

The Vice-Chair (Mr. Phil McNeely): Point of order?

Mr. Jagmeet Singh: Yes. Thank you. I'm just wondering if these questions can be raised and then perhaps report it back as soon as possible. We called Peter Faist last Thursday. We want an update of whether he's going to appear and when will he appear in committee, if you've called him and how many times, if you've emailed him and how many times there have been emails, and if there has been a letter sent to him and when that's been sent. If these attempts are not successful, we'd like to, at some point, raise the issue of calling for a Speaker's warrant for his attendance here.

Ms. Lisa MacLeod: On a point of order: We also agree. We are troubled, in the official opposition, that Mr. Faist has indicated he will not speak with the OPP. Given the revelations yesterday in question period, where he was under retention by the Liberals right up until Saturday, we would concur with our colleagues that if he declines his invitation to attend this committee, that a Speaker's warrant be created and issued.

The Vice-Chair (Mr. Phil McNeely): I think that those issues can be dealt with after we hear the witness and I get instructions from the Clerk on how that should happen.

Mr. John Yakabuski: Okay.

SOCIETY OF PROFESSIONAL ENGINEERS AND ASSOCIATES

The Vice-Chair (Mr. Phil McNeely): We welcome here Michael Ivanco—we've been a little bit tardy in getting to you—the president of the Society of Professional Engineers and Associates and our witness today. The Clerk will now swear you in or affirm you.

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?

Dr. Michael Ivanco: I do.

The Vice-Chair (Mr. Phil McNeely): Thank you. You'll have a five-minute opening statement, if you wish. Then the Liberals will have 20 minutes of questioning, followed by the official opposition, then the NDP and then another 10-minute round if required. So just state your name for the purpose of Hansard and you may start your statement.

Dr. Michael Ivanco: Sure. My name is Michael Ivanco. I'm here today representing the Society of Professional Engineers and Associates, SPEA. SPEA is a union. We represent engineers, scientists, and technicians and technologists who work for Candu Energy Inc., which is formerly the reactor division of Atomic Energy of Canada, which was privatized in October 2011.

Our members design Candu reactors and we play a key role in their construction, inspection, maintenance and refurbishment. Our members have worked on the refurbishment of six Candu reactors, leading some of those projects, and are currently working on a seventh project in Argentina. We hope also to play important roles in the Darlington and Bruce refurbishments. Indeed, it's hard to imagine those projects being successful if our members do not play important roles, given their capability and experience.

A bit of history: The Candu reactor was originally designed in the 1960s by General Electric Canada, Ontario Hydro and Atomic Energy of Canada. The design teams of Canadian General Electric and Ontario Hydro were disbanded many years ago, leaving AECL, now Candu Energy, as the only remaining original equipment manufacturer, or OEM. The intellectual property associated with the reactor design is mostly contained within our membership.

Candu reactors provide over half of Ontario's electricity, with no greenhouse gas emissions, at an average price of approximately six cents a kilowatt hour. Once the reactors are built or refurbished, the incremental cost of operating them is negligible, ensuring that costs of nuclear power are stable over the long term. This is a characteristic that nuclear power shares with hydroelectric generation, and together the two account for almost 80% of Ontario's generation, at a low cost with no greenhouse gas emissions.

Currently, nuclear power provides Ontario's baseload generation 24/7. Baseload, for those who don't know, is the electricity load requirement below which Ontario's needs never fall. Baseload is at its minimum in the spring and fall, typically about 11,000 megawatts, and at its highest in the summer and winter at typically 13,000 megawatts. For this reason, Ontario's nuclear reactors schedule their maintenance outages in spring and fall.

Most of Ontario's hydroelectric generation does not operate 24/7, with the exception of stations such as those at Niagara Falls and Saunders, on the St. Lawrence. Most of the remaining ones store water behind their dams in the middle of the night and then release the water during the day, when the commercial and industrial demands for electricity are the greatest.

Historically, the balance of electricity generation was provided by coal. While coal generation is a heavy

emitter of pollutants and carbon dioxide, it is very flexible and can be used to supplement hydro in matching demand for electricity with supply. As Ontario has reduced, and now eliminated, coal-fired generation, natural gas generators, which share some of the same characteristics with coal, have stepped into that breach. As wind and solar generation, which are by nature intermittent, become more important parts of the electricity mix, natural gas is also important for making up gaps in their generation when the wind doesn't blow or the sun doesn't shine.

The price of electricity from natural gas is highly dependent on the cost of the fuel. This winter has been a good example as natural gas prices have spiked. Although the plants are cheap to build, the incremental cost of running them is relatively high and very dependent on the price of the fuel. To give you an example, if the price of natural gas doubles, the cost of electricity from those generators goes up about 70%. By contrast, if the price of uranium doubles, the price of nuclear-powered electricity goes up about 5%. This is the reason Ontario has been reluctant to use natural gas for baseload generation and, we think, rightly so.

However, no single form of generation can provide for all of Ontario's needs. The electricity demand in the middle of the day can be twice as high as the baseload demand, and this requires several different technologies in order to maintain a robust and flexible system.

Our position is that natural gas is a valuable and finite natural resource that should not be wasted. It is used in the production of plastics, fertilizer, hydrogen and important organic chemicals, as well as home heating, and once it's used it's gone forever. Unfortunately, the most wasteful use of natural gas is for the generation of electricity. Having said that, since the coal plants have been shut down, we do need to burn some natural gas to maintain a stable electricity generating system. But care should be taken that its use be minimized. The plants in Oakville and Mississauga, which were cancelled, were not needed, in our opinion, in particular once the refurbished Bruce A units came online.

However, when the Pickering units are taken off-line at the end of this decade, 3,000 megawatts of baseload generation will disappear and that situation will change. Those 3,000 megawatts of nuclear power, which work 24/7, cannot be replaced by intermittent wind and solar, because they have low capacity factors—approximately 25%. The reality is that, because there will not be any new reactors built at Darlington, the 3,000 megawatts of nuclear power will likely be replaced by a mixture of approximately 75% natural gas and 25% wind and solar. This is a relatively high-cost combination that will also have high price volatility and will increase Ontario's greenhouse gas emissions by about 10 million tonnes, equivalent to the tailpipe emissions of two million new cars. In our opinion, this is not the direction that Ontario should be heading, and we certainly did not oppose the shutting down of the Oakville and Mississauga plants.

That's my statement.

The Vice-Chair (Mr. Phil McNeely): Thank you. We'll go to the Liberals for the first question. Mr. Del Duca.

Mr. Steven Del Duca: Thank you for being with us this morning, Dr. Ivanco, and for your patience. I want to begin by talking a little bit about you and learning a little bit more about your own personal background or experience. Thank you very much for providing us, in your opening remarks, with a fairly detailed sense of the history of what's been happening in the energy system.

As I think you would probably know, part of the mandate for this committee is to provide recommendations regarding how we can improve the siting process for large-scale energy projects. You obviously have been asked here today because you are a technical expert with many years of experience in the energy sector. I'm wondering if you can start by telling us a little bit more about you specifically and your history and expertise.

Dr. Michael Ivanco: Okay. I sent a brief bio to Tamara last week. I'll just give a little bit of background. I got my PhD in 1985 from the University of Toronto, and my background is in physical chemistry, which is kind of a mixture of physics and chemistry. I ended up working at Atomic Energy of Canada in the laser isotope separation group for about seven or eight years. Then, basically, since about 1993, I've worked on product development in various different areas.

My involvement in the energy field started, really, about eight or nine years ago through an interaction with the Society of Energy Professionals, helping them put together an energy plan for the future. That brought me into contact with the people I know from the IESO and various others. I had to do a lot of reading, study—those kinds of things—in electricity generation in general and in Ontario in particular. Through various interactions with colleagues in the academic sector, I ended up teaching a third-year engineering course in terrestrial energy systems at U of T.

I've basically worked in this sector since 1985, primarily in nuclear, but I have also done work outside of nuclear.

Mr. Steven Del Duca: Thank you very much for that. As somebody who has a significant amount of experience in the energy sector, I think you would also—certainly you referenced this both in your opening and in the response to the first question—have fairly substantial knowledge of the energy issues that the system faces here in the province of Ontario. Can you explain to us, from your perspective, how the current system would compare to the system that Ontario had in the past?

Dr. Michael Ivanco: Well, the system in the past was fairly straightforward. It was centralized generation with relatively large stations built in different places, with the exception of hydro stations, which were scattered all over the place in various rivers.

0910

But there were large, centralized locations for stations like Niagara Falls, Saunders in the St. Lawrence for hydroelectric, the nuclear plants at Bruce, Pickering and

Darlington, and then the coal plants, which are in different places—Lakeview, Nanticoke, Atikokan. Those are the largest plants, so you've got transmission lines connecting these things. Nuclear provided the baseload, 24/7, which is the electricity used at 3 in the morning, and the balance, to match load with supply, which varies quite a lot in Ontario from nighttime to the day, was met by coal and hydroelectric. Now it has become substantially different because the coal stations are gone, so gas has stepped in to fill that breach, together with wind and solar.

In the past, wind and solar haven't played a very large role, but they're playing an increasing role. I think that last year wind generated about 3% to 4% of the electricity. The way in which wind and solar were used was different last year than it is now. It used to be, with the FIT program, that if the wind blew and it generated electricity, you had to take it, and anything else had to shut down. My understanding is that since September that has been changed, so there is the option now of asking wind generators not to produce power and paying them not to produce power, though I think what has happened in practice is that now when there is a surplus of electricity in the middle of the night, which sometimes happens in the spring and fall, the Bruce generators are generally asked to blow off steam and not produce power and are paid not to produce power. To me, that's one of the biggest differences; there are a lot of people being paid not to produce power at certain times of the day.

Mr. Steven Del Duca: You mentioned coal. How reliant on coal was Ontario prior to the changes that have been made in the system over the last little while?

Dr. Michael Ivanko: It depended. It varied from about 20% to 25%, typically, of Ontario's electricity. Certainly, shutting them down has reduced the carbon dioxide emissions a lot and the pollution as well.

Mr. Steven Del Duca: Bruce Campbell from the IESO testified before this committee last August, and when he was asked about the changes to the energy system over the past few years, he talked about the effect that phasing out coal, as we've discussed, has had on the system. He explained, as you mentioned a second ago, that coal is being replaced by investments in natural gas, wind and solar, and of course a continued reliance on nuclear energy for our baseload supply.

Mr. Campbell said: "What we've been doing is putting in place the tools and learning to operate a very differently configured system, one that we can operate just as reliably but one that is very differently configured from what had been the practice for many years—and very low-carbon." That's what he said when he was at the committee here.

You've alluded to this in both your opening and some of the responses. I'm wondering if your organization has a position regarding the types of generation that Ontario invests in and the makeup of Ontario's energy supply.

Dr. Michael Ivanko: Our position is that in the current energy mix, certainly the reliance on nuclear power for baseload is sensible. The incremental electricity that

is used to match demand with supply, ideally, would be hydroelectricity, but we recognize that there's not enough hydroelectricity around. That being the case, and if our desire is to reduce greenhouse gas emissions as much as possible, the balance should be made up, as much as possible, with clean sources like wind and solar, and when you have to, to fill the gaps, with gas, because there's nothing else left.

Mr. Steven Del Duca: You mentioned this a little bit earlier, so I guess the answer is yes, but I'm going to ask it anyway to make sure that we're clear about this: Were you aware of the cancellation of the Oakville and Mississauga power plants?

Dr. Michael Ivanko: I read about it in the paper.

Mr. Steven Del Duca: Have you followed the work of this particular committee at all?

Dr. Michael Ivanko: No.

Mr. Steven Del Duca: Are you familiar with the current siting process that exists through the Ontario Power Authority?

Dr. Michael Ivanko: I have a little bit of familiarity with it through the consultation process that went on in the summer that the OPA had in various communities. In Toronto they had a couple of smaller sessions for stakeholders, and I remember sitting in on a table where they talked about siting—they were looking for input from people in siting plants, and I think my contribution was that they should probably talk to the local communities before they site them.

Mr. Steven Del Duca: I was going to ask whether or not you personally had the opportunity to provide your input into the process, whether through the OPA or the IESO or the government, but you've kind of answered that.

Dr. Michael Ivanko: More recently, through the process; yes, last summer—the summer of 2013.

Mr. Steven Del Duca: As I mentioned earlier, part of the work here at the committee is to develop recommendations regarding improving the process and improving how we site energy infrastructure. We've had over 50 witnesses come before the committee, many of whom have provided valuable feedback and advice on the siting process.

You mentioned communities a second ago. The main feedback that we've heard from members of both the Mississauga and the Oakville communities is that there should have been a better consultation process with local residents right from the very beginning of the siting process. So, based on your experience, what role can engaging with local communities play to better support the energy infrastructure siting process, and do you have any recommendations regarding the most effective ways that government and other agencies might seek to use to consult with those communities?

Dr. Michael Ivanko: It's kind of outside of my specific area of expertise, but as a citizen I would have preferred the government to have come perhaps to town council, perhaps have had public meetings to explain what they want to do and to gauge the sense of public

acceptance, what people's concerns were; those kinds of things. Those things were not really done in Oakville. It was kind of done post facto.

Mr. Steven Del Duca: Okay. Thank you for that.

Last August this committee also had the opportunity to hear from a Dr. Alan Levy, and when he was asked about how to best engage the public, he recommended that energy need and supply should actually be taught at an early age and included in the curriculum. He stated, "It should start at the schools. It's as important as clean water. It's one of the most important things in any civilized society."

Mr. John Yakabuski: Point of order, Chair.

The Vice-Chair (Mr. Phil McNeely): Mr. Yakabuski.

Mr. John Yakabuski: Thank you very much, Chair. With respect to the members of the government, but being respectful of the witness, they're asking him questions that clearly are not in his field of expertise. I think we should be asking the witness questions that he is prepared to answer. He did not come here to answer questions about what you want to hear about some other witness—

The Vice-Chair (Mr. Phil McNeely): Thank you, Mr. Yakabuski. You've said enough to know what you're trying to—

Mr. John Yakabuski: He has already said it's not his field of expertise.

The Vice-Chair (Mr. Phil McNeely): I think Mr. Del Duca is in order here. Just continue the questioning.

Mr. Steven Del Duca: Thanks very much. Just in the interests of making sure you hear the whole question again, I'm going to start from the beginning.

The committee had the pleasure of hearing from Dr. Alan Levy last August. When he was asked about how to best engage the public, he recommended that energy need and supply should actually be taught at an early age and included in the curriculum. He stated, "It should start at the schools. It's as important as clean water. It's one of the most important things in any civilized society."

"I think if you raise the importance of reliable, inexpensive supply to where it should be in any society, then there will be less rhetoric about electricity prices and so forth and a realization that it's a necessity. We have to value it carefully. We have to plan for it carefully."

I'm just wondering: With your expertise in history and the energy sector, what do you think of that particular recommendation, and do you think there is any value in educating future generations early so that communities gain a better understanding of their energy needs and how those needs might be met?

Dr. Michael Ivanco: Well, of course it is. My experience with students—and I've spoken to students in elementary school and high school—is that they aren't taught a lot in elementary school and high school. They certainly start to teach this in grade 10. For what it's worth, some of the sharpest technical audiences I've ever spoken in front of have been grade 10 students in Ontario. They still remember all the science they were taught up until grade 10.

Mr. Steven Del Duca: You said a second ago you've had the chance to speak to students in a school setting?

Dr. Michael Ivanco: Yes.

Mr. Steven Del Duca: And how was the information flow received? Were they receptive? Were they interested?

Dr. Michael Ivanco: The most recent time was North York collegiate—I think it was North York collegiate. It was science and environment day or something like this. Jack Gibbons was invited from the Ontario Clean Air Alliance, and me. We had an open debate on electricity generation in Ontario in the future and so on. I think it was a great venue. The students were really engaged and very knowledgeable. I was pleasantly surprised.

Mr. Steven Del Duca: You said that was grade 10? The students were—

Dr. Michael Ivanco: Yes.

Mr. Steven Del Duca: Do you think it makes sense to start even—I have a six-year-old and a three-year-old daughter, but starting even earlier might make more sense in terms of the fundamentals around encouraging learning about future energy supply needs?

Dr. Michael Ivanco: Again, it's not my area of expertise, but I have had children in school. Typically, they start engaging science fairs around grade 6 or so. That would be my suggestion, for what it's worth as a layperson in that area.

0920

Mr. Steven Del Duca: I appreciate that—as a layperson who understands the energy system quite well and has a significant amount of history in the system. So I appreciate that opinion.

Still keeping in the vein of the notion of how we site and some of that stuff, I wanted to ask you a couple of questions.

In an effort to improve our integration, in May the Ministry of Energy announced changes to the renewable energy program intended to address municipal concerns, specifically, and give communities more control and input in siting energy infrastructure, and focus on communities that have prior support for those kinds of projects. The changes will, among other things, require developers to work directly with municipalities to identify appropriate locations and site requirements for any future large renewable energy projects. The province will move to a procurement model for these large projects. As mentioned, over the summer the province has been consulting extensively to formulate this process.

Do you think it's a positive step forward in terms of giving municipalities more control over these kinds of decisions?

Dr. Michael Ivanco: Again, it's not my area of expertise. What I can say is that that is what they do in nuclear communities. It's the only form of generation where there isn't NIMBYism. It's kind of the opposite of NIMBYism.

Mr. Steven Del Duca: With respect to nuclear projects?

Dr. Michael Ivanco: Yes.

Mr. Steven Del Duca: Can you explain a little more about that for the committee?

Dr. Michael Ivanco: Sure. The communities near Kincardine, and also near Darlington, when there was going to be a new build—I think the OPA or the government announced, probably six years ago, that it had planned to build reactors at Darlington—there was a big community competition to get people to sign petitions saying, “Build it Here.” So that was one good way to get community acceptance, but that’s a little bit different; those communities are already predisposed to wanting more reactors because they’ve seen what it has done for the local communities.

With respect to other projects, I was on the Oakville committee that fought against the gas plant, and you will have issues of nobody wanting something in their backyard, so that is a problem. But certainly engaging the community has got to help. It’s better than having something foisted on them.

Mr. Steven Del Duca: The government also recently announced that small and medium-sized municipalities will be eligible for funding for municipal energy plans which align infrastructure, energy and land use planning. These plans will focus on increasing conservation and helping to identify the best energy infrastructure options for a community.

Do you think that this process, this idea, this mechanism, will have a tangible benefit for communities that receive the funding?

Dr. Michael Ivanco: I’m not really qualified to speak to that.

Mr. Steven Del Duca: Okay. A second ago, you talked about some of the processes that were used in terms of the communities like Kincardine and one other location. I’m sorry. I didn’t—

Dr. Michael Ivanco: Darlington—Clarington.

Mr. Steven Del Duca: So what years would that have been? I’m just curious.

Dr. Michael Ivanco: We’re talking about five, six years ago. When it looked like there was going to be a new build at either Darlington or Bruce and it was still up in the air as to where it would be, there was a competition amongst those communities to try and convince government to build the new reactor, wherever it was built, in their own community.

Mr. Steven Del Duca: Thanks for that.

At the beginning, in your opening remarks, you talked a little bit about the work of the Society of Professional Engineers and Associates. I’m wondering if you can elaborate, tell us a little bit more about the specific work of the society within the sector.

Dr. Michael Ivanco: We have worked with other unions in the energy sector, the Society of Energy Professionals being one. We were at one time members of that group, and they put out an energy plan in 2005 that we contributed to.

For example, whenever there are environmental hearings for nuclear projects, we always make contributions to those things. We attend; we give presentations and make submissions.

We provided input into the LTEP, certainly this past time, and I think three years ago as well. I’m not 100% certain about three years ago, but it’s normally something we would do.

We go to stakeholders’ meetings, we go to energy conferences—all of these things that are held in Ontario. Two weeks ago, there was one at the Mowat Centre at the University of Toronto, which has a think tank on energy. So we attend all of these things and we contribute. We make written submissions, we occasionally have op-eds in papers and letters to editors, those kinds of things.

Mr. Steven Del Duca: How many members are there?

Dr. Michael Ivanco: Right now, about 800. We’ve had as many as 1,200.

Mr. Steven Del Duca: And that’s province-wide?

Dr. Michael Ivanco: Yes. Mostly in Mississauga, although we do have some outside of province, but not that many.

Mr. Steven Del Duca: Mississauga is a great part of the province.

You mentioned a second ago about providing some input with respect to the long-term energy plan. Can you elaborate a little bit about some of the information or suggestions that the society provided during that most recent process?

Dr. Michael Ivanco: We gave a written submission—I’m trying to remember the details of it. The details were similar to what I made in my opening statement, which was that Ontario should continue to rely on nuclear for baseload. The key part of it was that the 3,000 megawatts that will be lost at Pickering, when Pickering shuts down, should be replaced at least partly with new nuclear build. We had opinions about gas, which were similar to the ones that I shared. We recognize it’s necessary, but it should be used sparingly.

We do support clean alternative sources such as wind and solar but in the right abundance, which is probably not a really heavy reliance, but certainly a supplemental reliance. Having a multitude of sources, and not all your eggs in one basket, is generally good for stability, as long as everything is wired together correctly. So far, I think things are reasonably good. One of the measures of reliability is blackouts. We haven’t had a major blackout since 2005.

Mr. Steven Del Duca: Why do you think that’s the case, since 2005? I mean, that’s a long stretch now prior to what existed in Ontario, when we had brownouts and—

Dr. Michael Ivanco: Well, it suggests that the grid is no less reliable than it was then, and 2005 was also a bit of a fluke.

Mr. Steven Del Duca: No less reliable or more reliable?

Dr. Michael Ivanco: No, it’s no less reliable than it was.

The Vice-Chair (Mr. Phil McNeely): One minute.

Mr. Steven Del Duca: One minute, Chair? Thank you.

Do you feel your opportunity to provide input for the long-term energy plan in the recent process—do you feel comfortable with the opportunity you had in the consultations that were done around that process?

Dr. Michael Ivanco: Yes. Actually, this time around, I thought the process was done better than in the past. In the past they had these large town hall meetings where everyone who had an opinion would come and stand at a microphone and voice that opinion. There was cheering, booing; it was kind of like almost a circus atmosphere. This time around, it was more civilized. It reminded me of people presenting papers at scientific conferences, at poster sessions, you know, where there would be different booths set up and you could come and have more quiet conversations in smaller groups with people who were experts from the OPA. I liked the way it was set up a lot better this time.

Mr. Steven Del Duca: And do you think other participants in that consultation process felt similarly, felt that it was an improvement from what you might have heard anecdotally?

Dr. Michael Ivanco: I haven't talked to them about what they thought about it.

The Vice-Chair (Mr. Phil McNeely): Thank you. Your time is up.

I'll go to Mr. Yakabuski.

Mr. John Yakabuski: Thank you very much, Dr. Ivanco, for joining us this morning. Henceforth, may I call you Michael?

Dr. Michael Ivanco: Sure.

Mr. John Yakabuski: We've known each other for a long time. You've been extremely helpful to me over many years, assisting me in understanding our electricity system at a much deeper level than I would have otherwise. I appreciate the work I was able to do with you and your colleagues over the years.

Dr. Michael Ivanco: Thanks.

Mr. John Yakabuski: You've made some comments, in the questions, to Mr. Del Duca from the government side. But first, I'm just going to get rid of some house-cleaning stuff. Were you involved in any activity with regard to the cancellation and relocation of the Oakville and Mississauga natural gas plants?

Dr. Michael Ivanco: My only involvement was to serve as a private citizen at the grassroots level in a committee in Oakville called C4CA, Citizens for Clean Air.

Mr. John Yakabuski: And we met on that as well. Now, did you have anything to do with the decision to cancel the gas plants? Were you involved with the Premier's office, the Ministry of Energy or any of their staff in making the decision—or the Liberal campaign team?

Dr. Michael Ivanco: No, of course not.

Mr. John Yakabuski: Nothing to do with that decision? So you're not involved in any of the discussions that brought about the \$1.1-billion cancellation?

Dr. Michael Ivanco: No.

Mr. John Yakabuski: None whatsoever, other than acting as a private citizen in your capacity as a resident of the area.

Now I'm going to ask you more about general policy, because Mr. Del Duca seemed to be trying to take you down that road. I'm not sure he was happy with some of your answers, but what I've always understood about your answers and what I've always appreciated is that you give straight, clear and honest answers.

He talked about the transformation of our electricity system—or asked you. What I got out of it was that we have no less reliable a system, but we have, because of the choices that were made—as you say, if uranium goes up X per cent, the price of power does not change that much. If the price of other fuels—clearly the decision to massively increase the amount of natural gas in this province was as a result of the decision to shut down coal, knowing full well at the time that their original guarantee was, “We're going to replace coal with this wonderful new technology, this inexpensive technology: wind.” We all knew that was quite impossible; in fact, it was false from the beginning.

0930

Would you agree, as you said earlier, that we have today, as a result of the decisions that were made, a much more expensive system?

Dr. Michael Ivanco: The system is very similar to what it was. Before the wind generators started coming online, 100% of the electricity was made with nuclear, hydroelectric and coal, and now 80% of the electricity is still made with nuclear and hydro, and the other 20%, instead of being coal, is mostly natural gas with a little bit of wind and solar. The little bit of wind and solar is more expensive, to be sure, but it's not yet a significant enough piece of the electricity mix to have a huge impact, I would think, on price. As it grows, it will have a bigger impact.

Right now, wind and solar generate 4% of the electricity roughly. Even if they were twice as expensive, that would only increase the price of electricity a few per cent. It's if they start growing to levels of 10% to 15%, then you may have problems in that.

Mr. John Yakabuski: The price of the electricity is one part of it. Correct? Because the cost of building that transmission to accommodate that capacity; whether it's generating or not—the wires have to be built, and the transmission lines have to be built.

Now, the current plan under this government is for 10,700 megawatts of renewable power, 90% of which will be wind. What is your view with regard to what's going to happen to the cost of electricity if that is carried through to fruition, the effect it will have on the build, taking into consideration the cost of transmission, the cost of building the infrastructure, the building of the turbines themselves, and whatever generation is produced from them? What do you think the net effect of that is going to be on our electricity bill?

Dr. Michael Ivanco: The more wind and solar you integrate into the system, unless the prices come down substantially, is going to drive the price up. You do have to build some extra transmission—we all know transmission costs money—and you have to have the backup

generation too, which you have not mentioned, which is natural gas, which costs some money.

But the 10,700 megawatts of wind that they're talking about adding, in reality, because the capacity factor is about 25%, it may mean 2,000 to 3,000 megawatts average supply. To me, the bigger worry is, what do you do on the really good days when it is making maybe 8,000 or 9,000 megawatts of electricity? What do you have to shut down?

To me, the main objective of moving to these areas was to decarbonize the system, and by shutting down the coal plants, the system has been heavily decarbonized. I remember 10 years ago the greenhouse gas footprint was around 300 grams a kilowatt hour; now it's about 80. There's not a lot more to be gained. The only way to decarbonize the system now is to turn off the natural gas plants, and you can't do that.

Mr. John Yakabuski: We cannot turn off the natural gas plants because they must be there to back up the wind when it's not blowing.

Dr. Michael Ivanco: And for peaking.

Mr. John Yakabuski: Right, for peaking purposes, but they also have to be there—if you've got that high capacity of wind in the system and all of a sudden a new weather front blows through and there's no wind, then you've got to fire up the carbonized natural gas in order to fill the void on a very quick basis, because presumably our nuclear plants will be running at capacity, as they usually do.

I checked the numbers. I haven't checked them since Saturday, but I checked the numbers on Saturday morning, and we were getting about 70% of our electricity—68 point some per cent of our electricity was coming from nuclear this past Saturday morning, which speaks to the importance of it in our system; does it not?

Dr. Michael Ivanco: Yes, of course. We don't have a problem with the notion of replacing coal plants with a mixture of gas and wind and solar. Our only concern is, once it starts creeping into replacing hydro and nuclear as well, then you're just replacing something that's clean with something that maybe is not quite as clean, or close to as clean, and generally more expensive. That was our concern and the gist of our submissions to the OPA: that yes, you need a lot of different sources, and you want to replace coal with gas and wind and solar. That's good, too, but you don't want to start spilling water or asking Bruce to blow off steam to match the supply with demand.

Mr. John Yakabuski: Which we've been doing quite a lot over the last few years: spilling water and asking Bruce to blow off steam, which, quite frankly, causes us to blow off steam at times too, because we know that that's just money being thrown down the tubes.

I want to talk about the change in plans on the part of the government. We always supported them when they talked about new-build nuclear, and we're supportive of the refurbishment with respect to nuclear as well. But am I not correct—and please feel free to correct me—in saying that refurbishment is only one part of the equation? Because once that refurbishment is done, and

once that refurbishment runs its natural course, which it does, there will be a point at which all of whichever nuclear plants are being refurbished or will be refurbished—they will also have an end of life.

If we don't have a new-build program in place, the question is, where is that power going to come from when all of the plants have been refurbished? Some of them are not being refurbished because of various reasons: cost and capacity—they're smaller capacity plants, and it probably doesn't have as good a return on investment. But if they're all refurbished and they're all worn out—which will happen at some point—where are we supposed to get the 70% of the power? We don't have the capacity in water in this province because of the nature of our system. Where are we supposed to get that 70%? And if it's coming from the sources that this government seems to be in love with, what is the cost going to end up being?

Dr. Michael Ivanco: I wish I had a crystal ball. I mean, the refurbishments will extend the life of the existing plants out into 2045 for some of them. It's a long way away, and—

Mr. John Yakabuski: I might even still be alive at that point, and I want to know where the power is coming from in my old-age home.

Dr. Michael Ivanco: It's hard to say what's going to happen in 30 years. There are all kinds of different designs out there. Our biggest concern is that we would like—if the reactors are replaced, ideally they'd be replaced with something that's designed and built in Canada. You have to build reactors every once in a while or you lose the expertise and ability, and if we're not going to build them in Ontario, which we had hoped to build them in Ontario, then we have to start building them again offshore. We have high hopes for projects offshore, but that's the only way to keep our expertise current and maintain the ability to design and build reactors in Ontario.

Mr. John Yakabuski: I'm going to go back to you, Michael, maybe in a more direct way. If we don't have nuclear power by 2045—we'll use that date for the purposes of this discussion—and presumably, regardless of what the situation is today, with all the malaise in the manufacturing sector, and much of it could be connected to the power procurement decisions of this government. But if we don't have a nuclear system in 2045, we are going to be up the creek without a paddle, are we not?

Dr. Michael Ivanco: If all you have is current technologies and you don't have nuclear power, then it's obvious what you have to use: You have to use coal or gas. That's what they use in Asia, where they need tonnes of electricity.

Mr. John Yakabuski: Well, the Chinese could probably come in and build us plants. They're certainly building plenty of them now.

Dr. Michael Ivanco: They may be building Candu plants, for all we know, in 10 years.

Given existing technologies, if we're not going to build new nuclear plants in 30 years, at some point soon there needs to be a major investment in infrastructure for

things like energy storage. This is what I keep trying to explain to people. I have a friend who's an aeronautical engineer, who told me, "You can make a brick fly, but it doesn't make sense because a brick's not very aerodynamic." Engineers can design a system to make anything work. Engineers can design a system to make Ontario run on wind and solar and energy storage, but it'll cost an incredible amount of money. Affordability is a factor. The technology exists to replace nuclear power with a mixture of wind and solar and energy storage, but it would cost 10 times as much. Affordability is an issue. With current technologies, if you're not going to use nuclear, you're going to use gas or coal. In 30 years, who knows? Maybe something will come along by then; I don't know.

0940

Mr. John Yakabuski: I think you folks have done a much better job over the last number of years, but why is it that we still allow the opponents of nuclear to make the cost argument their biggest reason for being opposed to the procurement of new nuclear builds and/or refurbishment, when it is clear that the alternatives—particularly the renewables that the government, as I say, seems to be in love with—are far more expensive based on their capacity factors and their reliability factors? Why is it that they still seem to get away with that argument that it's going to be a less expensive system when people who understand know that it will be a more expensive system without nuclear?

Dr. Michael Ivanco: We try not to let them get away with it. The trouble is that nuclear reactors, for example, are big capital investment facilities—

Mr. John Yakabuski: Sure; understood. They're complicated units.

Dr. Michael Ivanco: It makes a great headline if you say that the reactors are going to cost \$15 billion, when really what's important is price per kilowatt hour. That's where we try to steer those discussions: the unit price.

Lately, when I've been hearing things like this when I go to these think tank meetings, I make the point that if you're going to use that argument and you didn't have the Adam Beck stations at Niagara Falls, then you would never build them today. But if you look at the cheapest source of electricity in Ontario, it's from the Adam Beck stations in Niagara Falls, because generations of politicians previously, in the 1920s, had the foresight to make that capital investment.

You can't have it both ways. Sometimes capital investment makes sense; it's good public investment. The Adam Beck station is the perfect example to me. If it didn't exist today, it would cost \$20 billion to \$30 billion to build it, and everyone would throw up their hands and say, "That's too much money. It's too much risk." But thank goodness, politicians did it 90 years ago.

Mr. John Yakabuski: For the megawatts it produces.

Dr. Michael Ivanco: Yes. The price per kilowatt hour from Adam Beck is virtually nothing.

Mr. John Yakabuski: Yes: a couple of cents. Thank goodness for the people who were thinking that way back in the early 1900s.

I'm a little concerned about the way that people are thinking here in the early 2000s with respect to what it's going to do to power prices in Ontario, because this is still a province that produces things—a lot less than it used to. But the price of power is one of the most paramount concerns when people decide whether or not they're going to establish a business in the province of Ontario. It is affecting our ability to compete with other jurisdictions.

I know you've talked a little bit about the nuclear experience in Germany, for example. I've heard that Merkel got skittish on nuclear after the Japanese Fukushima issues. Now I understand that they're firing up coal plants that are old and inefficient and actually some of the heaviest polluters and buying nuclear power from France because their renewable power system is simply not efficient enough and doesn't perform well enough to satisfy their needs. Are you aware of that?

Dr. Michael Ivanco: All I know for certain is that Germany's greenhouse gas footprint has gone up in the last couple of years. Certainly in 2013 it was bigger than in 2012; in 2012, it was bigger than 2011.

Mr. John Yakabuski: Because, presumably, they've had to fire up more coal plants. The numbers do bear that out, which is—

Dr. Michael Ivanco: Coal and natural gas are both fossil fuels.

Mr. John Yakabuski: It's kind of ironic, eh? You build 30,000-plus megawatts of wind because you claim you want to have a cleaner environment, and then you end up with a dirtier environment because the wind is not working and you've got to fire up old coal plants—not even the new technology, but older coal plants that are producing greenhouse gases at levels that were unacceptable 20 years ago. Can you imagine how unacceptable they are today?

That's what happens, I think, when you make the wrong decisions. I'm concerned about the decisions that this government has made because, of course, it's so far down that wind road—not the winding road, but the wind-ing road, spelled the same way. They're so far down the wind-ing road that they won't admit to the mistakes they've made. They just want to compound their mistakes, and I'm afraid of where it's going to leave us in another 20 years or so. At the end of this year, their expectation is that they're going to have 4,000 megawatts of wind in the system, which is going to exacerbate our problems with being able to manage the system—turning units on, turning them off—because of the instability in the system. How can you base a system on something that you don't control? The one thing we had in our system was, we had total control over the power system we had, whereas now we're getting into a system that we lack control. Would you not agree with that?

Dr. Michael Ivanco: Wind has its good points and its bad points. Where we object to its use is if you're going to replace a clean source with a mixture of wind and fossil fuel. We object to that. Replacing a clean source with a source that's not as clean, to us, doesn't make as

much sense. I think if you're going to rely on wind heavily, you need a number of things. You need better weather predictability, and really, you need energy storage of some kind, but—

Mr. John Yakabuski: It's expensive.

Dr. Michael Ivanco: Well, electricity storage is not practical. Energy storage is more practical, but it usually requires a really large capital investment which, then, you have to factor into the price of electricity from wind.

The Vice-Chair (Mr. Phil McNeely): One minute—one and a half.

Mr. John Yakabuski: Michael, thank you very much for your candid answers. I always appreciate the opportunity to converse with you. We appreciate you making the second effort to join us. We realize there were circumstances beyond your control last week. I apologize that the committee was unable to wait for you to arrive, but we're very pleased that you were able to join us this morning. Thank you very much.

Dr. Michael Ivanco: Nice of you to apologize, but that was all my fault.

The Vice-Chair (Mr. Phil McNeely): Now we'll go to the third party, Mr. Singh.

Mr. Jagmeet Singh: Thank you very much, sir. My colleagues from the Conservative Party covered some of my concerns, which were just to confirm that you didn't have any involvement expressly on the decision-making side with respect to any gas plant, whether in Oakville or in Mississauga; that you were involved instead as a citizen in your local community on a grassroots level in opposition to, specifically, the Oakville build. Is that correct?

Dr. Michael Ivanco: Just the Oakville build, yes.

Mr. Jagmeet Singh: I'll ask you just some brief questions about some energy policy and then let you be on your way. With respect to nuclear, in terms of cost, one of the factors that I want you to consider or perhaps give your brief opinion on—one example is in terms of what I've read in terms of refurbishing costs. The estimates that I understand for existing refurbishments range from \$8 billion up into the \$30-billion mark, and there's no clear or set number. Is that what you understand as well, that there's that broad of a range? Those are some of the numbers that I've seen in terms of the cost potential for the existing nuclear refurbishment projects that are proposed.

Dr. Michael Ivanco: My understanding is that the target is somewhere in the range of \$2,500 a kilowatt for refurbishment, \$2,500, maybe \$3,000, in that range. Those are kind of the numbers I've been hearing. As an investment in generation that's going to last maybe 25, 30 years, that's relatively economical. The cost of electricity—it's a little bit hidden, but to give you an idea, when the Bruce reactors were refurbished, I think the original estimate was \$2.8 billion. They went considerably over budget. I think it was \$4.8 billion, but they still sell electricity at the contracted price of 6.8 cents a kilowatt hour, and they still make money. So I think if you can actually refurbish reactors for around \$2,500, \$3,000 a kilowatt, it's probably good for everybody.

Mr. Jagmeet Singh: But my concern is the average costs. The expectation is that the costs could be a certain amount, but the range is so vast. Are you familiar with that range? This is something I read in an article, that the potential cost can range from \$8 billion up to \$32 billion. That just seems to be astounding, to see that much of a spread, that there's not a clear ability to come down with a number, that it's that much of a range. It's, to me, very troubling as a policy-maker or lawmaker to move in a direction to support something that doesn't have a clear cost behind it, and it could have such a wide range.

0950

Dr. Michael Ivanco: I haven't seen the estimates of \$8 billion to \$32 billion. But just doing the arithmetic in my head, the two Bruce units that were refurbished—and keeping in mind that those projects started in about 2006—\$4.8 billion, and that was really hugely over budget for about 1,600 megawatts of generation. It still came out to about \$3,000 a megawatt. That was with a project that was quite a bit over budget, and it still makes money and produces electricity pretty cheaply.

Mr. Jagmeet Singh: I see. One of the other things, though, that is something that we need to consider is that while the production itself might be a good value, but the infrastructure costs, that's the burden that is placed on the taxpayer or on the citizens. That's quite a significant infrastructure cost. That has, obviously, spilled over to the populace.

Dr. Michael Ivanco: That gets back to my example of Adam Beck. Right? I mean, sometimes, I think, it's right to make public policy decisions that require large capital investments for the public good. The Adam Beck station is my latest example. You wouldn't build it today, people tell me, because the cost is too high and the risk of cost overrun is very high. The payback, in terms of return on investment, could be two decades, so no private sector company in the world would make that kind of investment. But public investments are made that way because you look at the greater good for people over a long period of time.

I see nuclear investments in very much the same way. Sometimes it's worth making large capital investments if the payoff is 20 or 30 years down the road.

Mr. Jagmeet Singh: Interesting. I have no further questions. Thank you.

Dr. Michael Ivanco: Thank you.

The Vice-Chair (Mr. Phil McNeely): We'll go to the government and Bob Delaney.

Mr. Steven Del Duca: No.

The Vice-Chair (Mr. Phil McNeely): Oh, Mr. Del Duca—

Mr. Steven Del Duca: I know we look similar, Mr. Chair.

Mrs. Laura Albanese: It's the hair.

Mr. Steven Del Duca: It is the hair, yes.

Thanks very much, Chair, and thank you very much, Dr. Ivanco, for answering the questions from all of us. I have a couple of other things I did want to talk about.

You mentioned in the opening to your—actually, I don't remember if it was the preamble from Mr. Yaka-

buski's questions or if you actually said it yourself. But with respect to your involvement in Oakville, somewhere in today's answers or testimony there was a reference to an organization called C4CA.

Dr. Michael Ivanco: That was the catchy title.

Mr. Steven Del Duca: Can you just explain what that is, or what that was?

Dr. Michael Ivanco: Citizens for Clean Air was a grassroots organization established in Oakville. It was my understanding that they started—I can't remember if they put ads out in the paper or if I saw something on a bulletin board or a local grocery store or something like that—looking for volunteers. So I came to the inaugural meeting, where they were looking for people to sign up to be on various committees. I listened to the presentations. I signed up for the environmental review committee.

Mr. Steven Del Duca: Do you live in Oakville?

Dr. Michael Ivanco: I do. I live in west Oakville. For what it's worth, I'm not a NIMBY. I didn't live in east Oakville, which is where the plant was originally sited.

Mr. Steven Del Duca: I understand completely.

A couple of things: I don't know exactly how long you were involved in C4CA or to what extent you were involved, but I'm guessing—you can correct me if I'm wrong—that, given your background in the energy world, given that you live in the community and given that you took the interest, you took it upon yourself to show the initiative and get involved in what was taking place there, you probably would have been aware—and if not, I guess I'll ask that question. Were you aware that throughout that process leading up to the final decision that was made in Oakville members from the PC Party had very clearly gone on record regarding their feelings with respect to the Oakville power plant? Are you aware or do you remember hearing at that time, through meetings, perhaps one-on-one meetings or community meetings with members of the PC caucus, what they might have said regarding their thoughts with respect to Oakville?

Dr. Michael Ivanco: No. What I can say is that the people I worked with were from all political stripes.

Mr. Steven Del Duca: Would it surprise you, given the work that you did with C4CA, to know or to hear that, for example, Mr. Ted Chudleigh, the Conservative MPP from Halton, said on June 1, 2010, here in the Legislature: "The people of Oakville have told you they don't want the proposed gas-fired power plant ... and I agree with them"? Would you be surprised to learn that a member of that caucus would be taking a fairly strong position in opposition to the Oakville power plant?

Dr. Michael Ivanco: No. During the elections, I went to all-candidate meetings. I think everybody in Oakville said they would close the gas plants down.

Mr. Steven Del Duca: And Mr. Hudak himself, the Leader of the Opposition, even though when he appeared here at committee and refused to answer my questions that I asked him repeatedly about—his plans, his calculations, his analysis with respect to the power plant.

On September 25, 2011, in the *Globe and Mail*, Mr. Hudak said, "We oppose these projects in Oakville and

Mississauga." That probably wouldn't come as a surprise to you as well.

Dr. Michael Ivanco: I don't remember it, but given that in Oakville I worked with people who were from all the three major parties and they were all against the gas plant, I suppose it wouldn't surprise me. I didn't know specifically that he'd said anything like that.

Mr. Steven Del Duca: No, that's good. So it's important to stress as well that you just said it now twice in the answers to questions that I've asked: Members from all three parties, just so that we're clear and on the record, when you refer to three parties, that would be including Ontario's NDP as well, that they were clearly on record as being opposed—from your experience locally in Oakville, being opposed to the Oakville power plant.

Dr. Michael Ivanco: I went to all-candidates meetings, and certainly the candidates from—Kevin Flynn and Chudleigh were at those meetings. My recollection is that they said they were in opposition to the gas plants. I can't remember if the NDP candidate said he was, or the Green candidate. I can't remember.

Mr. Steven Del Duca: For example again, on October 7, 2010, Peter Tabuns, the NDP member from Toronto–Danforth, speaking to a publication called *Inside Halton*, said, "I don't agree with the Oakville power plant."

The NDP member from Beaches–East York, on December 2, 2010, here in the Legislature read into Hansard: "I'm glad that the people of Oakville came to their senses. I'm glad the people of Oakville hired Erin Brockovich and did all the things that they did in order to have this"—and I'm assuming "this" means the Oakville power plant—"killed."

So it wouldn't come as a shock to you then, obviously, to know that from NDP leader Andrea Horwath all the way down through their food chain to their local candidate, they repeatedly went on the record throughout this process opposing the Oakville power plant as well?

Dr. Michael Ivanco: I'll have to take your word for it. I don't know all those facts.

Mr. John Yakabuski: A point of order, Chair.

The Vice-Chair (Mr. Phil McNeely): Mr. Yakabuski.

Mr. John Yakabuski: I think the witness has made it clear about what he does and doesn't know. The questioning from the government at this point amounts to nothing less than badgering. He has made it clear about what he knows about the history of the decision. It's on record; it was a political decision by the Liberal campaign team. What led to that is not the reason that Dr. Ivanco was brought here today. He was brought here because of his expertise in power system operation, particularly in the nuclear field. If we were to confine our questions to something where the committee can gain valuable knowledge from his visit, I think we'd all be better off. But continuing to badger him by name after name, whether he was reading so-and-so's mail or otherwise or having intimate conversations with members of this party or other parties, is not really helpful to this committee. I think we should stick to what our knitting is

here with this witness and ask him the questions that are pertinent to his field of expertise.

The Vice-Chair (Mr. Phil McNeely): I understand, but I feel that the questioning is relevant. It goes to testimony that has been given at this committee—

Mr. John Yakabuski: And he keeps saying the same answer because—and Mr. Del Duca asked him about different people—

Mr. Steven Del Duca: Mr. Chair, with the greatest amount of empathy that I can muster for that particular member opposite, I understand he feels guilty because he in fact opened up this line of questioning by asking the witness about his involvement in Oakville with C4CA. Now that the door is open, I feel compelled to walk through it, and gladly so.

The Vice-Chair (Mr. Phil McNeely): Proceed with your questioning.

Mr. Steven Del Duca: Just out of curiosity, because there's a bit of confusion right now about what exactly you've said: Based on your involvement in Oakville with C4CA and as a resident of Oakville, it wouldn't be a surprise to you to learn that all political parties and representatives from those parties had the exact same opinion with respect to the Oakville power plant prior to the final decision being made, whether they were Conservatives, New Democrats, Greens, whatever the case may be? Notwithstanding the quotes that I've given you, just your general impression and that of your neighbours and people with whom you've been involved in Oakville—there was a clear sense from all-candidates meetings, from stuff that might have appeared on YouTube, from stuff that would have appeared in local publications like Inside Halton and elsewhere—it wouldn't come as a shock to you to learn that all parties were pretty much on the same page?

Dr. Michael Ivanco: All I can tell you is that when I worked on committee, I worked on the environmental review committee, which had people I know who were from all political stripes. We did not see it as a political issue; we saw it as a technical issue. We were all on the same side in terms of being opposed to it.

Mr. Steven Del Duca: Okay. Thank you very much for that.

I know that we had talked a little bit earlier about the notion of engaging with municipalities, and we did go over this territory a little bit in your opening round of questions, but that was before we learned, or that we heard clearly, that you actually played a role in the technical side of things in your own community.

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Perhaps you can elaborate again, with respect to how, as a resident from one of the affected areas that we're talking about, you would recommend the government contemplate engaging with municipalities, with communities, with neighbourhoods, in the future around siting energy infrastructure.

Dr. Michael Ivanco: Well, my recommendation would be that they don't do it post facto, that they do it ahead of time instead of after they've made the decision.

Mr. Steven Del Duca: So can you elaborate a little bit from your perspective how things might be improved that way?

Dr. Michael Ivanco: Well, the biggest engagement I saw of the public was when TransCanada—I believe it was TransCanada that was building that particular plant—started having public meetings to try to get people on side, explaining to them the details of the project. They'd have all these work stations with pictures, diagrams, experts and so on. But they did all that after they were already starting to build the plant. If they had done that a couple of years ahead of time, before any decisions were made, that would have been a heck of a lot better. I think people would have felt more comfort. But I think there was a feeling that we were kind of being railroaded into it because the decision had already been made to build the plants in those places. So all this consultation and propagandizing, if you want to call it that, took place after the fact, not beforehand.

Mr. Steven Del Duca: Do you know roughly when that took place, this TransCanada meeting you're talking about?

Dr. Michael Ivanco: Oh, boy. It was a convention centre at the Holiday Inn in Oakville at Bronte and Wycroft. I actually can't remember if it was 2009 or 2010. It was a few years ago now. It was presented as a fait accompli that the plant would be built, and, "Now, here, citizens, is why you shouldn't be worried about it," instead of the other way around.

Mr. Steven Del Duca: Do you know of any other jurisdictions in Ontario that you feel Ontario could, perhaps, learn from regarding siting energy infrastructure? Are there any that you would recommend we look at?

Dr. Michael Ivanco: Well, I would say not so much municipalities, but processes. For example, I just gave a presentation in September in Kincardine, and they're looking at siting a low- and intermediate-level waste depository for nuclear fuel, and they're having public hearings first—you know, concept hearings. They have a concept; they have public hearings; they have experts come; months and months of testimony—all these kinds of things—and in the end, it may not be built there. That's kind of the understanding, although there's a proponent for it. The gas plants were not presented that way. It was presented as a fait accompli.

Mr. Steven Del Duca: I think that—

The Vice-Chair (Mr. Phil McNeely): Thank you very much. That's the end—

Mr. Steven Del Duca: Yes. Thank you very much.

The Vice-Chair (Mr. Phil McNeely): We'll go to Mr. Yakabuski.

Mr. John Yakabuski: Thank you very much, Michael. I appreciate your testimony today. At least what we did receive from Mr. Del Duca's rather political questions in the second half is that we saw a good illustration of the bulldogging and the bullying that went on on the part of the Liberal government with regard to the establishment and the contracting of these natural gas plants,

one that ended up costing us \$1.1 billion that is now the responsibility of the electricity ratepayer to pay, when, in fact, we believe that it should be paid by the Liberal Party. Maybe Peter Faist—Feist or Faste or whatever his name is. I call him Feist because it rhymes with heist. But, anyway, maybe he could find a way to help them out—

Mr. Bob Delaney: Chair, on a point of order: This is a rhetorical flourish that is completely out of order and inappropriate.

Mr. John Yakabuski: It's totally to do with the Oakville—

The Vice-Chair (Mr. Phil McNeely): Mr. Yakabuski, if you could keep more to the—

Mr. John Yakabuski: I certainly will.

So we appreciate your candid responses to him, as difficult as it was, because he was asking you questions that you really had no direct knowledge of. But I do appreciate you coming, again. We appreciate the work that you do through SPEA in helping us understand and hopefully build a better and more robust system for the future as well. Thank you.

Dr. Michael Ivanco: Thanks.

The Vice-Chair (Mr. Phil McNeely): The third party: Mr. Singh.

Mr. Jagmeet Singh: No further questions. Thank you.

The Vice-Chair (Mr. Phil McNeely): That brings the conclusion to this session, so we'll recess until 3 p.m.

Mr. Jagmeet Singh: On a point of order.

The Vice-Chair (Mr. Phil McNeely): Yes.

Mr. Jagmeet Singh: I just want to put it back on the record, very briefly—this is not for the witness.

The Vice-Chair (Mr. Phil McNeely): We'll dismiss the witness first. Thank you very much for being here today.

COMMITTEE BUSINESS

Mr. Jagmeet Singh: Thank you very much, Mr. Chair. I just want to make it very clear again that I want an update on the following pieces of information. I understand that we called Mr. Faist last Thursday, and I'd like an update about whether or not he is going to appear at this committee. I want to understand how many times we have called him, if we've called him; if we have emailed him, how many times we have emailed him and if he has responded; and, if we sent him a letter, how many times we sent a letter and when we sent the letter. Because if we are not successful in contacting Mr. Faist to attend, we will be seeking a Speaker's warrant. This is something that is absolutely unacceptable. If the committee requests someone to appear, the committee has the power to compel that appearance, and we certainly will proceed with that.

We want to hear from Mr. Faist. We want him to testify here in committee, and we want to ensure that we have taken the steps to give Mr. Faist the opportunity to respond. We want to ensure that we have done our due diligence by email, letter and phone call, and if he is still

not responsive, then we certainly want to proceed to the Speaker's warrant. I want to make sure that we have done all the steps.

The Vice-Chair (Mr. Phil McNeely): Would you like to respond, Clerk?

The Clerk of the Committee (Ms. Tamara Pomanski): Yes. As of right now, Mr. Faist was listed as number 2 on your witness list, so we are proceeding with your number 1 witness for this Thursday. In terms of finding contact information, we weren't able to find a lot of contact information. We were given a phone number that was the wrong phone number. We were then given a Twitter account, but we don't contact witnesses via Twitter. In terms of an email address, we do not have an email address for him.

Mr. John Yakabuski: It was wiped clean.

The Clerk of the Committee (Ms. Tamara Pomanski): Lately, we were given an address, and a letter was sent out end of day yesterday via Purolator to his address for invitation for next Thursday. That's all I have for information. I don't know if he has received it yet. We requested for a signature etc.

Mr. Jagmeet Singh: Okay. Thank you for the update.

Mr. Bob Delaney: And, Chair, on the very same point of order, the government may request the witnesses that it also has repeatedly asked during the past year to similarly be included in any such Speaker's warrant. The government does reserve the right to pursue that as well.

Mr. John Yakabuski: Perhaps I could recommend they send the notice to Mr. Faist to Wiarton. I think he has gone groundhog.

The Vice-Chair (Mr. Phil McNeely): We'll recess this meeting until 3 p.m. this afternoon. Thank you.

The committee recessed from 1007 to 1501.

MR. GREG ORENCSAK

The Chair (Mr. Shafiq Qaadri): Chers collègues, j'appelle à l'ordre cette séance du Comité permanent de la justice. Je voudrais accueillir notre prochain présentateur, Mr. Greg Orencsak, associate deputy minister of the Office of the Budget and Treasury Board, Ministry of Finance, government of Ontario, who will be now affirmed by our able Clerk.

The Clerk of the Committee (Ms. Tamara Pomanski): Do you solemnly affirm 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?

Mr. Greg Orencsak: I do.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Orencsak. Just before I invited you to be sworn in—if there is a little instability in the chairs or furniture for the PC side, just let us know.

You have five minutes to make your opening address. Please begin.

Mr. Greg Orencsak: Okay. Thank you, members of the committee. I'll be brief. Good afternoon. My name is Greg Orencsak. I have been with the Ontario public

service since 1999, and have held a number of positions with the Ministry of Finance and Cabinet Office. I currently serve as the associate deputy minister of the Office of the Budget and Treasury Board in the Ministry of Finance, a position that I have held since November 2010. In the coming weeks, I will assume the role of Deputy Minister of Government Services and Secretary of the Management Board of Cabinet.

I appreciate the opportunity to appear today and to speak to the matters before this committee. I would like to advise the committee that while I was aware of the government's decision to cancel and relocate the Oakville and Mississauga gas plants, I had no direct involvement in these transactions at the time the decisions were made and announced.

As these decisions were being implemented, I would have been involved, as part of the Ministry of Finance, in various aspects of those files, particularly when decisions or authorities were coming forward to treasury board for approval. At those points in time, our role was to work with the Ministry of Energy and Cabinet Office to offer our best advice to members of treasury board on the implementation of the decisions or authorities based on the submissions made to treasury board by the Ministry of Energy. In this capacity, we provide advice on the fiscal and controllership aspects of submissions before treasury board as the government implements its policy decisions.

With that, I would be pleased to answer your questions.

The Chair (Mr. Shafiq Qadri): Thank you, Mr. Orencsak. Just before I provide the floor to the PC side, we certainly welcome you to the Ministry of Government Services. I know you have a very able parliamentary assistant there, so I'm sure you'll interact with him.

Ms. MacLeod?

Ms. Lisa MacLeod: Thanks very much. So if we could, just state where you work now and where you previously worked.

Mr. Greg Orencsak: As I mentioned in my opening statement, Ms. MacLeod, I currently work in the Ministry of Finance, in the Office of the Budget and Treasury Board, as the associate deputy minister.

Ms. Lisa MacLeod: And previously?

Mr. Greg Orencsak: I've been in this position since November 2010. Prior to that, I also worked in the Ministry of Finance as the assistant deputy minister of fiscal strategy. Prior to that, I spent three years in Cabinet Office, and even prior to that, I again worked in the Ministry of Finance.

Ms. Lisa MacLeod: Right. So I want to talk a little bit about your time, first at the ministry, but also I think your insight might be helpful to us with respect to how things work in the Cabinet Office, particularly as it comes up with respect to the OPP ITO and some of the discussions that were happening between Mr. Wallace, Mr. Nicholl and others with respect to the bureaucracy.

You would have been at the Ministry of Finance at the period of time which the government was citing the \$40-

million cancellation costs. Now, we've had Dwight Duncan in here, your former boss, who would have indicated to us that \$40 million was what was impacted by the tax base, and the rate base would pick up the additional money. For a long time, the government continually stood in the House and said that it was only \$40 million, not any more than that. The OPA had pegged it at \$310 million, and of course the Auditor General says that it's at least \$1.1 billion for the cancellation. I'm wondering if at any time, did you provide a forecast to either the Premier's office or the Minister of Energy, indicating what the cost might be, or work with the OPA on what those costs might be for the ratepayer, outside of the \$40 million?

Mr. Greg Orencsak: I can only speak to my role directly in terms of the circumstances that you cite, Ms. MacLeod. I work in the Office of the Budget and Treasury Board, so we have a role to play in terms of monitoring risks and impacts on the fiscal plan. The \$40 million was the impact on the fiscal plan that eventually crystallized.

We also, as part of the normal course of our business, work with ministries to monitor risks that could potentially impact on the fiscal plan, but those are risks that are reported to us by ministries.

Ms. Lisa MacLeod: What risks would have been reported to you by, for example, the Ministry of Energy or the OPA?

Mr. Greg Orencsak: We would not have dealt directly with the OPA. I'd have to go back and look at what kind of reports the Ministry of Energy would have filed with the treasury board in terms of their potential risks as it came to their quarterly reports.

Ms. Lisa MacLeod: Just out of curiosity, why wouldn't you have done that before you came here today?

Mr. Greg Orencsak: I'm sorry?

Ms. Lisa MacLeod: Why wouldn't you have done that prior to coming today: to look at the risks that would have been submitted to treasury board from the Ministry of Energy on this?

Mr. Greg Orencsak: I looked through my files and, as I mentioned in my opening statement, the most relevant input I have is the decision-making that came before treasury board. I did review the documentation that came before treasury board when it came to specific decision-making and authorities that were sought. Risk reports are filed regularly, and I wouldn't normally personally review those as part of the normal course of business.

Ms. Lisa MacLeod: No, but just in terms of process, there would have been submissions from the Ministry of Energy to treasury board detailing the risks associated with this, and you would have assessed those risks and, with your minister and his political staff, made a decision based on that. Of course, the problem with the cancelled gas plants is that they were cancelled, so you just had to deal with the cost anyway; you couldn't really make any recommendations because the cancellation took place on the campaign trail, so it had to be done. Is it safe to say

that this decision was made without any foresight or thought put into what this might cost not only the tax base, but also the rate base?

Mr. Greg Orencsak: I cannot speak specifically to your line of reasoning. What you asked me earlier was: “Were there risk reports?” There are quarterly risk reports that are submitted to treasury board, not only by the Ministry of Energy but all ministries across government. It’s part of the risk-management framework that treasury board concerns itself with.

Ms. Lisa MacLeod: So why can’t you answer my question? I asked a pretty specific question, not based on my own reasoning; it’s actually based in fact that the decision was made to cancel the gas plants. The government said that it was \$40 million in sunk costs, but that’s all they were willing to give. I’m asking you directly: At any time, did the government and the Ministry of Energy come forward to treasury board with a cost such as \$40 million or \$737 million or \$1.1 billion, to Dwight Duncan or to you as an ADM, and ask for this to be included in the government’s financial plan?

Mr. Greg Orencsak: I kind of heard two questions from you—

Ms. Lisa MacLeod: I’d love an answer for both of them.

Mr. Greg Orencsak: In terms of your first question, I had no direct involvement at the time these decisions were made, so I can’t answer your first question specifically—

Ms. Lisa MacLeod: What do you mean by “direct involvement”? I’m asking you if you were a member of the bureaucracy that would have made information available or received information. What are you talking about with “no direct involvement”? If you were in the Ministry of Finance and you were dealing with the treasury board submissions, would you not have seen any of these submissions?

1510

Mr. Greg Orencsak: Again, just to parse your questions: You asked a very specific question about direct involvement. Let me clarify that; I owe that to you. I had no direct involvement in terms of when the decision was made to cancel these power plants. No one came up to me and asked me, “Do you think this is a good idea? Do you know how much that would cost?”

Ms. Lisa MacLeod: Right, and nobody here thinks that you were asked by Dalton McGuinty. What I’m asking you, though, is very specific—

Mr. Steven Del Duca: Point of order, Chair.

The Chair (Mr. Shafiq Qaadri): Mr. Del Duca, a point of order.

Mr. Steven Del Duca: I think it might be helpful, because I believe the witness is actually making a good-faith effort to answer one of the series of questions the member opposite has asked, if we actually give him a chance to complete a thought.

Ms. Lisa MacLeod: I’m entitled to ask the questions as I see fit, and we’ll allow you to do the same thing.

Mr. Steven Del Duca: That’s okay. I don’t need the flippancy. It would be helpful for you to give him a chance—

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Del Duca. I will return the floor momentarily to Ms. MacLeod. I think all of us are aware of the protocol. We’re just debating on this side if you’re just badgering the witness at all. But in any case—

Ms. Lisa MacLeod: I’m not trying to badger. I have a serious question.

The Chair (Mr. Shafiq Qaadri):—the floor is yours.

Ms. Lisa MacLeod: We all understand how cabinet works. Treasury board submissions go from a minister’s staff or the minister. It’s debated in cabinet. This isn’t new. I didn’t ask you if you were involved and if you cancelled the gas plant. Perhaps other people have asked that question in the past and you were pre-programmed to deliver it. I’m simply asking you, did a submission ever go forward to treasury board over the \$40-million cancellation with risks that said it could cost up to \$1.1 billion?

Mr. Greg Orencsak: There were submissions to treasury board. I think those submissions have been made available to this committee. There were two submission in particular that identified a mandate for negotiations in terms of what those sunk costs would be, and then there was a subsequent submission that came back to treasury board for authorities for approval to pay those sunk costs, which were \$40 million.

Ms. Lisa MacLeod: At any time, were the risks given to treasury board from the Ministry of Energy outlining the fact that the OPA and others would be obligated to pay far beyond the \$40 million?

Mr. Greg Orencsak: As part of those submissions, I think there were a variety of costs that were identified, including the sunk costs.

Ms. Lisa MacLeod: We know that the true cost wasn’t the sunk cost. We know, and you’ve actually said, that there were risks and impacts. I’m asking you what those risks and impacts would be—identified by the Ministry of Energy.

Mr. Greg Orencsak: A couple of things on that: I think there was an Auditor General’s report on both the gas plants which details the various costs associated with cancelling the plants. I think those reports speak for themselves in terms of the costs.

As part of the work at treasury board, as I’ve tried to explain to you, we are mindful of understanding, tracking and making sure that there are appropriate approvals and authorities in place for impacts to the fiscal plan. In the case of the Oakville cancellation, that fiscal plan impact was \$40 million. There were submissions to treasury board with regard to seeking approval and authority to incur those costs on the fiscal plan.

Ms. Lisa MacLeod: Okay. Let’s move on. I don’t think we’re getting the answers to the questions.

Just quickly: Have you ever had conversations with the former chief of staff to the former Premier, David Livingston?

Mr. Greg Orencsak: Yes.

Ms. Lisa MacLeod: Ever on the gas plant scandal and the cost of it?

Mr. Greg Orencsak: No.

Ms. Lisa MacLeod: You've never spoken to him in terms of a treasury board submission about some of the challenges that were developing as a result of the auditor's report or any of the investigations taking place by the OPP or any other concerns?

Mr. Greg Orencsak: I had no such conversations with David Livingston.

Ms. Lisa MacLeod: You never talked about deletion of any emails talking about sunk costs or any of the other costs that would have emerged as a result of the change? You wouldn't have talked about passwords, any of those things?

Mr. Greg Orencsak: No.

Ms. Lisa MacLeod: Okay. I guess we have no further questions.

The Chair (Mr. Shafiq Qaadri): Thank you. Before you cede the floor—Mr. Yakabuski?

Ms. Lisa MacLeod: We're okay for now.

The Chair (Mr. Shafiq Qaadri): All right. Thank you.

To the NDP side: Mr. Tabuns.

Mr. Peter Tabuns: Thank you, Mr. Chairman, and thank you, Mr. Orencsak, for being here this afternoon. Can you describe your role in record searches? We have some documents, I think—Clerk, do you have those?

The Clerk of the Committee (Ms. Tamara Poman-ski): Oh, yes. Sorry. We haven't done this much.

Mr. Peter Tabuns: I know. You're out of practice. It's possible we may get back into practice.

Interjection: I apologize. Do you have your copy?

Mr. Peter Tabuns: I have a copy, yes.

So our document 1, at the bottom of page 1, has an email from you to Lezlie Bain and others about consequential amendments to the search protocol that had been put together. Can you tell us about your role in these record searches?

Mr. Greg Orencsak: Absolutely. There were various requests—

Interjections.

Mr. Peter Tabuns: And I apologize, but I have noisy neighbours. If you could speak more loudly, that would be good.

Mr. Greg Orencsak: Sure.

Mr. Steven Del Duca: They could be quieter.

Mr. Peter Tabuns: Well, that may happen too.

Mr. Greg Orencsak: There were several requests from this committee to the Ministry of Finance in terms of documents. The Office of the Budget and Treasury Board is part of the Ministry of Finance. It was specifically identified in some of the motions from the committee. So my role, as the head of the Office of the Budget and Treasury Board—

The Chair (Mr. Shafiq Qaadri): Sorry, Mr. Orencsak. Would you mind aiming yourself at that microphone a little bit more?

Mr. Greg Orencsak: Sorry.

My role, as part of the Office of the Budget and Treasury Board was to ensure that people in my office who would have had or likely would have had documents conducted a search according to the parameters that were used more broadly in the ministry. I think this email, this first document, speaks to that.

Mr. Peter Tabuns: Now, were you managing this whole process? Were you simply a participant in it? What was your role?

Mr. Greg Orencsak: I was not managing the process; I was a participant in the process. The request for documents extended beyond the Office of the Budget and Treasury Board.

Mr. Peter Tabuns: Who led it within budget and treasury board?

Mr. Greg Orencsak: We had various people involved in the Office of the Budget and Treasury Board. We had a coordinator, we had various executive assistants to assistant deputy ministers, for example, who would have been involved in terms of helping to search for documents, making sure that people had appropriate instructions to do the search.

Mr. Peter Tabuns: Who had overall responsibility for moving the project forward?

Mr. Greg Orencsak: Overall, the project would have reported to the deputy minister's office.

Mr. Peter Tabuns: You noted in your email here that you made a consequential amendment to the memo, and I couldn't find it. It's possible it just wasn't properly marked. What was it that you changed?

Mr. Greg Orencsak: I'd have to look at the memo, and I'm afraid it's a 14-page memorandum, so—

Mr. Peter Tabuns: It is long, actually.

Mr. Greg Orencsak: We did take some care in terms of the search for these documents, so I don't remember what my change was. I apologize, but I don't remember off the top of my head as to what that would have been.

Mr. Peter Tabuns: Okay. Were you aware of any computers in your office having their hard drives wiped at any point?

Mr. Greg Orencsak: No.

Mr. Peter Tabuns: All right. When treasury board was preparing documents for production to the committee, were you ever made aware of inconsistencies in record-keeping in your or any other department?

Mr. Greg Orencsak: Can you just repeat that? Any what?

1520

Mr. Peter Tabuns: When treasury board was preparing documents for production to the committee, were you ever made aware of inconsistencies in record-keeping, either in treasury board or in other offices?

Mr. Greg Orencsak: No, I was not.

Mr. Peter Tabuns: Were you ever made aware of the deletion of records?

Mr. Greg Orencsak: No, I was not.

Mr. Peter Tabuns: Any inconsistent actions by political staff that were a subject of discussion?

Mr. Greg Orencsak: No.

Mr. Peter Tabuns: Were there any other things that were striking to you that this committee should be aware of, regarding record-keeping and production?

Mr. Greg Orencsak: Not to my knowledge, within the Ministry of Finance and the Office of the Budget and Treasury Board, for which I'm responsible.

Mr. Peter Tabuns: We've been told that when the new Premier came in, rules were changed and procedures were changed. What were you told about the change in rules or procedures after February 2013 with regard to record-keeping?

Mr. Greg Orencsak: There were no changes to procedures as it came to the public service. We have—and I can speak to my office—record-keeping protocols and records management schedules that we follow. There weren't any changes that would have affected us. I'm not aware of the specifics in terms of any changes that you speak to within the Premier's office; that would have been outside of my purview.

Mr. Peter Tabuns: Not just in the Premier's office, but in general, did you see a change in rules or procedures after the new Premier came into office with regard to record-keeping?

Mr. Greg Orencsak: As I said, in the public service and the Ministry of Finance Office of the Budget and Treasury Board, we've always kept records. There was no change to that.

Mr. Peter Tabuns: So no big directives, no "We have to do things differently"? You just continued on as you had previously.

Mr. Greg Orencsak: Yes.

Mr. Peter Tabuns: Was it fairly standard for people, when they left, to turn over records for the archives or for other records management in your ministry?

Mr. Greg Orencsak: Yes. I think we have record-keeping protocols in place, and people have an obligation to follow those protocols. To the best of my knowledge, the folks in my organization follow those protocols.

Mr. Peter Tabuns: Were you or your colleagues aware of the existence of the Archives and Record-keeping Act?

Mr. Greg Orencsak: I can speak for myself.

Mr. Peter Tabuns: That would be fine.

Mr. Greg Orencsak: I'm certainly aware of the Archives and Recordkeeping Act, yes.

Mr. Jagmeet Singh: Did you follow the policies elucidated by that act in terms of your obligation to maintain records?

Mr. Greg Orencsak: Yes. Before you came in, Mr. Singh, I was describing to the committee that we have record-keeping schedules in the Office of the Budget and Treasury Board that we follow and that the staff have a positive obligation to follow.

Mr. Peter Tabuns: Would you have found it strange if someone from outside the Ontario public service came into your office and started changing computers?

Mr. Greg Orencsak: I obviously see where you're going, but I can't comment on that. I can't make an infer-

ence on that. Certainly if someone showed up in my office who I didn't know, I would ask the question.

Mr. Peter Tabuns: Okay.

Mr. Jagmeet Singh: Would you allow an independent person from your organization to have access to your computers, and if that was to happen, would that set off alarms for you?

Mr. Greg Orencsak: Again, I can only speak to my organization.

Mr. Jagmeet Singh: Yes, in your organization.

Mr. Greg Orencsak: Access to computers and computer accounts is, again, governed by an IN/IT—an information and information technology—protocol. That protocol would be followed in terms of creating accounts for new staff when they come on board.

Mr. Jagmeet Singh: Would it be consistent with your protocol if someone who was not a part of your specific organization or where you have sway over—if someone was not a part of that, would it be appropriate within your protocol to allow them to have access to your computers and to perhaps delete files or do anything they wanted with those computers? Would that be something that's within your protocol?

Mr. Greg Orencsak: I don't have the IT protocols with me, and I'm not responsible for the day-to-day management of those IT protocols, but people who have computer accounts in my organization are employees who work there.

Mr. Jagmeet Singh: So if someone was not an employee of your organization, would they be able to come in and log in to computers and delete files?

Mr. Greg Orencsak: You need to have access to a computer before you can do anything to it. You can only gain access if you follow those IT protocols. You'd have to be an employee. We may have contractors who may need access to government computers. There's a protocol for granting access to government computers for contractors.

Mr. Jagmeet Singh: And what's that protocol to give access to a contractor?

Mr. Greg Orencsak: I don't have that—

Mr. Jagmeet Singh: Roughly, though, what is it?

Mr. Greg Orencsak: I don't have that on me. I can undertake to follow up on that for you, Mr. Singh.

Mr. Jagmeet Singh: Sure. I'd ask you to do that.

Mr. Peter Tabuns: In fact, if that could be noted in Hansard that Mr. Orencsak will provide us with the protocol for outside contractors to have access to computers, that would be very useful.

On a different line of questioning, can you describe, for yourself, your timeline of how you understood the costs of the gas plants cancellation? When did you first become aware of this as an issue? How did it change over time?

Mr. Greg Orencsak: Are you specifically asking about—

Mr. Peter Tabuns: We'll start with the Oakville plant.

Mr. Greg Orencsak: As I tried to explain earlier, as part of my opening comments, my interaction with the implementation of the government's policy decisions would have been through the decision-making that would have taken place as part of treasury board. I support treasury board. There were two submissions to treasury board with regard to the Oakville plant: one in September 2012 and another one in December 2012.

Mr. Peter Tabuns: So were you involved with that first request in September 2012?

Mr. Greg Orencsak: I was aware of the request. I did not participate in the decision-making.

Mr. Peter Tabuns: If you weren't part of decision-making, were you fully aware of what decision-making was going on?

Mr. Greg Orencsak: I was aware of the submission that the ministry had presented, and I was aware of the outcome of the decision that was made by treasury board, which is summarized as all treasury board decisions are in the minute.

Mr. Peter Tabuns: So in December 2012, what was your role, your involvement, in the decision to make that settlement and pay that money?

Mr. Greg Orencsak: I'm not a decision-maker, Mr. Tabuns. I have no role in the decision-making. I support decision-makers. My role, as the associate deputy minister supporting treasury board, is to review—my staff review—the ministry's submission and support the ministry as it makes a presentation to treasury board. Treasury board members make a decision that's summarized in a minute that my staff would keep track of.

Mr. Peter Tabuns: Were you made aware that there were more costs than the \$40 million in sunk costs at that time?

Mr. Greg Orencsak: I don't have the treasury board submission before me, but I think they have been made available to the committee. There was \$40 million of sunk costs that were approved as part of the treasury board decision-making that had a direct fiscal impact. I do believe that the treasury board submissions would have talked about other costs as well, but treasury board concerns itself with managing the fiscal plan, the fiscal impact, of government decisions—very mindful of ensuring proper government authorities are in place for incurring spending. So the actual fiscal impact was \$40 million, which treasury board concerned itself with.

Mr. Peter Tabuns: So your concern with the financial impact was the impact on the expenditure of funds from general revenues, not on the costs that are charged to people paying electricity rates. Is that correct?

Mr. Greg Orencsak: Basically the impact on the books—on the financial statements of the province.

1530

Mr. Peter Tabuns: And the impact on the rates don't come into or are not factored into your approach. Is that correct?

Mr. Greg Orencsak: The actual decision-making role of treasury board is to look at and manage the province's finances and the province's books. Those were the spe-

cific authorities that treasury board had approved associated with the Oakville plant, and that was \$40 million that showed up as a cost on the province's financial statements.

Mr. Peter Tabuns: Can you explain the steps you went through in approving that spending? "You" meaning the treasury board.

Mr. Greg Orencsak: The treasury board. Treasury board, as part of the normal course in terms of how it does its business, receives a request from a ministry identifying the decision that that ministry is seeking. It's supported by what we call a treasury board submission. That's brought before treasury board. It's discussed at treasury board. Ministers who are members of treasury board make a decision based on that, and then treasury board decisions need to be confirmed by cabinet.

Mr. Peter Tabuns: So the staff of treasury board take reports from the ministry, do their own assessment, check the numbers, and make a presentation to—and when you say "treasury board," I assume senior executives in the treasury board?

Mr. Greg Orencsak: No. When I refer to treasury board—and I just want to be very clear about this. I apologize for not being so earlier. Treasury board is the group of ministers that make up treasury board. They are the decision-makers. Ministers sit around the table. They receive a presentation sometimes from my staff, sometimes from the sponsoring ministry and sometimes from both. They make a decision based on the request that's before them.

Mr. Peter Tabuns: Do you look at things such as the difference between original budgeted amounts and amounts finally spent on projects?

Mr. Greg Orencsak: It depends on the project. It's on a case-by-case basis, but absolutely that's one of the things that we might look at.

Mr. Peter Tabuns: Normally, when you go forward with a spending project, you have a budget and a target for the amount you're going to spend. Is that correct?

Mr. Greg Orencsak: That is very much so the case. Oftentimes there are projected amounts for government spending that are laid out in the estimates, for example, and treasury board would look at those costs.

Mr. Peter Tabuns: We were told that it cost \$40 million to cancel the Oakville gas plant and \$180 million to cancel the Mississauga gas plant. The auditor put those costs at around \$1.1 billion. Are variances of 500% at all common in our operations?

Mr. Greg Orencsak: I understand where you're coming from, and I appreciate your inference. I don't think I can speculate on that. I can say—

Mr. Peter Tabuns: I don't need you to speculate. Is your experience that typically projects come in five times higher than budgeted?

Mr. Greg Orencsak: It would be unusual for that to happen. Again, we'd be looking carefully at the assumptions that go into estimating those costs and who pays them.

Mr. Peter Tabuns: So it's unusual for us to go 500% over?

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

Mr. Greg Orencsak: I think you've stated that.

Mr. Peter Tabuns: Okay. Were you involved in preparing for estimates during July 2012 and preparing for Dwight Duncan's appearance before estimates committee?

Mr. Greg Orencsak: I probably was. I didn't check my notes, but in the normal course of events I would be if I was around, but I think I probably was.

Mr. Peter Tabuns: It may be that I will be told to stop shortly, but document 5, at the end, lists you as one of the participants.

Mr. Greg Orencsak: Yes.

Mr. Peter Tabuns: Do you have recollection of discussion with Mr. Duncan prior to the committee hearings, preparing for discussion of the Mississauga cancellation estimates?

Mr. Greg Orencsak: I have no specific recollection of that in terms of Mississauga, no.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Tabuns.

To the governing side: Mr. Del Duca.

Mr. Steven Del Duca: Thank you very much, Mr. Chair, and thank you, Mr. Orencsak, for being here this afternoon with us.

I know you've covered a lot of ground with the questioning you've received from both of the opposition caucuses. I just wanted to go over a couple of things. I also know that you did state fairly clearly in your opening statement about your own background, but I did want to say thank you for joining us. Congratulations, I guess, is in order as well, because I understand you have a new upcoming assignment and you'll have to deal with a certain other parliamentary assistant, but that's okay.

I think you might know this or you might not know this: You are actually the 84th witness that this committee is hearing from since this process began, and among the many witnesses, we have heard from your soon-to-be predecessor, former MGS deputy minister, Kevin Costante; we've heard from the Deputy Minister of Energy, Serge Imbrogno, among many other current and former ministers. The Premier has appeared twice. The former Premier also appeared twice, and the former and current Ministers of Finance, Dwight Duncan and also Charles Sousa. You may also know that the committee has been sitting for over a year now. We have seen, I think, 36 motions for document production, all of which have passed with unanimous consent and which have been co-operated with fully from the perspective of the government side.

When the Premier was here, she shared with this committee, and has said time and time again, that under the new government and under her watch, she has opened government to an unprecedented degree. A big part of this mandate includes new training practices. I know this was discussed just a few minutes ago, but I think it's important for us to make sure this is clearly understood: new training practices for political staff issued under the directions of Premier Wynne. These new training prac-

tices were directly impacted with respect to the Information and Privacy Commissioner, what she had to say in her particular report, and the Ministry of Government Services, of course, will serve, I guess, in terms of a broad overlay to these new training mechanisms and document retention practices.

I wanted to ask you a few questions about your new role as incoming deputy minister to the Ministry of Government Services, but I want to back up for a quick second. You may have mentioned this earlier. How long have you worked in the Ontario public service?

Mr. Greg Orencsak: I've worked in the Ontario public service since 1999.

Mr. Steven Del Duca: Since 1999?

Mr. Greg Orencsak: Yes.

Mr. Steven Del Duca: Thank you. I know that you've appeared at committee before—committees, generally speaking, before; for example, I think the committee on estimates, in your current role at the Ministry of Finance, and a few times with the former finance minister Dwight Duncan and the current minister.

Mr. Greg Orencsak: Yes.

Mr. Steven Del Duca: Could you share with the committee, regarding whether or not during the appearances that you've had at committee before—have you ever been compelled to say or do something from a member of political staff that you were not comfortable doing or saying?

Mr. Greg Orencsak: No, not to my awareness or recollection, no.

Mr. Steven Del Duca: How about your appearance today? I'm just wondering if you have had any conversations with political staff prior to appearing today, in which they may have directed you to say or perhaps refrain from saying something?

Mr. Greg Orencsak: No. I've had no direction from political staff.

Mr. Steven Del Duca: Can I ask, did anybody work with you on your opening statement for today?

Mr. Greg Orencsak: I did meet with people, obviously. I don't take this lightly in terms of appearing before any legislative committee, no matter what the occasion. I personally think that would be irresponsible. So I did work with some of my staff. I did talk to some of our legal counsel. So absolutely—

Mr. Steven Del Duca: No political staff?

Mr. Greg Orencsak: No.

Mr. Steven Del Duca: Thank you. Again, as you're probably aware, this committee has seen a large number of document production motions since the very beginning of the process, and I understand that particularly the Ministry of Finance has turned over about 50,000 documents, I believe, to the justice policy committee. So I anticipate that you had some involvement, oversaw some aspect with regard to those particular document request motions. I'm wondering if you can talk to us a little bit more about the processes that go into producing these kinds of documents, in terms of the time it took, the energy that it took, from the Ministry of Finance's perspective.

1540

Mr. Greg Orencsak: Yes. I can speak to my direct involvement. As I mentioned earlier, I wasn't responsible for the overall process, but in terms of the approach that the ministry took, to the best of my understanding, it was making sure that we had correctly interpreted the motion that was passed by the committee and providing instructions to staff to search for those documents that would fall within the scope of that motion. We took some care to ensure that we documented that to the committee so that the committee was able to see what we'd done and was able to be comfortable that we'd been responsive to the particular needs of the committee itself.

Mr. Steven Del Duca: Thank you very much.

In the Auditor General's report, she mentions that at the particular time in question, the Ontario Power Authority only had about 12 days to negotiate the deal to relocate the plant to Napanee and that there were a number of challenges associated with that tight time frame. As you may know, at the same time that they were negotiating this particular deal, the estimates committee was compelling the Ministry of Energy and the OPA to release all of their correspondence related to the two relocations.

Both the Ministry of Energy and the OPA cautioned that the early release of this confidential and commercially sensitive information would jeopardize the negotiations, but the opposition was relentless in making the demand to disclose. Given the circumstances around which the negotiations were taking place, do you think that the political pressure to release the documents in question contributed to the tight timelines in negotiating a deal on that particular relocation?

Mr. Greg Orencsak: It's hard, if not impossible, for me to comment on that. I'd rather not speculate, Mr. Del Duca.

Mr. Steven Del Duca: Quickly, again, we asked the former Auditor General here at committee a similar question. The response that we got from that particular individual was, "I'd be reluctant to do anything that places that sort of information into the hands of the other party, anything that would be prejudicial to the taxpayers."

He went on to say, "To put it in laymen's language, it's like in poker; you don't show the people around the table your cards."

I'm just wondering if you have any opinion or if you might agree or disagree with that particular statement around disclosing confidential and commercially sensitive information during a negotiation process, generally speaking.

Mr. Greg Orencsak: I can only speak generally; I wasn't involved in the particular negotiations in question. In general terms, in the past, when doing commercial negotiations, we have undertaken to maintain commercial confidentiality. Obviously that's an obligation that we take very seriously, just like all of our obligations to counterparties or the public or the Legislature.

Mr. Steven Del Duca: You're familiar with cabinet walk-arounds, as they're commonly called?

Mr. Greg Orencsak: I am familiar with what a walk-around is, yes.

Mr. Steven Del Duca: Obviously this has been a point of discussion at various times throughout this committee process. I'm wondering if you can help, from your perspective, to shed some additional light on this particular practice, this routine practice of having cabinet documents signed on what we call walk-arounds, either in the event that the House is not sitting during a constituency week or perhaps during the summer when cabinet is not sitting regularly. Could you provide some insight or could you provide us with a sense of how common this practice might be from your perspective or your experience?

Mr. Greg Orencsak: We have fairly regular meetings of treasury board and cabinet, but they obviously don't meet every day—or every week, for that matter. Treasury board meets either every two weeks or every four weeks. That's what I can speak to, which is what I'm most familiar with. There are times when the need arises for urgent decision-making as a result of an unanticipated issue or a contractual commitment or something unexpected that happens. In those cases, we may be asked to facilitate decision-making outside of the regular cycle of treasury board meetings, and we undertake to identify a quorum amongst treasury board members, and they are either briefed individually or briefed as a group outside of the normally scheduled treasury board meetings to seek their approval of a particular issue that may be brought before them.

Mr. Steven Del Duca: Okay. Thanks very much. I wanted to talk a little bit about, generally speaking, new staff training that has been implemented in the accountability legislation that is forthcoming. You know, I'm sure, that there have been a number of reports released during the life of this committee—for example, two Auditor General reports; the report issued by the Information and Privacy Commissioner; and the IESO and the OPA issued a report including 18 recommendations on new siting practices for large energy infrastructure projects in the province—all of which have helped to inform the work that is taking place here at this committee.

As I'm sure you're also aware, the government has introduced new legislation that would, if passed, significantly enhance accountability. Among many initiatives, that would include, for example, amending the Freedom of Information and Protection of Privacy Act and the Municipal Freedom of Information and Protection of Privacy Act to require that all organizations and bodies captured under the act would securely preserve their records and prohibit the wilful destruction of records. This also builds on other important initiatives enacted under Premier Wynne, including staff training on record-keeping and a new directive limiting political staff involvement in commercial third-party transactions.

I'm wondering, especially given your new role—or soon-to-be new role—at government services, if I could get your feedback on how you see these particular

changes taking place. Again, relying on your experience, what are your thoughts regarding this sweeping package of reforms that are being discussed?

Mr. Greg Orencsak: I can speak to that in general terms. I should be clear and up front that in terms of my upcoming assignment, I haven't yet had any briefings from the Ministry of Government Services in terms of the work and their current files, so I can't speak to some of the specifics that may be before the Legislature, for example, that are sponsored by the Ministry of Government Services.

Again, I can speak to my public service role around ensuring accountability and transparency. That's something that we take very seriously. There are various rules, directives and training that we provide for staff in terms of their obligations and responsibilities, some of which are—training is refreshed on a regular basis, whether it comes to travel, meal and hospitality expenses. There have been changes, as you said, many of which directly impact the public service as well.

Mr. Steven Del Duca: Thanks for that answer. Again, I know we're talking about this in general, kind of high-level terms and not delving into the details, but I'm wondering from your perspective—again, because you've served for quite some time at a senior level in the civil service and also taking into account what the proposed legislation would require on these issues—if you have a sense of how either what has already taken place in the last little while or what is proposed to take place under the new legislation compares in terms of what exists in other relevant, comparable jurisdictions, be it federally or other provinces. Any sense of that from your perspective?

Mr. Greg Orencsak: Again, I can't necessarily comment on the specifics of this particular piece of legislation versus another. I think we do strive to be open and transparent, and there are good examples of that. One example that is directly within my purview or something that I do concern myself about is some of the transparency of our financial statements. Recently, the C.D. Howe Institute did comparisons across Canadian jurisdictions, including the federal government, in terms of how well various financial statements, budgets, estimates, public accounts that jurisdictions publish compare in terms of how easy it is for the public to understand them, and I was pleased to see that both Ontario and the federal government were ranked at the top in terms of how transparent those statements are.

1550

Those are important to us—to me—from a public policy perspective, for example. We do often look at what other jurisdictions do, as a matter of course. When we develop policy, we work at the staff level with other jurisdictions in terms of understanding how their policies work or may impact on the operations of government, and we are guided by—if I could say—continuous improvement in that regard.

Mr. Steven Del Duca: Thanks very much for that answer.

I'm going to revert back a little bit to the notion of the release of commercially sensitive or confidential information and how that might impact negotiations, how it might be best to try and avoid litigation—again, understanding that we're talking in general terms. You've worked at the Ministry of Finance for a number of years, and I think you would probably be aware of the potential damage that can be done should confidential information be released to the public concerning ongoing negotiations or, I guess, early-stage contract completion, not only for the province but also for the parties involved.

I think our government's been very careful to ensure that the information of third parties has not been compromised while making every attempt to be fair and transparent with the transactions that are currently under way. I'm wondering if you could shed some light from your perspective, from your history in the public service, on the predicament that a government—this government, or any government, for that matter—might face when pressure is applied to release documents or commercially sensitive information before a deal has materialized or an official contract has been signed, in general terms.

Mr. Greg Orencsak: I think in general terms, we are very mindful of our obligations, both around confidentiality and continuous disclosure. We are an issuer and we borrow on the open markets, for example, so we do take those obligations very seriously.

In turn, when the government is negotiating commercial contracts, it may enter into confidentiality agreements that support due diligence around a particular potential commercial transaction that require the counterparty to disclose information to us that wouldn't normally be available to their competitors, for example, and we are extremely mindful of maintaining the commercial confidentiality that's expected of us.

Mr. Steven Del Duca: Thanks very much for that answer. So regarding litigation or the risks around litigation specifically, I'm anticipating that during your time working with the government of Ontario and especially at finance, you've become familiar with the risks and costs associated with litigation as a result of breach or non-compliance with commercial contracts. You may know that when former secretary to cabinet Shelly Jamieson appeared before this committee for the second time, she confirmed this. I just want to read very quickly to you a quote from her transcript. She said:

"I would say it would be a pattern in the province of Ontario to look to avoid litigation where we can. Litigation is not a pleasant exercise. So there would be several times that things would come into Cabinet Office when they had been unresolved and it looked like we were tracking towards litigation. We might ask ourselves, is there something else we could do to avoid that situation? At that point, I saw this as the same as those other instances." That's what the former cabinet secretary said.

When David Lindsay was here, the former Deputy Minister of Energy, he also had this to say about litigation: "If you have a contract and you don't honour the contract, the party on the other side can sue you for

breach of contract and the damages would be all the benefits they were hoping to procure....”

Finally, John Kelly, who serves as counsel in the Attorney General’s office, stated, when he testified, that in his experience, after 40 years of litigating, that “if you can avoid litigation, you should. It’s a process that’s fraught with risk.”

The Chair (Mr. Shafiq Qaadri): You have 30 seconds.

Mr. Steven Del Duca: Is that consistent with your understanding and your experience—that as a government we should try to do what we can to avoid litigation?

Mr. Greg Orencsak: I’m not a lawyer by training or profession; I’m an economist, so I can’t speak to specific legal matters. But I think that it’s probably fair to say that litigation is not necessarily the first choice in terms of the way to solve—

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Del Duca. Of course, you do realize that the witness is moving up, moving to the Ministry of Government Services.

In any case, Mr. Yakabuski.

Mr. John Yakabuski: Thank you very much, Chair, and thank you, Mr. Orencsak, for joining us today.

Have you heard the name “Peter Faist”?

Mr. Greg Orencsak: I’ve heard it in the media, yes.

Mr. John Yakabuski: You’ve heard it in the media. Had you heard it before the media?

Mr. Greg Orencsak: No.

Mr. John Yakabuski: Had you ever met Peter Faist?

Mr. Greg Orencsak: No.

Mr. John Yakabuski: You had never met him before?

Mr. Greg Orencsak: No.

Mr. John Yakabuski: Are you aware of the protocols surrounding the retention of government documents and the retention of records? I’m not talking about the new ones; I’m talking about how they’ve been for decades.

Mr. Greg Orencsak: I’m aware of our records retention guidelines and obligations that we have as public servants, yes.

Mr. John Yakabuski: Under your knowledge of the circumstances that existed prior to the Kathleen Wynne regime, would you have considered that the wiping out of hard drives would be something that would be against the law at the time?

Mr. Greg Orencsak: I’m not aware of the full circumstances. I think that it would not be my place to speculate or opine on that.

Mr. John Yakabuski: You’re a senior bureaucrat. You’re there because you’re expected to be able to think and make decisions. If someone told you, “I’m coming in to wipe out the hard drives,” would you allow that or would you question that?

Mr. Greg Orencsak: If one of my staff came to me and said that, I would certainly question that.

Mr. John Yakabuski: What if the chief of staff to the Premier came in and said, “Oh, I’ve got a boyfriend of an associate. He really knows this stuff. He’s coming in to

wipe out hard drives”? What would your response be then?

Mr. Bob Delaney: Chair?

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

Mr. Bob Delaney: Mr. Yakabuski is trying to figure out a way of asking questions about a witness who has not appeared here, and I don’t think that asking this witness to speculate on what somebody else might say in a hypothetical situation—

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Delaney. We take your point under advisement.

Just to remind the committee, hypotheticals are probably out of the scope, and obviously a witness is entitled to answer as he sees fit.

The floor is yours.

Mr. John Yakabuski: I’m asking him about what he considers his personal code of conduct. I think that every one of us, regardless of the position we hold—and I think that’s a fair comment—has within us what we would consider to be our personal code of conduct. Under your personal code of conduct, would you consider that to be acceptable: to allow someone from outside your own office, outside the public service completely, to come in and tamper with the information on computers?

Mr. Bob Delaney: Chair, I have to ask, on another point of order: Would the Chair please rule on whether or not this line of questioning is within the committee’s scope and mandate?

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Delaney. The hypotheticals, as have been pointed out, are not really within the scope and not really required to be answered, but I think that our witness is quite capable of handling himself. Are there any further comments that you might have?

Mr. Bob Delaney: No.

1600

The Chair (Mr. Shafiq Qaadri): All right. The floor is yours, Mr. Yakabuski, but I would just advise you, in order to continue with your seven minutes that are left, that perhaps you might—

Mr. John Yakabuski: Right. If the witness chooses to answer it then the witness would choose to answer it; if he doesn’t, then I’ll have to accept that he chose not to answer it.

Mr. Greg Orencsak: I can only speak to my values, and I’d like to think that my values, shared with many other folks within the public service, are to live up to the highest ethical norms that all of you expect of us.

Mr. John Yakabuski: I appreciate that, and I believe that that is the case. What I’m getting at is that the deletion of emails has been a significant part of the work of this committee, once it was made aware of what happened. When the privacy commissioner, Ms. Cavoukian, came to visit us and explained to us the scope of what had gone on, we were aghast. We were shocked. As members of the committee, we were concerned about, quite frankly, the threat that this is to our democracy, when it is something so important to the people. If they

can't trust the government to protect the records—if they cannot trust the government, then who are they to turn to?

I want to read something, if I may.

Mr. Greg Orencsak: Of course.

Mr. John Yakabuski: This is out of—I believe it's the deposition to the OPP. With respect to: "Peter Faist, a non-Ontario public service employee, used the special global administrative right of Wendy Wai to access desktop computers in the Premier's office."

They were questioning a Ms. Lauren Ramey, who I believe has appeared before this committee in the past.

"Ms. Lauren Ramey was an employee in the media office of Premier McGuinty. On the 7th of February 2013, she was approached by Ms. Alex Gair, the assistant of her supervisor Ms. Laura Miller. Laura Miller was the deputy chief of staff of communications and strategy and chief of staff to the Minister of Intergovernmental Affairs. According to Ms. Ramey, Alex Gair was accompanied by a male who was introduced as Laura Miller's boyfriend. Ms. Ramey recalled that his name was Peter Faist. She did not know who he was and did not believe at the time that he was an employee of the Ontario public service.

"According to Ms. Ramey, Peter Faist logged onto her computer and began to type something. Ms. Ramey was unaware what Peter Faist did on her computer but was told that they were getting the computers ready for the next government." She goes on, "I assume he got rid of something I don't know he didn't they said they said"—I guess it's just double printed—"they were coming in and they were going to ... get the computers prepared for the next round of staff."

Interesting.

In these offices, you must have security clearance, right? You've got an access card?

Mr. Greg Orencsak: Yes, I have an access card.

Mr. John Yakabuski: In order to get into these offices, security would have to give you a card. Right? Somebody just can't say, "Send down a card for Greg Orencsak; he's going to be coming in here a lot," I assume. No, you'd have to go and get a photo taken. You would have to be documented. You would have to be, probably, checked out in a few ways.

So, this Peter Faist guy—this faceless Faist guy; a non-member of the Ontario public service—how would he get in and out of these offices? Would somebody have to kind of shepherd him in there through the secret door?

Mr. Bob Delaney: Chair?

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

Mr. Bob Delaney: I, again, have a problem with a line of questioning concerning a person who has never appeared before this committee and asking a hypothetical question of a witness who said that he doesn't know him and has never met him.

The Chair (Mr. Shafiq Qadri): The point is well taken. Mr. Yakabuski, I invite you to remain within the scope of—

Mr. John Yakabuski: Absolutely, Chair. Thank you very much.

The reason I'm asking the questions is because this is our first opportunity to speak to a senior-level bureaucrat, who would have to have clearance at the highest level. You're not some junior guy who's on a contract here; you're at the highest level.

You see, this Peter Faist has refused to speak to the OPP. We're not comfortable that he's even going to agree to come to speak to this committee. He may have disappeared; he may have gone AWOL, because nobody seems to know where he is. So I'm just trying to get a feel for the procedures about how a guy like this could slip through the cracks and come in through the back door and wipe out 24 hard drives. I'm just trying to paint myself a picture here. You being someone who obviously has access at certainly a higher level than I—I could never go into those offices. There's no way. There's no way that I'd have access. But you have that kind of access. I'm trying to determine who would be able to—hypothetically, of course, and I understand that. Could you walk a guy like—

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

Mr. Bob Delaney: Chair, I don't mind if he asks these questions to the actual witness, if any of the parties brings the witness in, but I don't think it's fair to ask—

Mr. John Yakabuski: Okay. I'm going to ask about me, then. Thank you, Chair.

Mr. Bob Delaney: I don't think it's fair to ask a gentleman who has had—

The Chair (Mr. Shafiq Qadri): Thank you. Your time has stopped.

Mr. Bob Delaney: —no exposure to this individual, whoever the heck he might be, about what might hypothetically happen. I think these hypothetical—

The Chair (Mr. Shafiq Qadri): Thank you, Mr. Delaney. Your point is again well taken, and for a cascade of reasons, Mr. Yakabuski, I would invite you to please be within the scope of the committee.

Mr. John Yakabuski: I appreciate that. Thank you very much.

The Chair (Mr. Shafiq Qadri): His time starts again.

Mr. John Yakabuski: So I don't have that access, but you do. So, how could you get me in there?

Mr. Greg Orencsak: I should be very clear: I don't have access to the Premier's office, so I couldn't get you in there, Mr. Yakabuski.

Mr. John Yakabuski: Where could you? These secret places, the highest levels—I can't get into the Premier's office either.

Mr. Greg Orencsak: I have a Ministry of Finance access card—

Mr. John Yakabuski: I can't get in there.

Mr. Greg Orencsak: —that gets me into the Ministry of Finance.

Mr. John Yakabuski: I can't get in there. How could you get me in there?

Mr. Greg Orencsak: Every employee at the Ministry of Finance—

Mr. John Yakabuski: I'm not one. I'm like Peter Faist: I'm not an employee of the public service.

Mr. Greg Orencsak: If you were coming to visit me in the Ministry of Finance, I would make sure that—

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

Mr. John Yakabuski: What about like after hours?

Mr. Greg Orencsak: There would be a security desk at the Ministry of Finance where you could sign in and you'd have to say who you are visiting and that the Ministry of Finance—

Mr. John Yakabuski: So I'd have to sign in?

Mr. Greg Orencsak: You'd have to sign in and at the Ministry of Finance, you would—

Mr. John Yakabuski: Would there be security tapes?

Mr. Greg Orencsak: I'm not privy to the tapes that security personnel may have, but you'd have to sign in. You'd get a visitor pass and you'd be escorted to my office. After hours, I would probably personally escort you if there weren't any other staff available to come and meet you in the lobby.

Mr. John Yakabuski: I'll see you there at 7 o'clock. Just kidding. But I thank you for the answers, because we're somewhat flummoxed over here about how all of this stuff was being—someone was able to breach what is supposed to be there to protect us and the citizens of Ontario. Somehow, someone was able to jump through all of those hoops, climb all of those hurdles—

The Chair (Mr. Shafiq Qadri): Thank you, Mr. Yakabuski. I'll now offer the floor to the NDP.

I'm not sure if it's my place to offer, Mr. Yakabuski, but I think members of the committee would be very pleased to escort you to any office that you so choose.

But in any case, to the NDP.

Mr. Jagmeet Singh: Thank you very much. I want you to turn your mind to—these are some questions around the treasury board.

Mr. Greg Orencsak: Sure.

Mr. Jagmeet Singh: You had indicated before that the treasury board is made up of ministers who receive requests from—whether it's a requesting ministry or whether it's—one of the examples was a requesting ministry for funds for a particular project, and then the treasury board makes a decision. Does the Premier's office ever make direct requests of the treasury board?

Mr. Greg Orencsak: The Premier's office, or Cabinet Office, which is the Premier's ministry, may come before treasury board.

Mr. Jagmeet Singh: Okay.

Mr. Greg Orencsak: In terms of a request, it's like any other ministry.

Mr. Jagmeet Singh: Right.

Mr. Greg Orencsak: In terms of spending, it has an allocation. It has a set of estimates. If there are changes to those estimates that would require treasury board approval, then that ministry would come to treasury board.

Mr. Jagmeet Singh: Okay. That's helpful. So who made the presentations in respect of—beginning with the Oakville gas plant cancellation and the costs associated with that, who appeared before treasury board to make those submissions or those requests?

Mr. Greg Orencsak: I don't have that information before me in terms of who specifically made that presentation on such and such a day. I can tell you in general terms that ministers and deputy ministers from the ministry that's making a request to treasury board or senior staff are invited to treasury board to attend and make a presentation if they so choose. We also have treasury board staff available who can summarize the request before treasury board and brief members.

1610

Mr. Jagmeet Singh: So, then, would you be able to provide us, with respect to both the Oakville gas plant cancellation and the Mississauga gas plant cancellation, with who appeared before the treasury board, for example, for the initial cost that was tagged at \$40 million, who made the presentations requesting that this is how much would be required from the treasury board or for the treasury board to approve? Who was that?

Mr. Greg Orencsak: Just so I understand your question, Mr. Singh, you're asking for me to go back and check who from the Ministry of Energy came and presented before treasury board?

Mr. Jagmeet Singh: That's right.

Mr. Greg Orencsak: I can undertake to do that for you.

Mr. Jagmeet Singh: Okay. That was for Oakville and for Mississauga. In your understanding, it was folks from the Ministry of Energy specifically, or was it another ministry?

Mr. Greg Orencsak: These were submissions from the Ministry of Energy, so it would have been supported by Ministry of Energy staff.

Mr. Jagmeet Singh: Okay. And are you aware if there was any other ministry or any other individuals, apart from the Ministry of Energy, that made submissions with respect to the costs around the gas plant?

Mr. Greg Orencsak: I'm only aware of submissions by the Ministry of Energy.

Mr. Jagmeet Singh: So one final request is, could you confirm if there was any other party that came before the treasury board in relation to the gas plants, both Oakville and Mississauga, who made submissions with respect to costs?

Mr. Greg Orencsak: So whether there was any other ministry that would have made a request to treasury board associated with costs of Oakville or Mississauga?

Mr. Jagmeet Singh: Right, and if it was someone that didn't fall within the definition of a ministry, could there have been anyone else that perhaps was a staff or consultant or someone that made a submission that was not within the ambit of a ministry?

Mr. Greg Orencsak: It would have had to have been a ministry. Only ministries come before treasury board.

Mr. Jagmeet Singh: Okay. I just want to turn your attention back to the record-keeping policies that you have, specifically with relation to the retention of data and more specifically retention of emails. You have a policy you briefly alluded to, something that's laid out, and there's an IT policy for that. Is that correct?

Mr. Greg Orencsak: That's correct. There are IT policies, records retention policies, yes.

Mr. Jagmeet Singh: Right. And these are policies that members of your staff are aware of and are trained in. Is that correct?

Mr. Greg Orencsak: That's correct. So staff have a positive obligation in terms of familiarizing themselves with the policies and procedures associated with their duties. There are certain policies and procedures which we offer training on. Some of these courses are mandatory, some of these are optional, but they are available for staff.

Mr. Jagmeet Singh: Do you have a policy around what happens if someone does—whether it's your own staff member. If your own staff member deletes an email within your own ministry or your own organization, if they do delete something, do you have a protocol or a policy that outlines or defines what they should do, or what one would do, whether it's yourself or someone else in your organization, if it turns out that a staff has deleted emails or any other data?

Mr. Greg Orencsak: The policy is available in terms of records management, so staff are required to follow a records management policy, and they have information available to them as to what that policy means and how they should apply that. I think you're asking—well, I won't put words in your mouth. So if that's not sufficient, just ask me.

Mr. Jagmeet Singh: That's sufficient, yes. What were you going to say, actually?

Mr. Greg Orencsak: I was going to say that if staff makes a mistake, they can always put their hand up to their manager and we can figure things out.

Mr. Jagmeet Singh: Okay. I'm going to ask you some questions now back to the gas plant costs. In the formation of a budget, did the question of gas plant costs come up in terms of the overall fiscal budget for the year?

Mr. Greg Orencsak: Are you asking about a specific budget?

Mr. Jagmeet Singh: Sorry, yes. When it was relevant—in the relevant time frame of the decision to cancel the gas plants and the costing that flowed from that. Were those costs part of the analysis with respect to the budget?

Mr. Greg Orencsak: I think the issue around costs and the fiscal impact of the gas plant cancellation was a topic that was discussed, that was—

Mr. Jagmeet Singh: Was it discussed in relation to a budget or just in terms of the fiscal books of the province, broadly speaking?

Mr. Greg Orencsak: It was discussed in the context of the fiscal books of the province. That may have flowed into budgetary discussions. We talk about the fiscal plan day in and day out. There's no break in that.

Mr. Jagmeet Singh: Sure. That's fine. Is there a particular part of the Ministry of Finance that would have been responsible for the costing around the gas plants? Which part of the ministry would that be?

Mr. Greg Orencsak: I'm not aware of anyone within the Ministry of Finance doing their own costing around the gas plant cancellation costs. The ministry would have been in receipt of risk analysis or risk reports around potential costs.

Mr. Jagmeet Singh: And who would have generated that analysis or those reports?

Mr. Greg Orencsak: I think that information would have most likely come from the Ministry of Energy.

Mr. Jagmeet Singh: So with respect to the costing, the Ministry of Finance would be relying on information provided to them by the Ministry of Energy?

Mr. Greg Orencsak: Yes, and that's quite common. We would rely on other ministries in terms of reporting potential costs and risks associated with their budget and their budgetary plans.

Mr. Jagmeet Singh: Okay.

Mr. Peter Tabuns: And if I could just ask, who would have been involved in these discussions of costs?

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

Mr. Greg Orencsak: In the Ministry of Finance, we would have received reports from the Ministry of Energy, for example. What we do, what my staff does, is try to create a fairly comprehensive picture of the risks that various ministries might be tracking—there might be positive or negative risks—that could impact the fiscal plan.

Mr. Peter Tabuns: Would there have been people involved outside of your staff in these discussions?

Mr. Greg Orencsak: There could have been. When it comes to various areas of government spending, we would talk to other divisions within the Ministry of Finance. It's not constrained to my staff. We have people who are more familiar with financial policy or the financial services sector. We might consult them. We have people in the Ontario Financing Authority who have certain specific expertise when it comes to commercial matters. We would talk to them.

Le Président (M. Shafiq Qadri): Merci, monsieur Tabuns et monsieur Singh. Je passe la parole maintenant à mon collègue, M. Delaney.

Mr. Bob Delaney: Thank you, Chair. Just before we begin, I know Mr. Singh was asking a number of questions, and I'm pleased to say that most of the answers are actually in documentation turned over some time ago in response to some requests made as far back as last spring, summer and fall. So I can promise you several evenings of extremely uninteresting reading if you choose to go in and research it.

Do we have any more questions?

Interjection.

Mr. Bob Delaney: Chair, I think we have covered our ground with this particular witness. Thank you.

The Chair (Mr. Shafiq Qadri): Thank you, Mr. Delaney. Thank you, Mr. Orencsak. I wish you well in your continued service to the people of Ontario. You're officially dismissed.

We now have a subcommittee meeting.

Interjection.

The Chair (Mr. Shafiq Qaadri): I'm sorry. We have a motion for that committee that was deferred from this a.m. Do we need the motion read again? Mr. Delaney, perhaps you might just read it to reorient us.

Mr. Bob Delaney: All right. Has everybody got the latest version here? Okay, let's just wait until you get it.

The Chair (Mr. Shafiq Qaadri): Go ahead and read the motion. Then we'll have a full discussion and—

Mr. Bob Delaney: The motion, then, reads: Pursuant to the subcommittee report dated March 5, 2013, I move that the Standing Committee on Justice Policy retain external legal counsel and that the external counsel be present during committee meetings related to the orders of the House of February 20, 2013, and March 5, 2013.

1620

The Chair (Mr. Shafiq Qaadri): Thank you. Yes. Mr. Delaney, your comments, and then the floor to Ms. MacLeod.

Mr. Bob Delaney: Okay. Chair, it's a motion that asks for the legal counsel that the committee discussed quite a few months ago. We kind of held off on it, but I think at this point the existence of both parallel committee proceedings and an OPP investigation perhaps make it necessary for this committee to seek outside legal counsel, and there are a couple of reasons for this.

We would like, first and foremost, to ensure the integrity of the ongoing police investigation; and secondly, ensure that the witnesses themselves are properly protected.

Another point I think is important is that legal advice on the exact and unique nature of parliamentary privilege and also the proceedings of the House is often required, and sometimes we discuss this. Part of the committee's mandate is of course to uphold procedural fairness. In a fairly long motion that he made on February 20, 2013, which, if I have to read into the record, I will, MPP Leone moved—and I'm just going to read the operative part—that “in exercising its authority throughout the committee proceedings, the committee shall adhere to the minimum standards of procedural fairness and the principles of fundamental justice as required by the Charter of Rights and Freedoms.”

I probably may have other things to say, but I think I'll stop here for the moment and hear from my colleagues.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Delaney. Ms. MacLeod?

Ms. Lisa MacLeod: Actually, we concur that there is a need for this. I would ask the member opposite if he would consider deferring this for a vote until Thursday, just so that we have some time to review what has been done with Ornge. I think it's a supportable notion; I just want to make sure that we have a supportable motion.

Mr. Bob Delaney: That's a fair request.

The Chair (Mr. Shafiq Qaadri): Mr. Singh and Mr. Tabuns.

Mr. Peter Tabuns: Just to make sure this comes forward at the end of witness testimony on Thursday morning, not at the beginning.

Mr. Bob Delaney: Agreed. Totally agreed.

Mr. Jagmeet Singh: Sure, that's good.

The Chair (Mr. Shafiq Qaadri): Fair enough—sorry, Mr. Singh.

Mr. Jagmeet Singh: I just wanted to chime in on our experience at Ornge. I had the pleasure of sitting on the Ornge hearings for the past two and a half years—

The Chair (Mr. Shafiq Qaadri): Public accounts.

Mr. Jagmeet Singh: Right. They weren't only the Ornge hearings—they were, essentially. We also put forward a motion to obtain legal counsel, and while there was a benefit in a narrow scope, to be fair—and this has nothing to do with the quality of the legal counsel herself, who was fantastic and had phenomenal experience in committee hearings—

Mr. John Yakabuski: Are you available?

Mr. Jagmeet Singh: I am also available, if need be. The issue is that there are only certain witnesses that it's relevant for. It's not relevant for all witnesses. We made the mistake of having counsel present all the time, and counsel wasn't necessary all the time. There were many witnesses with whom we had absolutely no issues and no questions.

One of the things that came up was that there was a question of what a witness could say here. It turns out, just very briefly, that we have very vast powers as a committee. We have powers of compelling witnesses to come before us. An OPP investigator can't force someone to testify, unless they're testifying at a court proceeding and there can be a subpoena. But you can't say, “I need to speak with you.” You can't force someone; you can't compel them as an OPP investigator or any police officer. But the committee has the power to actually make people come before the committee; we have the power of arresting someone if they don't, through a Speaker's warrant.

The other thing that was relevant, and it may come up, is that whatever is said here in committee—there's a sort of immunity. If you testify here and you admit to a particular offence, that evidence can't be used against you in court. The purpose for that was that people already have protection. If they come to this committee and they testify, that evidence that they talk about, their testimony, won't be used against them.

Some of these things are useful. These are things that I studied in law school, so for me it wasn't as—it's important; you don't have to take my word for it, but hear other people. I think what we need to consider is, (1) which witness it is relevant for; and (2) if it's regarding criminal allegations and if it's questions around that and protecting the investigation, what witnesses can or can't say, then it would only be witnesses who might fall within that ambit. Then, finally, with respect to witnesses coming to committee and perhaps the Speaker's warrant situation, there might be some benefit with respect to that. But I think we should be very careful to narrow the use of it, just so that we're not—you might find that we have counsel appointed who are very lovely and wonderful people, but don't benefit most of the proceedings. But there are certain cases where they might benefit.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Singh. Ms. MacLeod.

Ms. Lisa MacLeod: My request, actually, doesn't have to do with this, so perhaps we'll wait and make a decision on this before—

The Chair (Mr. Shafiq Qadri): So motion is deferred till—yes, Mr. Delaney?

Mr. Bob Delaney: Mr. Singh is just going to have to take yes for an answer on that.

The Chair (Mr. Shafiq Qadri): Fair enough. Any further business?

Ms. Lisa MacLeod: Yes, just quickly. I think, given the recent revelations and the interest in this committee, it would be prudent on behalf of the Legislative Assembly to allow this committee, the justice committee, to

meet in this room on Thursday rather than SCOFEA, and I'm wondering if the Chair would make arrangements, or the Clerk, to ensure that from this point forward, we meet in 151.

The Chair (Mr. Shafiq Qadri): Thank you. It's a Chair to Chair comment and request, so we'll be happy to do that for you, Ms. MacLeod.

Ms. Lisa MacLeod: Thank you.

The Chair (Mr. Shafiq Qadri): Are there any further comments? Seeing none, the committee is now officially adjourned.

The committee adjourned at 1626.

CONTENTS

Tuesday 1 April 2014

Members' privileges	JP-1307
Society of Professional Engineers and Associates	JP-1308
Dr. Michael Ivanco	
Committee business	JP-1319
Mr. Greg Orencsak	JP-1319

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