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**Official Report  
of Debates  
(Hansard)**

**Thursday 17 April 2014**

**Journal  
des débats  
(Hansard)**

**Jeudi 17 avril 2014**

**Standing Committee on  
Justice Policy**

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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

## STANDING COMMITTEE ON JUSTICE POLICY

## COMITÉ PERMANENT DE LA JUSTICE

Thursday 17 April 2014

Jeudi 17 avril 2014

*The committee met at 0832 in committee room 2.*

### MEMBERS' PRIVILEGES

MR. SHAWN TRUAX

**Le Président (M. Shafiq Qaadri):** Chers collègues, j'appelle à l'ordre cette séance du Comité permanent de la justice. Je voudrais accueillir notre prochain présentateur, Mr. Shawn Truax, IT forensics coordinator at the cyber security branch, Ministry of Government Services.

**Mr. Bob Delaney:** Chair, before we get under way, we have, at the last few meetings, discussed a motion that the committee has adopted regarding the hiring of external legal counsel.

Chair, I think at this point, with the existence of an OPP investigation and other parallel committee proceedings, it's incumbent on us to actually take some action and appoint this legal counsel.

May I ask the Chair what specific steps we're going to take to do this? Because I think this step is going to be necessary before the committee proceeds.

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

Mr. Delaney, is it suitable to you that we (a) consider that question after the presentation of today's witness, and (b) at a subcommittee meeting that we have, in fact, been trying to arrange for some time?

**Mr. Bob Delaney:** Yes, it is.

**The Chair (Mr. Shafiq Qaadri):** There you go. We thank you for your acquiescence.

I would now invite our presenter, Mr. Shawn Truax, as introduced previously, IT forensics coordinator, cyber security branch, Ministry of Government Services, to be affirmed.

**The Clerk of the Committee (Ms. Tamara Poman-ski):** 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. Shawn Truax:** I do.

**The Chair (Mr. Shafiq Qaadri):** Welcome, Mr. Truax. Your five-minute introductory remarks begin now.

**Mr. Shawn Truax:** Thank you. My name is Shawn Truax. I am employed in the cyber security branch of the Ministry of Government Services as the IT forensics coordinator. In my role I am responsible for overseeing

the work of the IT investigators in the cyber security branch.

The IT forensics team provides three primary services to the ministries of the Ontario government.

The first, IT forensic investigative services: We support internal investigations undertaken by ministries into inappropriate conduct, including improper use of government assets, violations of workplace policies etc. Our work is initiated at the request of the chief administrative officers of the ministries. We assist with internal investigations by securely collecting, preserving and analyzing data from a variety of IT assets, such as hard drives, network drives, removable media, email and cellular phones.

The second service we offer is electronic discovery services, also known as e-discovery. We assist ministries with the identification, collection, search and production of electronic records and data that are required for litigation for both civil and criminal matters. In this regard, our branch has assisted with the search and production of records for this committee by the Ministry of Energy and the Ministry of Government Services.

Third, payment card infrastructure scanning: We assist ministries by ensuring that they properly safeguard credit card data in order to maintain compliance with the standards established by the PCI Security Standards Council.

I have been an employee of the cyber security branch since 2002. My background includes a degree in computer sciences. When I joined the forensics team, I initially trained with the OPP e-crime branch to learn electronic investigation methodology.

I have used this training to help develop the MGS IT forensics team, beginning in 2006. I became a team coordinator in 2009. In the 12 years I have been with the branch, I have both led and coordinated many internal investigations. I have also provided IT forensics training to members of law enforcement.

The IT forensics team has a working relationship with other forensics teams and law enforcement agencies, both in Ontario and federally, and has provided investigative supports to ministries who are assisting with external law enforcement investigations.

We also support investigations into threats to public officials. As part of this relationship, we were asked to assist Cabinet Office with the OPP investigation described in the ITO.

I would be pleased to answer any questions, where I can, about this matter.

**The Chair (Mr. Shafiq Qadri):** Thank you, Mr. Truax.

The floor goes to the NDP, to Mr. Tabuns. Your 20 minutes begin now.

**Mr. Peter Tabuns:** Thank you, Chair. Mr. Truax, thank you for being here this morning. We appreciate it.

**Mr. Shawn Truax:** Thank you.

**Mr. Peter Tabuns:** Can you describe the work done by the cyber security branch with regard to the identification and the securing of the computers?

**Mr. Shawn Truax:** Yes. We worked with information technology services, and in any investigation, we would need to reach out to various areas within the IT infrastructure. We would then, using their assistance, identify the assets that would be in scope to an investigation. We would then move to collect those assets in a manner consistent with a forensic investigation.

**Mr. Peter Tabuns:** What exactly were you looking for when you were looking at these assets? Because I gather there were 52 computers, and you identified 24 that were of interest.

**Mr. Shawn Truax:** Specifically, what we were looking for was on the hard drives. We were asked two questions. We were asked to determine all assets used by Jason Lagerquist and Lauren Ramey, and we were asked to determine all assets accessed in the Office of the Premier by Wendy Wai.

**Mr. Peter Tabuns:** And what did you find?

**Mr. Shawn Truax:** We found—and it's in the ITO, the list of 24 computers. We identified which computers Jason Lagerquist and Lauren Ramey had accessed, and we also identified the 24 computers accessed by the account for Wendy Wai—not specifically her, but specific to the account.

**Mr. Peter Tabuns:** Right. And how did you find them?

**Mr. Shawn Truax:** How did we find the accounts? We would access the computer. Within the operating system, there's an area that stores all the user accounts that log into the machine. We collected a copy of that list and then we presented it in a readable format in our report. It's a very technical listing.

**Mr. Peter Tabuns:** Okay. When was the cyber security branch asked to investigate computers in the Premier's office—around what time?

**Mr. Shawn Truax:** We were officially requested on September 5, 2013.

**Mr. Peter Tabuns:** Were you unofficially requested earlier than that?

**Mr. Shawn Truax:** Before September 5, 2013, and within the scope of our investigations—it's a bit different than a criminal investigation, because the assets are owned by the government of Ontario. We do have a practice that if we believe there are assets that may be involved in an investigation, we can move to secure those assets ahead of time while a determination is made whether to proceed with an investigation, or what specifically the request is going to be. To that nature, we began collection of IT assets on the 14th of August 2013.

**0840**

**Mr. Peter Tabuns:** And were you requested at August 14, 2013, to do this by the OPP, by a minister or a ministry? Who initiated it on August—

**Mr. Shawn Truax:** August 14?

**Mr. Peter Tabuns:** Yes.

**Mr. Shawn Truax:** Within my role, it's not uncommon for people to call and ask for advice. During August 14, there was a request, as part of a transition, I believe. I'm not clear on the specifics of what was happening around August 14. I had a conversation with information technology services, where they needed to decommission some computers. During that conversation, "gas plants" was mentioned. Obviously, with my work in e-discovery, I knew that that was a keyword for me to key in on. At that point, I provided advice that we'd better be cautious and collect these in a manner that's appropriate in the event that they might be relevant.

**Mr. Peter Tabuns:** What was the name of the person in IT services who reached out to you on this?

**Mr. Shawn Truax:** At this point, I don't know. I couldn't recall.

**Mr. Peter Tabuns:** Can you remember what rank they were?

**Mr. Shawn Truax:** It was not very high up.

**Mr. Peter Tabuns:** Okay. They were talking to you about an unrelated problem when the gas plants issue came up. Can you tell us what that conversation was that triggered in your mind the need to take action?

**Mr. Shawn Truax:** I don't recall the exact conversation, but as soon as I heard the words "gas plants," that's when I said, "We might want to provide you some assistance here," in just picking up and retrieving the assets in the event that they do need to be searched for any reason, because we were, at that point, working on records production.

**Mr. Peter Tabuns:** Okay. So you were working on records production with relation to this inquiry at that time?

**Mr. Shawn Truax:** Yes. We were providing assistance to the Ministry of Government Services for records.

**Mr. Peter Tabuns:** And, in the course of this conversation, the computers in the Premier's office came up specifically then?

**Mr. Shawn Truax:** No. This office was in Ottawa. I don't know the specific nature of what activities occurred in that office.

**Mr. Peter Tabuns:** I apologize. I'm just trying to understand. You were having a routine conversation with someone in IT services about records production.

**Mr. Shawn Truax:** No, not about records production; about the decommissioning of hard drives.

**Mr. Peter Tabuns:** The decommissioning of hard drives. Throughout the civil service?

**Mr. Shawn Truax:** No. Just with one specific office.

**Mr. Peter Tabuns:** And that specific office was—

**Mr. Shawn Truax:** In Ottawa. I don't know the exact location.

**Mr. Jagmeet Singh:** Whose office?

**Mr. Shawn Truax:** My understanding was, it's a satellite office that officials could use when they go to Ottawa.

**Mr. Peter Tabuns:** And did you—

**Mr. Shawn Truax:** One-eighty Elgin.

**Mr. Peter Tabuns:** I'm sorry?

**Mr. Shawn Truax:** I believe it was at 180 Elgin Street.

**Mr. Peter Tabuns:** And they were decommissioning hard drives at this office in Ottawa.

**Mr. Shawn Truax:** Yes.

**Mr. Peter Tabuns:** The person who was talking to you mentioned gas plants in what context? Do you remember?

**Mr. Shawn Truax:** No, I don't recall. It was a very quick conversation on the phone. It happened fairly quickly. At the end of the conversation, I provided advice that we should send a team member up and pick up those hard drives.

**Mr. Peter Tabuns:** And, in fact, was that done?

**Mr. Shawn Truax:** Yes.

**Mr. Peter Tabuns:** Were a number of those hard drives part of this body of evidence?

**Mr. Shawn Truax:** Yes. They were reviewed as part of the body of evidence.

**Mr. Peter Tabuns:** Okay. Were any of those hard drives actually accessed by Wendy Wai? Do you remember?

**Mr. Shawn Truax:** I believe there was one.

**Mr. Peter Tabuns:** There was one.

**Mr. Shawn Truax:** One. I'd have to review my notes in order to determine, but I believe there was one.

**Mr. Peter Tabuns:** Can I just ask, through the Chair, Mr. Truax, if you could check your records and give the information back to the committee as to which one that was—who the user was?

Can you tell us here what was found on that computer? Did you check for anything other than access by the Wendy Wai password?

**Mr. Shawn Truax:** No. Specifically, what we checked for was—and I'm going to use a technical term here—we checked the Windows registry for the name of the computer, the asset tag. We checked the Windows registry for all user accounts, past and present. Then we checked the event logs on the computer to determine if there were any dates and times of log-ins. Those are the only three things, which satisfied the request for access as outlined to us.

**Mr. Peter Tabuns:** I apologize; had Wendy Wai's log-in been used on that computer in Ottawa?

**Mr. Shawn Truax:** I believe so. Again, I'll check my notes.

**Mr. Peter Tabuns:** If you would double-check and, through the Chair, provide us with that information.

**Mr. Shawn Truax:** Yes. I'll be able to tell you specifically which one it is.

**Mr. Peter Tabuns:** So, effectively, on August 14, in the course of a chance conversation, you became aware

of the potential for the decommissioning of a number of computers that might have been related to the gas plant matter. Is that correct?

**Mr. Shawn Truax:** Yes.

**Mr. Peter Tabuns:** So you initiated a check at that point, or did you talk to someone else?

**Mr. Shawn Truax:** No, we just moved to collect the drives and then waited to determine what to do next.

**Mr. Peter Tabuns:** So you collect the drives through the Premier's office, as well as this drive in Ottawa?

**Mr. Shawn Truax:** Yes.

**Mr. Peter Tabuns:** When you were starting to collect drives in the Premier's office, did anyone say to you, "Why are you clearing out all these hard drives?"

**Mr. Shawn Truax:** When we collected the hard drives that had come from the Premier's office—I refer to the statement made in the ITO, and I apologize that I don't have the exact page. The hard drives, as far as I understand from reading the ITO, were removed as part of the transition and put into storage. We arrived and retrieved them from storage. We were not in the office with a screwdriver.

**Mr. Peter Tabuns:** That gives a graphic image.

**Mr. Shawn Truax:** Yes.

**Mr. Peter Tabuns:** By mid-August of last year, all of the hard drives that had been in the computers in the Premier's office had been taken out of the computers and were being held securely. Correct?

**Mr. Shawn Truax:** The last hard drives were retrieved on the 8th of October 2013.

**Mr. Peter Tabuns:** Oh. Okay.

When you came to get the hard drives in August, you got the ones that had already been taken out of computers in the Premier's office.

**Mr. Shawn Truax:** In August, we collected the ones from the Ottawa office. On August 30, we collected the hard drives that had been removed from the Premier's office. Then, on October 8, there was an additional pickup of hard drives that were located.

**Mr. Peter Tabuns:** On August 30, where did you pick up these hard drives from? Where, physically, were they held?

**Mr. Shawn Truax:** They were held with ITS. Their office is in Whitney Block.

**Mr. Peter Tabuns:** Okay. And the one that you picked up on October 8: Where was it? Who was holding it?

**Mr. Shawn Truax:** On October 8?

**Mr. Peter Tabuns:** Yes.

**Mr. Shawn Truax:** Those ones were being held by Thom Stenson. I didn't—

**Mr. Peter Tabuns:** Thom Stenson?

**Mr. Shawn Truax:** Yes. I should go back and correct one thing.

**Mr. Peter Tabuns:** Sure.

**Mr. Shawn Truax:** I did pick up a hard drive for David Livingston from Cabinet Office, so likely there were four pickups.

**Mr. Peter Tabuns:** Okay. And when did you pick up the one from Cabinet Office?

**Mr. Shawn Truax:** The 26th of September 2013.

**Mr. Peter Tabuns:** Okay. You're assembling all of these computers. On September 5, did you get a request from the OPP in this matter?

**Mr. Shawn Truax:** Yes. We received a request from the CAO. As I said in my opening statement, we would work with the CAO's office of whatever ministry it is to facilitate their needs with regard to an investigation.

**Mr. Peter Tabuns:** And did you spend time after October 8 working on this matter?

**Mr. Shawn Truax:** After October 8, we provided our final draft—well, the information we had; it wasn't final at that point, but we provided our report to the OPP on February 10 for them to review.

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**Mr. Peter Tabuns:** February 10 of this year?

**Mr. Shawn Truax:** Yes, 2014.

**Mr. Peter Tabuns:** Are you still working with the OPP on this matter? Or is it entirely in their hands?

**Mr. Shawn Truax:** They've not made any further requests. The investigation is essentially on hold or pause for us. They're doing a review now, as I understand, at OPP e-crime. It's possible that they may come back with additional questions.

**Mr. Peter Tabuns:** Mr. Singh?

**Mr. Jagmeet Singh:** With respect to the computer that was seized from Cabinet Office: Did you search and obtain any contents from that computer?

**Mr. Shawn Truax:** No. As I said, we're searching for the access of accounts.

**Mr. Jagmeet Singh:** Okay. Did you search the access of accounts on that computer?

**Mr. Shawn Truax:** Pardon me?

**Mr. Jagmeet Singh:** Did you search the Windows registry for a name, account information or event logs on the David Livingston computer?

**Mr. Shawn Truax:** Yes.

**Mr. Jagmeet Singh:** And what did you obtain, again?

**Mr. Shawn Truax:** So, as outlined on page 23 of the ITO, we were able to determine that the Wendy Wai user account had been used on that computer. If you read further down, it's not one of the four that we were able to retrieve dates and times for.

**Mr. Jagmeet Singh:** So you were able to obtain the information that the Wendy Wai password was used, but not when it was used—the dates and times.

**Mr. Shawn Truax:** But not when it was used. Correct.

**Mr. Jagmeet Singh:** The report that you mentioned that was provided to the OPP—just to understand the content of that report. Maybe you could explain to me in general. I understand that it had, essentially, these three components that you search in the Windows registry the name of the computer itself, the account information, in terms of the log-in, and then event logs, in terms of when the computer was logged in to. Was that the extent of the report?

**Mr. Shawn Truax:** I'm trying to remember everything you just listed off there. We also determined the asset tag for it, so we would know what computer it was assigned to.

**Mr. Jagmeet Singh:** Right, okay. Those were the three things that you had listed before—were there four, or were there three?

**Mr. Shawn Truax:** It should be four things. I believe I listed three, and then just the asset tag name. And you read in the ITO where it says "assigned to." All that asset tag does is determine that.

**Mr. Jagmeet Singh:** And so this report outlines, basically, in detail those components that we just went over right now—those four components.

**Mr. Shawn Truax:** Yes.

**Mr. Jagmeet Singh:** And you've provided it to the OPP? Is that correct?

**Mr. Shawn Truax:** Yes.

**Mr. Jagmeet Singh:** Have they indicated to you in any way if that report should remain sealed with just the OPP, or is it something that you are able to table with the committee?

**Mr. Shawn Truax:** I wouldn't know, based on speculation—I've never had a conversation with them. I would say that the report is with the OPP. It's not my place to determine what should be released.

**Mr. Jagmeet Singh:** Sure. Not the question of whether it should be released or not—I'm not putting that on you. Just, if you were given any sort of indication from the OPP that this report should not be provided to anyone else or should be—

**Mr. Shawn Truax:** I've never had that conversation with them.

**Mr. Jagmeet Singh:** Do you know if anyone else would have had any sort of conversations around whether that report should be released or not?

**Mr. Shawn Truax:** No, I would not have had any conversations about that.

**Mr. Jagmeet Singh:** Sure. Thank you. In terms of any other involvement that you had, in terms of your investigation, was there any other scope of your investigation? Were there any other assets that you looked at in relation to the gas plants?

**Mr. Shawn Truax:** No. For the specific request, it was the 52 hard drives that we looked at.

**Mr. Jagmeet Singh:** In terms of the recovery of emails or the recovery of data, did you have any part to play in the actual attempt to recover data?

**Mr. Shawn Truax:** With regard to the OPP investigation?

**Mr. Jagmeet Singh:** With regard to the 54 computers, beyond the four things that you searched for, did you do anything around recovering data on those computers?

**Mr. Shawn Truax:** No.

**Mr. Jagmeet Singh:** Are you aware of anyone else in either the cyber security branch, or any other ministry or public service branch that was involved in data recovery?

**Mr. Shawn Truax:** No.

**Mr. Jagmeet Singh:** Are you aware of why the Cabinet Office had Mr. Livingston's hard drive? You

indicated that you were able to obtain one hard drive that was associated with Mr. Livingston. Why was it in the—

**Mr. Shawn Truax:** It was provided to us by the OPP so that we could essentially do the whole thing as one go.

**Mr. Jagmeet Singh:** Okay. So the OPP gave you the David Livingston hard drive?

**Mr. Shawn Truax:** The OPP gave Linda Jackson the hard drive—sorry, the CAO of Cabinet Office, and then the CAO of Cabinet Office provided it to me as part of our collection.

**Mr. Jagmeet Singh:** I understand. Sorry, who is the CAO?

**Mr. Shawn Truax:** The chief administrative officer.

**Mr. Jagmeet Singh:** I understand. Were there any other offices? You indicated there was an Ottawa office. That was a satellite office.

**Mr. Shawn Truax:** I referenced the Ottawa office as a satellite office.

**Mr. Jagmeet Singh:** That was a satellite office.

**Mr. Shawn Truax:** It's the same thing.

**Mr. Jagmeet Singh:** Yes, the same thing. That's what I'm saying.

**Mr. Shawn Truax:** Okay. Sorry, I thought you were listing two—

**Mr. Jagmeet Singh:** No, no, that's one. I was just being more thorough. Any other offices that you retrieved hard drives from that you didn't get to mention so far?

**Mr. Shawn Truax:** No, only the Ottawa, the ITS offices in Whitney Block, and the CAO of Cabinet Office.

**Mr. Jagmeet Singh:** Sure. Is it possible that there are any other computers that were accessed by the Wendy Wai password that we haven't yet come across?

**Mr. Shawn Truax:** We did a very comprehensive search. If there are, I don't have any knowledge of them.

**Mr. Jagmeet Singh:** Okay.

**Mr. Peter Tabuns:** When you said you did a comprehensive search, a comprehensive search of computers in the Premier's office or accessible to the Premier's office—

**Mr. Shawn Truax:** Yes, the 52.

**Mr. Peter Tabuns:** So you didn't do a search in any other ministry, like the Ministry of Energy, MGS?

**Mr. Shawn Truax:** No.

**Mr. Peter Tabuns:** Just the Premier's office.

**Mr. Shawn Truax:** Just the Premier's office.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Mr. Tabuns. To the government side: Mr. Delaney, 20 minutes.

**Mr. Bob Delaney:** Thank you very much, Chair. Good morning, Mr. Truax. Thank you for being here. You're witness number 88. I'm not sure whether or not that's a lucky number.

**Mr. Shawn Truax:** I hope that's a lucky number.

**Mr. Bob Delaney:** I'm not sure that eights are lucky in Chinese culture. But in any event, the numerology aside, just to begin by bringing us back to basics, the committee's work is to examine the relocation of two

gas-fired peak power electricity generating plants in Mississauga and Oakville. Although you covered a little bit of your background in your opening statement, for which I thank you, I have just a couple of clarification questions about your work history and your career at OPS. How long have you worked in the Ontario public service?

**Mr. Shawn Truax:** For 12 years.

**Mr. Bob Delaney:** Okay. What kind of education does it take to become a forensic coordinator?

**Mr. Shawn Truax:** I have a bachelor of science degree, and in addition, I have college training.

**Mr. Bob Delaney:** Your BSc: Was it in fact in computer science?

**Mr. Shawn Truax:** Yes, it was a bachelor of science of computers.

**Mr. Bob Delaney:** Where did you study?

**Mr. Shawn Truax:** Wilfrid Laurier University.

**Mr. Bob Delaney:** A good school for it.

**Mr. Shawn Truax:** Thank you.

**Mr. Bob Delaney:** And your college diploma was at?

**Mr. Shawn Truax:** Georgian College, in Barrie.

**Mr. Bob Delaney:** Along the way, do you have any other certifications from Microsoft, from any of the other vendors?

**Mr. Shawn Truax:** I'm a certified EnCase examiner. EnCase is a specific product that we use. I'm certified in the tool.

**Mr. Bob Delaney:** In other words, certified by the vendor?

**Mr. Shawn Truax:** Yes.

**Mr. Bob Delaney:** Okay. When did you obtain that?

**Mr. Shawn Truax:** Recently, actually—this year or last year. I'd have to double-check.

**Mr. Bob Delaney:** No, that's fine. Is it a long program?

**Mr. Shawn Truax:** I've taken probably about 10 courses to reach this point, for certification, and I have done them over the years, to build up to that certification.

**Mr. Bob Delaney:** All right. You mentioned that some of the information which you had supplied formed part of the information-to-obtain, or ITO, document. Is that the reason that your name is among many mentioned in that ITO?

**Mr. Shawn Truax:** Yes.

**Mr. Bob Delaney:** Okay. A few weeks ago, we had Commissioner Duval, who came before the committee, and he in fact discussed the ITO, the information-to-obtain document, in detail. When he was here, he confirmed that the fact that an individual's name, such as yours, is listed in the ITO doesn't mean that you've either committed a crime or engaged in any wrongdoing. Does that pretty much jibe—

**Mr. Shawn Truax:** That's my understanding as well.  
0900

**Mr. Bob Delaney:** Okay. In fact, Commissioner Duval made it very clear that the investigation was into allegations against the former chief of staff to the former Premier and stated that the investigation "centred on the

actions of David Livingston only.” So with the information that you provided further to that ITO, was that the focus as well?

**Mr. Shawn Truax:** Our focus was to determine access of the hard drives.

**Mr. Bob Delaney:** Commissioner Duval also commented on the full co-operation that individuals in the government have provided to the Ontario Provincial Police and stated, “It is my understanding, however, that the OPP has received co-operation from senior government officials in this matter.” Could you confirm with the committee that you’ve been fully co-operative during the investigation?

**Mr. Shawn Truax:** Yes.

**Mr. Bob Delaney:** Have you had a large role or was it just providing some information?

**Mr. Shawn Truax:** The only role I had was with regard to the search of the 52 hard drives for the two items, determining—

**Mr. Bob Delaney:** Okay. We’ve had a number of people testify at the committee—as I said, you’re number 88—including the current Premier twice, the former Premier twice, the Minister of Energy twice, and former cabinet chair Peter Wallace three times, and even the two OPP officers both testified not merely on what they know but on the rarity of making an appearance before a committee. What do you make of being invited here today?

**Mr. Shawn Truax:** This is my first time at a committee. Thank you.

**Mr. Bob Delaney:** Well, if you’re really good, Lisa may even invite you back. I’m not sure.

**Ms. Lisa MacLeod:** You’re doing a great job. If you were doing bad, I’d invite you back.

**Mr. Shawn Truax:** It would all depend on what you want to talk about, I guess.

**Mr. Bob Delaney:** Wait; you haven’t yet been asked about wind turbines.

*Interjection.*

**Mr. Bob Delaney:** Oh, okay. Shucks.

All right. Just to begin by—

**The Chair (Mr. Shafiq Qadri):** Colleagues, we appreciate the pillow talk, but—

**Mr. Bob Delaney:** Okay. Just to move back to the Information and Privacy Commissioner’s recent report on record-keeping, on page 6 of the report, Dr. Cavoukian states, “Throughout this entire investigation, my office received the full co-operation of all parties involved, including the Premier’s office, Cabinet Office, the MGS, current and former staff in the Minister of Energy’s office, and the Archives of Ontario staff.”

When she testified before the committee, she told us, “This government, with respect to my investigation and the work that we have done with the government, has been very forthcoming,” and she also said that “any co-operation we needed was there.”

Are you able to speak about the co-operation and the support that you provided to the Information and Privacy Commissioner and her office throughout that investigation? Did you have any role at all?

**Mr. Shawn Truax:** I did not have any role in that.

**Mr. Bob Delaney:** Do you have any reason to believe that the Ministry of Government Services has intentionally left out any information pursuant to anything asked by the Information and Privacy Commissioner?

**Mr. Shawn Truax:** No.

**Mr. Bob Delaney:** Have you had any conversation with political staff prior to appearing today, people who may have directed you in either what to say or what to refrain from saying?

**Mr. Shawn Truax:** No.

**Mr. Bob Delaney:** Have you ever met someone named Peter Faist?

**Mr. Shawn Truax:** No.

**Mr. Bob Delaney:** Have you ever met Laura Miller?

**Mr. Shawn Truax:** No.

**Mr. Bob Delaney:** At any point leading up to your testimony today have you ever encountered any form of interference by anybody in the government?

**Mr. Shawn Truax:** No.

**Mr. Bob Delaney:** A few questions, then, about record-keeping.

There has been some in-depth discussion about what records over the past year either should or shouldn’t be kept, and at one point last summer we spent a fair amount of time discussing, in fact, what records must be deleted. So let’s just go down that to ensure that we have some degree of clarity.

We know that the Archives and Recordkeeping Act explains that transitory records are not required to be retained. There’s a protocol called the Common Records Series that defines those records as “records of temporary usefulness in any format or medium, created or received by a public body in carrying out its activities, having no ongoing value beyond an immediate and minor transaction or the preparation of a subsequent record....”

When we asked Secretary Wallace about his personal experience with transitory records, he said, “From the perspective of my office and our daily email practice, a fair amount of what is provided to us, a fair amount of my routine correspondence, is essentially trivial updates or momentary information exchanges that would not be of interest to anybody in the future trying to, for policy purposes, for historic research purposes, understand the basis of current decision-making—it would be irrelevant.”

Does that characterize “transitory records” from your experience working in government?

**Mr. Shawn Truax:** Could you rephrase that question?

**Mr. Bob Delaney:** Okay. What I had read out is a quote from Secretary Wallace from the Cabinet Office. What I was asking is, how do you view what transitory records are?

**Mr. Shawn Truax:** Any record that I would create or receive would not contain any information, in my specific case, relevant to an investigation or any other of the services that we offer. For example, a message to my manager saying, “I’m on my way to the meeting”: I would not typically keep those. But with the nature of the



work I do, the majority of the records that I receive or create are recorded; we need to for purposes of maintaining records for investigations.

**Mr. Bob Delaney:** The reason I ask is that clarity around this issue is very important. We began, at least, with a misconception that every piece of paper needed to be kept, and that certainly isn't true, is it?

**Mr. Shawn Truax:** I can say that I don't keep every single piece of paper.

**Mr. Bob Delaney:** You would agree, then, that the notion of keeping every record, every correspondence, isn't the purpose of either the freedom-of-information legislation or archive legislation. Right?

**Mr. Shawn Truax:** I have not read either of the legislations in detail, so I don't know that I can provide—

**Mr. Bob Delaney:** If you haven't read it, then don't guess.

There's an important designation also for private records. I'm going to just walk you through this: On page 9 of the Information and Privacy Commissioner's report, she outlined two general categories of records in the office of a minister and the Premier. They are (1) public records and (2) personal, political or constituency records. It goes on to explain that "Ministers' and the Premier's personal, political or constituency records are those generated by ministers in their capacity as members of the Legislature and as private citizens."

Would you have any knowledge about what these personal or political records may be, and whether or not they're required, under the Archives and Recordkeeping Act, to be retained—

**Mr. Shawn Truax:** I would have no knowledge.

**Mr. Bob Delaney:** That's fine. That's fair.

Recently, the Minister of Government Services introduced legislation that, if passed, would strengthen political accountability, enhance oversight and increase transparency, both across government and in the broader public sector. Are you familiar with any initiative by the Minister of Government Services in this regard?

**Mr. Shawn Truax:** I'm aware of the legislation but not of any of the specifics—just what I've read in the news.

**Mr. Bob Delaney:** All right. Well, let's walk down it a bit. If we get to a point where it's really not up your alley, you can stop me and we'll just move on to something else.

The proposed legislation would build on the province's Open Government Initiative and continue to demonstrate that the new government is looking forward with regard to accountability to Ontarians. Although the legislation has been in the works for some time, speaking from your own experience and bearing in mind that the legislation hasn't yet been formally introduced, I'd just like to explore a sense of how you see the impact of this type of openness and transparency on the government relative to what you do, because you're there to look at or look for information that's retained in an electronic format on government hardware. Again, just for clarity, you don't go searching for information that is maintained

or stored in anything other than an electronic format. Correct?

**0910**

**Mr. Shawn Truax:** Correct.

**Mr. Bob Delaney:** Okay. What kind of an impact would opening up what's kept stored and made available have on behalf of outsiders to government? Any thoughts on that?

**Mr. Shawn Truax:** Thought-wise, during my university education, I did take courses in cartography as sort of an interest. I have been to the Open Government website, and I can say, just based on that, I do find it's very helpful. There's a lot of information there. I wouldn't specifically use it in my line of work, but it's definitely interesting.

**Mr. Bob Delaney:** So from the vantage point of an outsider, we would be talking more about the value of data—you talked about cartographic data—or data, perhaps, relating to program usage or information or other things that government normally measures.

**Mr. Shawn Truax:** Yes.

**Mr. Bob Delaney:** Okay. Would this be a challenge for the public service; in other words, exposing data that could or might be useful to the general public while trying to find a balance between that and protecting the ability to think through a policy or correspondence back and forth between and among people in the public service?

**Mr. Shawn Truax:** I wouldn't know.

**Mr. Bob Delaney:** Okay. Would it be a major shift in the way the government operates in terms of its accountability now?

**Mr. Shawn Truax:** I don't know if I could provide a comment. Sorry.

**Mr. Bob Delaney:** That's fine. I'm going to walk down a couple of other things, and again, if these are not within your area of expertise, just say so.

There have been a number of reports released during the life of this committee: two Auditor General reports; the report issued by the Information and Privacy Commissioner, which we've discussed; and the Independent Electricity System Operator and the Ontario Power Authority issued a report that includes 18 recommendations on new siting practices for large energy infrastructure projects in the province, all of which have related to the work that this committee does. I'm making what I think is a reasonable assumption, that you haven't been following reports pertaining to the location and siting of energy infrastructure in the course of your normal job.

**Mr. Shawn Truax:** No.

**Mr. Bob Delaney:** I didn't think so. To date, the government has been proactive about putting in place rules to ensure that staff keep all of those things that are required to be kept but only those things that are required to be kept. Do you have any thoughts around the retention of information by people who work in the government and by staff of the government?

**Mr. Shawn Truax:** No, I don't.

**Mr. Bob Delaney:** Chair, I think I'm going to stop there on my first round.

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

**Ms. Lisa M. Thompson:** Thank you very much. Welcome. We've been very much hooked into your comments today. In particular, I'd like to go back and revisit some of the things that you were talking about with regard to the Ottawa office. You mentioned that you accessed a computer from 180 Elgin Street, and it was a satellite office.

**Mr. Shawn Truax:** Yes.

**Ms. Lisa M. Thompson:** To be clear, this was not a constituency office.

**Mr. Shawn Truax:** I'm not aware of what the exact role of the—

**Ms. Lisa M. Thompson:** I can tell you, this is not a constituency office. It was not in the Premier's riding. It was actually a ministerial regional office that the Premier could use. Okay?

**Mr. Shawn Truax:** Okay.

**Ms. Lisa M. Thompson:** All right. It's interesting. With that, you went on to say that Wendy Wai's global administration access password was used in this office.

**Mr. Shawn Truax:** Again, I'll have to check for that.

**Ms. Lisa M. Thompson:** Okay. When did you take this particular hard drive?

**Mr. Shawn Truax:** We collected the drives on the 14th of August 2013.

**Ms. Lisa M. Thompson:** The 14th of August 2013— that would have been immediately following the by-election in Ottawa.

**Mr. Shawn Truax:** Okay. I don't know the exact dates.

**Ms. Lisa M. Thompson:** Do you know who this particular computer was assigned to?

**Mr. Shawn Truax:** I'd have to look at specifically which one it was.

**Ms. Lisa M. Thompson:** Could you do that please?

**Mr. Shawn Truax:** Yes.

**Ms. Lisa M. Thompson:** Thank you. And report back to the committee.

Are you aware of or do you know how many employees worked at this regional office in August 2013 or prior to?

**Mr. Shawn Truax:** No, I have no idea.

**Ms. Lisa M. Thompson:** So you can't confirm today that the hard drive you took was John Fraser's computer?

**Mr. Shawn Truax:** No, I can't. I'd have to check.

**Ms. Lisa M. Thompson:** Okay, you'll check your records. But just for the benefit of our committee colleagues here, the satellite office at 180 Elgin Street was the office that John Fraser worked at prior to the by-election in 2013. We look forward to you confirming this for the committee.

Is there anything else we need to ask there?

**Ms. Lisa MacLeod:** I just think that it's very important to recognize that this was not a constituency office. Mr. McGuinty's constituency office was on Kilborn Avenue in Ottawa South, and this regional office on 180 Elgin Street is across from city hall in Ottawa and

typically used for the Premier's day-to-day operations. That's very significant, and I think that that hard drive is going to be incredibly important, Mr. Truax. So if you could provide us with the details of what you mentioned in the communication between you and Mr. Singh, I think that information is going to be very critical, personally, for the Progressive Conservatives as well as the rest of the committee. If you could report back to the committee within a week.

**Mr. Shawn Truax:** Okay.

**Ms. Lisa MacLeod:** Thank you.

**Ms. Lisa M. Thompson:** Just to confirm, you'll provide the details that we're looking for in terms of who used that hard drive within a week?

**Mr. Shawn Truax:** Yes. I don't have—I'd have to go through the list here and determine—

**Ms. Lisa M. Thompson:** Okay, that's fine. A week, I'm sure, is adequate.

**Mr. Shawn Truax:** Okay.

**Ms. Lisa M. Thompson:** Thank you very much. Let's go on and talk about a bit of testimony that we have in the ITO. On two occasions, there's a particular tool that was referenced, a Dell tool. In line 1010 of the ITO, it says: "Mr. Gitt also discovered that a software tool was used on both desktop computers, it seemed that the tool came from the computer company Dell ... Mr. Gitt was unable to explain the purpose of the Dell tool but stated that it was not used by the information technology services."

My question to you, Mr. Truax, is: Are you familiar with the tool in question here? And if you are, can you please provide us with a description of its function and purpose?

**Mr. Shawn Truax:** I'm a little uncomfortable with the question. The OPP is investigating into the use of the tool. I'd be a bit uncomfortable getting into—

**Ms. Lisa M. Thompson:** Okay. Well, this is all information coming out of the ITO.

**The Chair (Mr. Shafiq Qadri):** Ms. Thompson, again, I'd just respectfully request you to please come within the mandate, the point being that when we stray into the OPP issue, we trigger radioactivity.

**Ms. Lisa M. Thompson:** Okay. Fair enough. On page 30, line 1535, it goes on to say: "Mr. Gitt also expressed concerns that the local profiles were deleted improperly on the two desktop computers. He also discovered that a tool"—again—"was used on both desktop computers, it seemed that the tool"—he's very consistent—"came from the computer company Dell." Again, who authorizes the purchase of these types of tools? Can you confirm?

**Mr. Shawn Truax:** I would have no knowledge of procurement.

**Ms. Lisa M. Thompson:** Okay. Can you tell us who authorizes procurements of computer tools?

**Mr. Shawn Truax:** I know that when I need to buy something, I talk to my manager, and then after that, how the process works is—

**Ms. Lisa M. Thompson:** Okay. And your manager is?

**Mr. Shawn Truax:** Sorry, the name of my manager?

**Ms. Lisa M. Thompson:** Yes.

**Mr. Shawn Truax:** David Cullen.

**Ms. Lisa M. Thompson:** All right. Just to go back, you have no knowledge of this particular tool and you have no knowledge at this time of who procured this tool?

**Mr. Shawn Truax:** I have no knowledge of who procured the tool. I have knowledge of the tool based on the ITO. Beyond that, I'm a little uncomfortable answering.

0920

**Ms. Lisa M. Thompson:** Okay. Based on the knowledge that you received out of the ITO, what came to mind? When you reviewed the ITO and saw that a tool was purchased, what came to mind in terms of evidence or data being destroyed or what that tool might be used for?

**Mr. Shawn Truax:** What came to mind—

**The Chair (Mr. Shafiq Qadri):** Thank you, Ms. Thompson. Once again, requesting a witness to comment on an ITO police document which is subject to an active OPP investigation is not welcome. So please, I'd just once again invite you to return to this—

**Ms. Lisa M. Thompson:** Okay. Fair enough. We'll go away from that, then, at the direction of the Chair.

In your opening comments, you also mentioned that your branch assists in civil and criminal matters. Have you participated in activities like that?

**Mr. Shawn Truax:** Yes, as a forensic coordinator, I would be involved—

**Ms. Lisa M. Thompson:** Can you just describe what you would do in an activity like that?

**Mr. Shawn Truax:** Sure. With regard to civil or—

**Ms. Lisa M. Thompson:** Criminal.

**Mr. Shawn Truax:** For criminal?

**Ms. Lisa M. Thompson:** Yes.

**Mr. Shawn Truax:** With criminal matters—there are two means that usually trigger when we go into criminal. During the course of an IT investigation conducted by the staff at the IT forensics team, we may find evidence that suggests that something has criminally occurred. Then, working with the ministry, we would assist to help them report that.

The second would be similar to this, where the OPP are coming to the government of Ontario and requesting information. Again, we're assisting the ministry and providing that information back that they need.

**Ms. Lisa M. Thompson:** Okay. Can you describe the reporting protocol that you would use?

**Mr. Shawn Truax:** We, as I stated in my opening statement, would go through the CAOs of the ministries to establish that reporting protocol.

**Ms. Lisa M. Thompson:** So you work with the various ministries. Do you work with community safety and correctional services as well?

**Mr. Shawn Truax:** Yes. It's the ministry—

**Ms. Lisa M. Thompson:** That's the ministry that you're referencing. Okay. So then—

**Mr. Shawn Truax:** Sorry. The ministry that I'm—I'm referencing all ministries.

**Ms. Lisa M. Thompson:** All ministries, yes. Okay.

With that said, it's interesting, when we're doing our background work—in August 2012, there was an article by Mark Bonokoski, August 12, 2012, titled, "McGuinty's Cruellest Cut of All." It goes on to talk about, in August 2012, August 14, to be specific—the article says, "There are good cuts in government, and there are bad cuts." But this "is outrageous."

Then the article went on to say, "The employees at the Centre of Forensic Sciences now facing unemployment do not grow on trees. They are highly educated in computer sciences, mathematics and criminology, and skilled in retrieving data from files that have been erased or deleted from the electronic devices of suspected criminals, and that includes computers and cellphones that have been heavily damaged."

*Interjection.*

**Ms. Lisa M. Thompson:** I was just going to ask—

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

**Mr. Bob Delaney:** What does this have to do with the committee's mandate?

**Ms. Lisa M. Thompson:** May I ask my question?

**The Chair (Mr. Shafiq Qadri):** You can ask the question.

**Ms. Lisa M. Thompson:** I was just wondering: Based on these cuts made at the Centre of Forensic Sciences of highly skilled people specialized in "retrieving data from files that have been erased or deleted"—did any of those folks happen to apply to your branch or your particular unit? Are you aware of anything like that?

**Mr. Shawn Truax:** I'm not aware of any.

**Ms. Lisa M. Thompson:** Okay. In your expertise—

**The Chair (Mr. Shafiq Qadri):** Ms. Thompson, I'd request you, respectfully, to please bring it to the scope of the mandate. I do appreciate that there are a lot of gymnastics and intellectualizations going on here, but we need it to be relevant.

**Ms. Lisa M. Thompson:** Okay. In your expertise, do you think this was a calculated step or just coincidence that the Premier, back in August 2012, made cuts to a significant area of forensic sciences that specialized in retrieving data?

*Interjections.*

**The Chair (Mr. Shafiq Qadri):** Point of order. Mr. Delaney, and also from—

**Mr. Bob Delaney:** Chair, this is an allegation that is well beyond the scope of the committee and asks a witness who is not able to speculate on what the motives may have been about an action asserted to be true by Ms. Thompson.

**The Chair (Mr. Shafiq Qadri):** Ms. Thompson, it is without the scope of this committee. Please continue.

**Ms. Lisa M. Thompson:** Okay. I'm going to pass it to Lisa.

**The Chair (Mr. Shafiq Qadri):** Ms. MacLeod.

**Ms. Lisa MacLeod:** Thank you, Mr. Truax. I do appreciate this.

I want to go back to this Ottawa computer that, as I've stated before, was not in the constituency office of Dalton McGuinty, MPP; it was in his regional office, as Premier of Ontario, which was across the street from Ottawa city hall, in another riding entirely. You were there, and you took computers from that location, apparently because of the OPP search and seizure warrant. Is that accurate?

**Mr. Shawn Truax:** Sorry, I don't understand.

**Ms. Lisa MacLeod:** When you took the computer, the hard drive, from 180 Elgin Street, did you take that as a result of the search warrant?

**Mr. Shawn Truax:** No.

**Ms. Lisa MacLeod:** You accessed that when it was closed?

**Mr. Shawn Truax:** Sorry. When what was—

**Ms. Lisa MacLeod:** When you took that computer, when you went to Ottawa—

**Mr. Shawn Truax:** Yes—sorry?

**Ms. Lisa MacLeod:**—what was the purpose of you taking that computer?

**Mr. Shawn Truax:** The purpose was to collect the equipment—

**The Chair (Mr. Shafiq Qadri):** Just a moment, Ms. MacLeod, it's not for you—we welcome members of the press. Just if you would respectfully not actually film the papers on the desk, please. Thank you.

Ms. MacLeod, continue.

**Ms. Lisa MacLeod:** Thanks. So you were going to collect material?

**Mr. Shawn Truax:** Sorry. Can you rephrase that question? You've lost me there.

**Ms. Lisa MacLeod:** Sorry. Yes, I understand. My concern is this computer or the computers that were accessed or picked up by you from this 180 Elgin Street regional office of the former Premier—what was the purpose of going into that office to retrieve those computers?

**Mr. Shawn Truax:** So, for clarification, I did not personally go to Ottawa; it was a member of the team, just to make sure that that's clear. And, as I indicated, the purpose of that was just during the conversations, gas plants came up, and I provided advice that these could be relevant.

**Ms. Lisa MacLeod:** So they could be relevant. Does the OPP have those hard drives?

**Mr. Shawn Truax:** I'd be a little uncomfortable on what they have and don't have.

**Ms. Lisa MacLeod:** But you didn't hand those over to the Ontario Provincial Police?

**Mr. Shawn Truax:** Sorry? I did not—

**Ms. Lisa MacLeod:** You didn't hand over the computers from 180 Elgin Street to the provincial police?

**Mr. Shawn Truax:** They were part of the 52.

**Ms. Lisa MacLeod:** They were part of the 52. And you're going to review for us whether or not Wendy Wai's passwords were included on those?

**Mr. Shawn Truax:** Yes.

**Ms. Lisa MacLeod:** Would those computers have been disabled after March 2013?

**Mr. Shawn Truax:** I would not know that. Again, we were only asked two specific questions, and that's the extent of what we've done.

**Ms. Lisa MacLeod:** And how many computers at 180 Elgin Street, in the former Premier's office where Mr. Fraser worked, were retrieved?

**Mr. Shawn Truax:** There were five hard drives retrieved from work stations, and one hard drive retrieved from a printer.

**Ms. Lisa MacLeod:** And you're going to provide us, within seven days, who those hard drives were assigned to?

**Mr. Shawn Truax:** I will check to determine whether one of the 24 was from that Ottawa office.

**Ms. Lisa MacLeod:** Okay, fair enough. Can you confirm to us which member of your team picked up those hard drives from 180 Elgin Street in Ottawa?

**Mr. Shawn Truax:** Sorry?

**Ms. Lisa MacLeod:** Could you confirm to us who, as a member of your team, would have picked up those hard drives from 180 Elgin Street?

**Mr. Shawn Truax:** The name of the person?

**Ms. Lisa MacLeod:** Yes.

**Mr. Shawn Truax:** The team member who went to Ottawa to retrieve the hard drives, his name is Cody Allan Ferguson.

**Ms. Lisa MacLeod:** Cody Allan Ferguson. Do you know if Cody also went to the Kilborn Avenue office or just to Dalton McGuinty's former regional office?

**Mr. Shawn Truax:** I'm sorry, I'm not familiar with Ottawa or the streets.

**Ms. Lisa MacLeod:** I am.

**Mr. Shawn Truax:** If I'm ever in Ottawa, I'll call you for—

**Ms. Lisa MacLeod:** So let's look at it this way: There are two different offices. We'll call the constituency office Kilborn, and we'll call the MRO, or the regional office, Elgin. Do you know if any other computers were retrieved, not only from the Elgin Street office but also from the Kilborn Avenue office, or are you only aware of the Elgin Street office?

**Mr. Shawn Truax:** I'm only aware of the Elgin Street office.

**Ms. Lisa MacLeod:** And in that, five hard drives were retrieved and taken back to Toronto?

**Mr. Shawn Truax:** Yes.

**0930**

**Ms. Lisa MacLeod:** Are you aware of whether or not that office is still open?

**Mr. Shawn Truax:** No, I am not.

**Ms. Lisa MacLeod:** You are not. When computers were retrieved, no computers were replaced? They were just taken away from 180 Elgin Street?

**Mr. Shawn Truax:** We just retrieved the hard drives from the computers at 180 Elgin, and that's it. That's all.

**Ms. Lisa MacLeod:** With respect to the printer—I mean, this is interesting, the hard drive of a printer. What

would be an imprint? Can you explain to this committee why a hard drive from a printer would be relevant to what we do and would be relevant to hand over?

**Mr. Shawn Truax:** I wouldn't be able to say. It's our practice to collect everything, and beyond that, I'd get uncomfortable, because the OPP are investigating. We don't know where their investigation is going to lead or what questions they may ask. So I'd—

**Ms. Lisa MacLeod:** Are you still engaged at all with the OPP in terms of this investigation? I know when Detective Duval appeared before the committee, he said that they were still doing some ongoing work. Would you be somebody who interfaces with him frequently?

**Mr. Shawn Truax:** Not frequently. If they had any questions, they could by all means come back and talk to us, and we'd be more than happy to provide them answers based on our knowledge.

**Ms. Lisa MacLeod:** Were you ever approached by any staff of the former or current Premier's office, particularly when you were in Ottawa, on matters of data storage or document deletion or anything to that effect?

**Mr. Shawn Truax:** Sorry; I was never in Ottawa.

**Ms. Lisa MacLeod:** You were never in Ottawa. Right. Sorry. Was a member of your team—for example, was Cody Ferguson ever approached about those matters?

**Mr. Shawn Truax:** Not that I'm aware of.

**Ms. Lisa MacLeod:** At this point, are you able to find the date and the time the other 20 computers in the Premier's office were accessed with the administrative right given to Wendy Wai and accessed by Peter Faist?

**Mr. Shawn Truax:** So you're speaking to the—we found 24. We were able to find dates [*inaudible*]. So you're speaking of the other 20?

**Ms. Lisa MacLeod:** There were dates on four. The other 20, yes.

**Mr. Shawn Truax:** The request was to determine if we could—sorry; I lost your question there. My apologies.

**Ms. Lisa MacLeod:** I'm wondering if you were able to find the date of the other 20. There's 24 computers. Four, we know when they were accessed; 20, we don't. Have you, since this investigation has begun, and your internal workings, been able to disclose or identify when the other 20 computers were accessed using Wendy Wai's super global password that was used by Peter Faist?

**Mr. Shawn Truax:** We performed three tasks to determine access. We have not performed any further tasks beyond that. The OPP are doing their investigation. I would suspect that they could probably answer that question better than I could.

**Ms. Lisa MacLeod:** I ask you this one in your professional expertise because I'm trying to get a sense of how this super global password would work. I understand that one administrator can log on and access everyone else's desktop. Was it possible for Peter Faist, now that we know that he had this super global password, to sit down at a desktop in the Legislative Assembly on the second

floor here, in the Premier's office, and access the hard drives in Ottawa with that super global password?

**Mr. Shawn Truax:** My understanding is that the password only applies to the computers in the Premier's office.

**Ms. Lisa MacLeod:** And if they were part of the Premier's office in Ottawa?

**Mr. Shawn Truax:** I'd have to think of that one for a second. The administrative rights, as I understand—I'm a little uncomfortable answering the question.

**Ms. Lisa MacLeod:** Sure. Yes, okay. Thank you very much. I appreciate that. You've been very helpful and you've provided us with a great deal of new information today that has, I think, enlightened this committee. Thank you very much.

**The Chair (Mr. Shafiq Qadri):** Thank you, colleagues. To the NDP side: Mr. Tabuns.

**Mr. Peter Tabuns:** Mr. Truax, a few brief questions. Were you aware of any other regional offices that house computers that were of interest?

**Mr. Shawn Truax:** No.

**Mr. Peter Tabuns:** Okay. Again, I think I asked you this before, but just to be certain, who made the official request to the cyber security branch to do this investigation?

**Mr. Shawn Truax:** The request to go up there—it wasn't an official request. It was a recommendation by our team to collect the drives. At that time, we had no knowledge that there was any investigation going on in any way, but again, because of the work with the standing committee in terms of electronic records, I provided the suggestion that a staff member go up there and get the hard drives.

**Mr. Peter Tabuns:** And again, who did you make that suggestion to?

**Mr. Shawn Truax:** To information technology services and through my management.

**Mr. Peter Tabuns:** So do you know who in fact made that decision?

**Mr. Shawn Truax:** Who made the specific decision to send staff over there?

**Mr. Peter Tabuns:** Based on your recommendation, who said, "Yes, go out"?

**Mr. Shawn Truax:** Oh, I have no idea who. We just received word back to send somebody up.

**Mr. Peter Tabuns:** Okay. And it was the OPP that made the request in September for you to assemble all of these hard drives; is that correct?

**Mr. Shawn Truax:** Yes. On September 5, the CAO of Cabinet Office requested that we perform the task. At that point, we had figured out all the pieces of the puzzle and then we had a list of 52, and we went through that list of 52 hard drives.

**Mr. Peter Tabuns:** Going back, I had understood you'd picked up one hard drive in Ottawa, and I must have misunderstood you, because you now said there were five hard drives. Did you assess five hard drives and find that one was of interest?

**Mr. Shawn Truax:** Yes. We assessed the five hard drives. Again, I'll have to check what level of those five—of the 52, whether or not they were.

**Mr. Peter Tabuns:** Okay. If you could check and let us know, I would appreciate that—through the Chair.

On a slightly different tack, you helped with the process of producing documents for this committee.

**Mr. Shawn Truax:** Yes.

**Mr. Peter Tabuns:** And you assisted a variety of offices: I assume the Premier's office, the Ministry of Energy and others. Is that correct?

**Mr. Shawn Truax:** The work that we did with the electronic record discovery for this committee was with the Ministry of Energy and Ministry of Government Services.

**Mr. Peter Tabuns:** Okay. The other day, Peter Wallace was here and remarked that the level of document production by civil servants was quite substantial, and it was striking to him that the Minister of Energy's office had produced very little. In fact, having sat on this committee, they produced no responsive records whatsoever. Given your experience going through those records, does it strike you as anomalous that they produced little or no records in terms of our request for documentation?

**Mr. Shawn Truax:** The number of records that get found can vary. I've never seen a consistent number that I would expect. It depends on what you're looking for, essentially; right? If you go on the Internet and Google, you may get a lot of results or you may get a little, depending on what you're looking for.

**Mr. Peter Tabuns:** I have no further questions on that. Mr. Singh?

**The Chair (Mr. Shafiq Qaadri):** Mr. Singh.

**Mr. Jagmeet Singh:** Just a better understanding of the cyber security branch: Who manages the cyber security branch?

**Mr. Shawn Truax:** Who's the director of cyber security?

**Mr. Jagmeet Singh:** Director, sure.

**Mr. Shawn Truax:** The director of cyber security branch is Kent Schramm.

**Mr. Jagmeet Singh:** Okay. And would you report to Mr. Schramm on a regular basis?

**Mr. Shawn Truax:** Not on a regular basis.

**Mr. Jagmeet Singh:** Okay. How often would you report to him?

**Mr. Shawn Truax:** I would see him. He works in the office, but I wouldn't report directly to him.

**Mr. Jagmeet Singh:** Sure. Who would you report to directly, then?

**Mr. Shawn Truax:** I would report to my manager directly.

**Mr. Jagmeet Singh:** Okay. And that's on a regular basis?

**Mr. Shawn Truax:** Yes.

**Mr. Jagmeet Singh:** And then you anticipate that your manager would report then on to—

**Mr. Shawn Truax:** Yes, and then they would go on up, yes.

**Mr. Jagmeet Singh:** In terms of cyber security branch—to understand the scope of which emails in relation to obtaining the kind of costs that went into this gas plant cancellation—what ministry would the cyber security branch fall underneath?

**Mr. Shawn Truax:** The Ministry of Government Services.

**Mr. Jagmeet Singh:** Okay. One of the things that kind of—if I can call it this, and correct me if I'm wrong—tipped off a red flag for you was, in your attempt to provide records in your record production, you noticed that there were some issues around the availability of records. You thought, back on August 14, that maybe we need to keep track of some of these computers—that we might need to investigate them later on.

**0940**

Am I characterizing that correctly? That is, through your record production or your attempts to produce records, that that got you concerned about the level of records being maintained?

**Mr. Shawn Truax:** Yes. We were going through record production. I was well aware of the gas plant issue, and then, when gas plants came into the conversation, I said, "Well, if these could be related to the gas plant record production"—I mean, trying to be—

**Mr. Jagmeet Singh:** No, that's great.

**Mr. Shawn Truax:** —a good employee, essentially—

**Mr. Jagmeet Singh:** No, you did a good job.

**Mr. Shawn Truax:** —just to say, "You know, we might want to go up there and collect those in a proper manner to ensure that, if they are needed for any reason, they're not"—

**Mr. Jagmeet Singh:** Okay. In your attempts to produce records, did you come across any problems with the fact that there were computers that had been wiped clean, or that there were instances where there was a lack of responsive records in terms of producing records?

**Mr. Shawn Truax:** With regard to the electronic search for records?

**Mr. Jagmeet Singh:** Yes.

**Mr. Shawn Truax:** I would not know that. We identify all the areas to collect records from, and we go collect them. We don't perform any analysis to determine if the count is high or low.

**Mr. Jagmeet Singh:** I see.

**Mr. Shawn Truax:** Even if the count was high or low, that wouldn't be an indication that anything was wrong. It could just indicate the level of usage.

**Mr. Jagmeet Singh:** And, at any point in time, did you, in your own investigation or dealings, come across a problem where you identified that there seemed to be files that were being deleted or had been deleted? Was that something that you came across specifically, or was your focus more so on figuring out who accessed the computers and when?

**Mr. Shawn Truax:** Sorry; you seem to have asked a two-part question there.

**Mr. Jagmeet Singh:** Yes. The first part is: Did you come across an instance where you felt that you had

identified a problem in the sense that there was a computer that emails had been deleted from, or that files had been wiped? Is that something that you had identified as a problem?

**Mr. Shawn Truax:** We didn't perform any analysis on the hard drives to determine that, so I wouldn't be able to comment on what there is. Does that answer both of your questions?

**Mr. Jagmeet Singh:** More or less. That's good enough. Thank you.

**Mr. Shawn Truax:** Okay.

**Mr. Jagmeet Singh:** In your investigation and your dealings, as soon as you made this decision where you thought, "These computers might be related to the gas plants; we should probably hold on to them," did you convey that to anyone outside of the cyber security branch?

**Mr. Shawn Truax:** I didn't make the decision to hold on to them. I made the recommendation that we might want to hold on to them.

**Mr. Jagmeet Singh:** Right. Did you make that recommendation to anyone outside of cyber security?

**Mr. Shawn Truax:** I made that recommendation to my manager. Beyond that, I wouldn't, no.

**Mr. Jagmeet Singh:** Sure. Was cyber security asked—did you brief, at any point in time, the transition team?

**Mr. Shawn Truax:** I've never been involved with the transition team.

**Mr. Jagmeet Singh:** Okay. And did you provide a written report at any point in time outlining—besides the cyber security report that's been referred to, did you provide or prepare any other report?

**Mr. Shawn Truax:** For the OPP investigation?

**Mr. Jagmeet Singh:** Right, or in relation to the computers being accessed.

**Mr. Shawn Truax:** No. The report that we produced for the OPP is the only report.

**Mr. Jagmeet Singh:** Okay. And you indicated that the only computers that you are aware of were the 52 that you indicated, including the various offices that you talked about. Outside of the computers that you actually searched, are you aware of the existence of other satellite offices that are related to the Premier's office and that the cyber security branch may not have actually had the chance to look at?

**Mr. Shawn Truax:** I have no knowledge of other offices.

**Mr. Peter Tabuns:** Have you ever had an investigation like this before in the cyber security branch, where you've had to secure large numbers of hard drives?

**Mr. Shawn Truax:** We've had other investigations with a number of assets—I don't want to—

**Mr. Peter Tabuns:** "Assets" is fine.

**Mr. Shawn Truax:** It's not the norm, but we have experience in dealing with large numbers.

**Mr. Peter Tabuns:** So you've been involved before in bagging evidence in tamper-proof bags and—

**Mr. Shawn Truax:** Yes, that's standard practice. Standard forensics procedure for us is to document, inventory, tamper-proof bags, secure.

**Mr. Peter Tabuns:** Just to follow up on my colleague's comments, setting aside the OPP, prior to August of last year, was there any request to your branch to engage in any investigation of problems with provision of information from the IT assets of the Premier's office or any other office?

**Mr. Shawn Truax:** With the Premier's office, this is the only investigation.

**Mr. Peter Tabuns:** So you weren't asked, in the spring of last year, to look into problems with cyber security or the destruction of records?

**Mr. Shawn Truax:** Sorry, you lost me on the question there.

**Mr. Peter Tabuns:** Prior to August of last year, let us say, starting from February or March of last year, 2013, was your branch asked, "Do we have a problem with destruction of records?"

**Mr. Shawn Truax:** I would have no knowledge. I wasn't specifically asked.

**Mr. Peter Tabuns:** So it wasn't brought to your level.

**Mr. Shawn Truax:** No.

**Mr. Peter Tabuns:** And there was no investigation going on, on the part of your branch, about destruction of records or tampering with the information technology systems?

**Mr. Shawn Truax:** No.

**Mr. Peter Tabuns:** Was your branch at all aware that an outsider had been involved in the Premier's office prior to the OPP coming to you?

**Mr. Shawn Truax:** I can only speak to what I know. I know that once the ITO was released, at that point—

**Mr. Jagmeet Singh:** But prior to the ITO?

**Mr. Peter Tabuns:** Prior to the ITO.

**Mr. Shawn Truax:** I think I might have gone too far in my answer. I'm a little uncomfortable now on specific—

**Mr. Peter Tabuns:** I'm not interested in the police investigation.

**Mr. Shawn Truax:** Okay.

**Mr. Peter Tabuns:** In the spring of 2013, was your branch asked to look into any tampering with information technology, hard drives—

**The Chair (Mr. Shafiq Qadri):** Thirty seconds, gentlemen.

**Mr. Shawn Truax:** For the Premier's office?

**Mr. Peter Tabuns:** Yes.

**Mr. Shawn Truax:** No.

**Mr. Peter Tabuns:** Any other office?

**Mr. Shawn Truax:** I'd prefer not to comment on any other investigation into OPS employees. I wouldn't—

**Mr. Peter Tabuns:** With regard to the gas plants inquiry?

**Mr. Shawn Truax:** No, not with regard to the gas plants.

**Mr. Peter Tabuns:** Sorry, I should have been more specific. If you've got other problems, I'm glad you're

dealing with them. This is the problem I'm concerned with.

**Mr. Shawn Truax:** Exactly. Specific to this, no.

**Mr. Peter Tabuns:** That's what I wanted to know.

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

**Mr. Bob Delaney:** Thank you very much, Chair. We have just a few things to clarify in our last round of questioning.

Mr. Truax, you contributed to some of the information in the OPP's information-to-obtain document; correct?

**Mr. Shawn Truax:** Yes.

**Mr. Bob Delaney:** Did you actually get a chance to read the ITO itself?

**Mr. Shawn Truax:** Yes, I've read through the ITO.

**Mr. Bob Delaney:** Okay. Chair, I'm going to ask the Clerk to bring to the witness appendix D, which has already been distributed to the committee. I have a question to ask the witness about appendix D of the ITO document.

**The Chair (Mr. Shafiq Qaadri):** It shall be so delivered.

**Mr. Bob Delaney:** For committee members, appendix D is a list of the names in the ITO document.

Sir, anywhere in there is the name John Fraser?

**Mr. Shawn Truax:** No.

**Mr. Bob Delaney:** Thank you. Just to summarize—

**Ms. Lisa M. Thompson:** Point of order.

**The Chair (Mr. Shafiq Qaadri):** Point of order, Ms. Thompson?

**Ms. Lisa M. Thompson:** The line of questioning that is taking place right now is not in order. It doesn't fall within the mandate of the committee. We're not here to probe the ITO. We're here to probe the retrieval, management and deletion of records. So that is not relevant.

**The Chair (Mr. Shafiq Qaadri):** Ms. Thompson, your point of order may be valid, but perhaps for reasons other than you've just elaborated there.

Probing with regard to an OPP investigation ITO may not necessarily be in the scope, but I'd invite you to please bring it back to the scope of the committee. Please continue. You have eight and a half minutes left.

0950

**Mr. Bob Delaney:** Thank you, Chair. Throughout the questioning by the Conservatives, they were dancing around the name of the member for Ottawa South. We have just made sure that in the ITO document, the name of the member for Ottawa South was not mentioned. Indeed, there was a letter dated August 15, 2013, written to this committee and distributed, that shows that the Ministry of Government Services did a forensic scan using all tools available of all possible accounts and that no record corresponding to the name of the current member for Ottawa South was located. The ITO was very clear that the member for Ottawa South's computer was not accessed by the administrative right. Chair, it was a point that I thought, before we were finished, we should clear up.

Mr. Truax, what are the possible roles that can be assigned to a user of an MGS computer?

**Mr. Shawn Truax:** Roles in terms of privileges to access?

**Mr. Bob Delaney:** Yes. Exactly what are the roles that are possible?

**Mr. Shawn Truax:** There are many roles. I don't know that I could list all of them for you. The primary roles are regular user, to use the equipment; local administrative rights to your computer; and then global administrative rights to multiple computers. Those are three that I have knowledge of. I wouldn't know beyond that to list off—

**Mr. Bob Delaney:** Thank you. Are computers in satellite locations connected via a VPN?

**Mr. Shawn Truax:** It would depend on the location.

**Mr. Bob Delaney:** Would you be aware in the case of the location referenced in Ottawa?

**Mr. Shawn Truax:** No, I would not be aware of that.

**Mr. Bob Delaney:** That's fine. Chair, I think we are done.

**The Chair (Mr. Shafiq Qaadri):** Thank you, Mr. Delaney. To the PC side, Ms. Thompson.

**Ms. Lisa M. Thompson:** Thank you very much. I really appreciate your testimony here today, Mr. Truax. You've brought to light some new information that falls within the mandate of our committee, specifically that hard drives were taken from 180 Elgin Street. We've come to realize, through your testimony, that that was the Premier's regional office where John Fraser worked and that the hard drives were taken after the by-election. We appreciate this, and we're going to continue to probe it.

I want to go back to the Dell tool in our final minutes. Again, I want to revisit the fact that it's the mandate of our committee to review the management and the deletion of any records that would pertain to the gas plant issue. With that said, you mentioned you went to school at Georgian College?

**Mr. Shawn Truax:** Wilfrid Laurier.

**Ms. Lisa M. Thompson:** Wilfrid Laurier, pardon me. Did you take any courses there that would point you to tools that could be used for the purpose of deletion of data?

**Mr. Shawn Truax:** Not during my university education. I focused on programming, electronics, things of that nature.

**Ms. Lisa M. Thompson:** So you didn't learn about those tools during your university education. That piques my curiosity. When did you learn about these tools or where, and what type of tools could be used?

**Mr. Shawn Truax:** Through my forensics work, those are things that we learn about as part of our training. There are many tools.

**Ms. Lisa M. Thompson:** Can you describe some of them?

**Mr. Bob Delaney:** Chair?

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

**Mr. Bob Delaney:** On a point of order, Chair, I would like to suggest that if Ms. Thompson wishes to delve into the arcana and the minutiae—



**Ms. Lisa M. Thompson:** This is interesting to me.

**Mr. Bob Delaney:** —of means of playing games with computers, she may choose to do so outside here, but this line of questioning is way outside the committee's mandate.

**Ms. Lisa M. Thompson:** Absolutely not.

**The Chair (Mr. Shafiq Qadri):** Just a moment, please. It's focusing on the qualifications of the witness in his role in cyber security, for which reason he's present. Please continue, Ms. Thompson.

**Ms. Lisa M. Thompson:** Again, I leave it to you, Mr. Truax. What type of tools, based on your experience, can be used for the deletion of data?

**Mr. Shawn Truax:** There are many. Do you want a list?

**Ms. Lisa M. Thompson:** Sure.

**Mr. Shawn Truax:** I don't think that I could even list off all of them.

**Ms. Lisa M. Thompson:** Could you provide it within a week, as well?

**Mr. Shawn Truax:** Sorry; there may be a misconception. There are many vendors that—

**Mr. Bob Delaney:** On a point of order, Chair.

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

**Mr. Bob Delaney:** There are probably millions of different tools that one can find. If Ms. Thompson wishes to make a specific allegation about whether a specific one has been used on a specific computer regarding specific data—but to just have this open-ended discussion over what—

**The Chair (Mr. Shafiq Qadri):** Thank you, Mr. Delaney. I'm not sure Ms. Thompson had graduated to the level of allegation just yet. I think it was just an information request.

**Ms. Lisa M. Thompson:** Yes.

**The Chair (Mr. Shafiq Qadri):** Please continue, Ms. Thompson.

**Ms. Lisa M. Thompson:** Thank you very much. Well, I'll narrow it down, then. Let's talk specifically about Dell. What type of Dell tools could be used for the purposes of deletion, based on your experience?

**Mr. Shawn Truax:** I've never used any Dell tools to perform any tasks, so I would not have any knowledge of Dell software. We have industry-standard software that we use that's used by all forensics groups. Those products are tried, tested and stand up in court. Those are the products that we stick with. I would not, as a matter of course, go on the Internet and randomly download something just to use it in something that I may be investigating.

During my investigation—and I will have to be careful how far I go here. As part of an investigative process, I would look into tools that were used by somebody. I hesitate to stop there to say that that's what the OPP are doing specifically with the Dell tool. They're looking into its function, what it does and how it operates.

**Ms. Lisa M. Thompson:** Okay.

**Mr. Shawn Truax:** So I would not want to get too far there. I'd just be uncomfortable, because it's part of an investigative process and I don't want to speak to their investigative process.

**Ms. Lisa M. Thompson:** Okay. But kind of going along those lines, if we wanted to find more information out about the type of tool that could be used, based on what you just shared there, we technically could go online to Dell and find the type of tool that was used?

**Mr. Shawn Truax:** Yes, the URL that's listed in the ITO—

**Ms. Lisa M. Thompson:** Yes, it's here.

**Mr. Shawn Truax:** It's a publicly available website. You could go to that website and read about it to determine for yourself what it does. Does that answer your question?

**Ms. Lisa M. Thompson:** Yes. Thank you.

**The Chair (Mr. Shafiq Qadri):** Mr. Milligan?

**Mr. Rob E. Milligan:** Yes. Thank you, Chair. I just have a couple of questions. Thanks for coming in today, by the way.

**Mr. Shawn Truax:** You're welcome.

**Mr. Rob E. Milligan:** Were you ever approached by Mr. Peter Wallace, Mr. David Nicholl, Mr. Steen Hume, Mr. William Bromm or Ms. Linda Jackson on the matter of extending special administrative access to Mr. David Livingston?

**Mr. Shawn Truax:** No.

**Mr. Rob E. Milligan:** No? Okay. All right. I have another question here. I'm not a computer person at all. You'll have to excuse my ignorance when it comes to this. It's my understanding that four of the 24 computers collected have shown dates and times of when those hard drives were accessed. Is that correct?

**Mr. Shawn Truax:** That is correct.

**Mr. Rob E. Milligan:** Okay. In your professional experience, how long would it take to retrieve such information as when those hard drives were accessed—the date and time that they were accessed? I'm imagining it would be quite complex to try to retrieve data from a wiped hard drive, but approximately how long would it take, in your professional opinion, to retrieve that data?

**Mr. Shawn Truax:** That specific information?

**Mr. Rob E. Milligan:** Yes.

**Mr. Shawn Truax:** During this review to answer the OPP's questions, we went to the event logs, which would be the first location. It's the easiest location and the quickest location to go to. That is referenced here. Once you go beyond the basic location, you do have to—I'm trying to figure how to explain it.

**Mr. Rob E. Milligan:** Yes. There are other sorts of departments or areas where that information would have been stored or something. Right?

**Mr. Shawn Truax:** It's stored on the hard drive on the computer, yes. As far as next steps, there are next steps. I feel uncomfortable releasing them. As to the time it would take, I wouldn't be able to comment on these specific hard drives, only because our team has not analyzed anything further than the three starting points. I

would not know what state the hard drives are in to provide a time for that. Does that—

**Mr. Rob E. Milligan:** Yes. I'm just—like, would it take a week, a month? I guess obviously it depends. Right?

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**Mr. Shawn Truax:** Yes. It depends. If it's okay, I could speak to my experience in other investigations. It does vary. Sometimes you go on a hard drive and it's very clear what activities have occurred. Sometimes you go on a hard drive and you do have to take a fair amount of time to piece together the steps. It is a technical process, but there are things to look at. I'd prefer to leave it at that because at that point we'd be discussing the actual investigative process.

**Mr. Rob E. Milligan:** Yes. So in your expertise of retrieving data from wiped hard drives—right?—that's what you do, in part. You sort of keep the records and stuff, but you have some training in forensic—obviously wiping hard drives or retrieving information from hard drives that have been wiped. Right?

**Mr. Shawn Truax:** I have training in wiping hard drives only because after we retain our records for the period of time required by us, because of the confidential nature of information that we do, we do need to make sure that those drives are wiped and that they are disposed of in a manner that has been set out for us.

Does that answer your question?

**Mr. Rob E. Milligan:** So if you had to retrieve data—and again, the severity of it would depend on the length of time it takes to retrieve that data, but when it comes to just time of access and the date, in your professional experience and training, how long would it take to retrieve that kind of information from the other 20 hard drives?

**Mr. Shawn Truax:** It would depend on the state that they're currently in.

**Mr. Rob E. Milligan:** Right. Okay.

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

**Mr. Rob E. Milligan:** Have you had any experience in retrieving data from wiped hard drives, outside of this—

**Mr. Shawn Truax:** Outside of this, yes. It is an investigative process tool that we would use to recover data to try to piece together a timeline of events that took place.

**Mr. Rob E. Milligan:** Okay. On other computers that you've tried to retrieve data from, how long would it take to retrieve data on, say, a severely wiped hard drive?

**Mr. Shawn Truax:** On a severely wiped hard drive—there are so many factors at play here, it's hard to nail down an exact time.

**Mr. Rob E. Milligan:** Yes. Just a rough estimate.

**Mr. Shawn Truax:** A typical investigation for us is three months from beginning to end. Depending on the findings, that could extend much, much further. We have done investigations that have taken a year.

**The Chair (Mr. Shafiq Qadri):** Thank you, Mr. Milligan, and thanks to you, Mr. Truax, for your presentation. You are officially dismissed.

## COMMITTEE BUSINESS

**The Chair (Mr. Shafiq Qadri):** Ms. MacLeod, we have a motion pending from previously.

**Ms. Lisa MacLeod:** I'll refer that to a subcommittee.

**The Chair (Mr. Shafiq Qadri):** Thank you. So that is referred to a subcommittee.

**Ms. Lisa MacLeod:** But I do have another motion.

**The Chair (Mr. Shafiq Qadri):** Yes, Ms. MacLeod.

**Ms. Lisa MacLeod:** Yay. Motions all around.

I move that the Standing Committee on Justice Policy meet for the purposes of hearing witness testimony on Wednesday, April 23, from 8:30 to 10:15 a.m., and 2 p.m. to 3:45 p.m., and Thursday, April 24, 9:30 a.m. to 11:15 a.m., and that witnesses be scheduled in accordance with the committee's existing witness procedure.

Hearing no objections, I'll see you next Wednesday.

**The Chair (Mr. Shafiq Qadri):** Thank you, Ms. MacLeod. I'll just open the floor for comments.

I want to just flag this for your attention: As you know, it's a constituency week, so I'm not entirely sure of the—unlike our usual procedure, we don't have to actually break for question period at 10:15.

**Ms. Lisa MacLeod:** Hey, we can have three witnesses that day, then.

**The Chair (Mr. Shafiq Qadri):** I guess part of the issue was, that four-hour break is likely unnecessary, because of no question period.

The other thing as well: We were wondering, if we are going to sit next week, if you wanted to rifle these all into a single day.

**Ms. Lisa MacLeod:** Sure. I'm happy to do that.

*Interjection.*

**Ms. Lisa MacLeod:** Oh, the break was because I have a speech on Wednesday.

**The Chair (Mr. Shafiq Qadri):** Thank you. Fine.

Are there any further comments on this particular—Mr. Delaney?

**Mr. Bob Delaney:** Chair, I really don't see the point or purpose of this particular motion. This committee has now sat for more than 125 hours and has seen something in the neighbourhood of north of a third of a million documents. And indeed it was an NDP motion in September to have this committee moved to three witnesses a week. As well, we have all had five very long weeks, and we all, I'm sure, have very full schedules next week in our constituencies. Certainly I know that I do.

I would say that we've had plenty of time for fulsome debate. We continue to have plenty more time in the weeks to come. In fact, I can recall that we even moved some of the committee hearings after Mr. Fedeli at the time talked about missing the International Plowing Match.

As well, Chair, there are 10 committees sitting right now, including this committee. No caucus is having difficulties calling witnesses. I think we should just stay the course here, and we should, in fact, tend to those things that we need to attend to in our constituencies. No one has missed an opportunity to call a witness in this committee. Witnesses have shown up. I don't see the need for

this type of mind-changing on behalf of the opposition. In fact—

**Mr. Peter Tabuns:** Can we call the question, please?

**The Chair (Mr. Shafiq Qaadri):** When he's finished—

**Mr. Bob Delaney:** I would say just yesterday in the Standing Committee on General Government, after a long-fought battle to see report writing on auto insurance move forward, that the NDP teamed up with the PC Party to override their own motion and change entirely the business of that committee.

I think there's natural order here to committee business. We have all been here for quite some time. The three witnesses a week have worked out very well. Reverting to a brand new arrangement I know, in my case, is going to cause some major scheduling headaches. Indeed, under our existing timetable, we were often running into the confusion of whose witness slot was whose with what we used to have, which were three witness slots on Tuesday and two scheduled for Thursday.

Chair, there is no need for this. The government is not in favour of this motion and urges that it be defeated.

**The Chair (Mr. Shafiq Qaadri):** The floor goes to Mr. Singh, as well as Mr. Del Duca. I understand there's a potential request to mend this all into Thursday.

*Interjections.*

**The Chair (Mr. Shafiq Qaadri):** Mr. Singh first. Go ahead.

**Mr. Jagmeet Singh:** I was just going to suggest calling the question. We're prepared to support the motion. It's something that we are supportive of.

**The Chair (Mr. Shafiq Qaadri):** Thank you. Mr. Del Duca and then Ms. Thompson.

**Mr. Steven Del Duca:** Ms. Thompson can go first if she likes.

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

**Ms. Lisa M. Thompson:** I was just asking if we could record this vote, please.

**The Chair (Mr. Shafiq Qaadri):** Recorded vote. Fair enough. Is there any further comments before—now, did you want this motion voted upon? Or you want to—

**Ms. Lisa MacLeod:** Yes. Actually, you know what? In looking at the schedule, and, understanding that we don't have to break for question period, we thought I could amend the motion to say that the Standing Committee on Justice Policy meet for the purpose of hearing witness testimony on Thursday, April 3, beginning at—

**The Chair (Mr. Shafiq Qaadri):** The 24th. The 3rd has gone. That would be 2015.

**Ms. Lisa MacLeod:** Thursday, April 24, beginning at 9:30, to hear three witnesses and that the witnesses be scheduled in accordance with the committee's existing witness procedure.

Of course, I would like a recorded vote on that.

**The Chair (Mr. Shafiq Qaadri):** All right, so the floor goes to Mr. Del Duca. But just to be clear, the motion has been re-crafted for Thursday, April 24 only, at 9:30 a.m., more or less all day—nutritional breaks will be provided—three witnesses.

**Mr. Bob Delaney:** Chair, are we debating the motion or the amendment?

**The Chair (Mr. Shafiq Qaadri):** Excellent question.

**Mr. Steven Del Duca:** Because I wanted to speak to the motion.

**The Chair (Mr. Steven Del Duca):** Fine. Mr. Del Duca, speak on the motion.

*Interjection.*

**The Chair (Mr. Shafiq Qaadri):** May I have unanimous consent for Mr. Del Duca to speak to the motion—to revert back, because we have a motion. But you're welcome to speak now on the amendment.

**Mr. Steven Del Duca:** No. With all due respect, Chair, I was actually in the queue to speak to the motion. After I gave the opportunity to Ms. Thompson to speak, Ms. MacLeod interjected and put forward the amendment. I'm not quite sure how that occurred, but that wasn't actually my understanding. So I—

**The Chair (Mr. Shafiq Qaadri):** Fair enough. May I ask again for unanimous consent for Mr. Del Duca to contribute?

**Mr. Steven Del Duca:** —don't think we need unanimous consent for me to speak to something that I was planning to speak to initially.

*Interjections.*

**The Chair (Mr. Shafiq Qaadri):** Thank you. Mr. Del Duca, please go ahead.

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**Mr. Steven Del Duca:** Thank you very much, Mr. Chair. I want to take some time to echo, I think, the very well-thought-out, very articulate comments that were made a second ago by my colleague from Mississauga–Streetsville, which is a great riding, obviously, here in the GTA. As someone, particularly in his case, who has served with distinction on this committee since it was first formed to review the matters that we have now spent many, many months reviewing, I think that the member from Mississauga–Streetsville is actually quite right and his points are quite well taken with respect to the extent to which every member of this committee and each of the caucuses represented on this committee have done their very best over these last number of months to work very well together, to work very hard with respect to the specific mandate that we have: of course, the matter of reviewing the Speaker's finding of a prima facie case of privilege with respect to the production of documents by the ministry.

**Ms. Lisa MacLeod:** On a point of order.

**Mr. Shafiq Qaadri:** Ms. MacLeod, point of order. There's no timing here, but go ahead.

**Ms. Lisa MacLeod:** I would ask that the question now be put. This motion should be voted on.

**The Chair (Mr. Shafiq Qaadri):** He's still speaking, Ms. MacLeod. He has the floor.

Go ahead.

**Mr. Steven Del Duca:** Can I just clarify—okay, that's fine. As I was saying, the mandate that we have is to review the matter with respect to the Speaker's finding of a prima facie case of privilege with respect to the produc-

tion 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 both the Mississauga and the Oakville gas plants.

Interestingly, as I said a second ago, my colleague from Mississauga–Streetsville spoke at length just a moment ago about exactly how much work and effort and energy and resources have been conveyed and deployed with respect to making sure that this committee can do its work—

**Ms. Lisa MacLeod:** On a point of order, Chair.

**The Chair (Mr. Shafiq Qadri):** Ms. MacLeod, a point of order.

**Ms. Lisa MacLeod:** There is a motion on the table. I respect that the Liberals don't want this to go to a vote, but I would ask you, as Chair—we've put forward a motion; we would like to vote on it—that the question now be put.

**The Chair (Mr. Shafiq Qadri):** Your desires and the Chair's desires match, but Mr. Del Duca still has the floor.

Mr. Del Duca.

**Mr. Steven Del Duca:** Thanks, Mr. Chair. As I was saying a second ago, as my colleague from Mississauga–Streetsville explained before, I had the opportunity to provide my comments on this.

I think this committee and the people who are working on it, all members of every caucus, have done a great deal of very hard and extensive work over the last—well, more than a year now. We've heard from a very wide variety of witnesses. I think, as it was said earlier, this committee has now sat for over 125 hours and we have seen over a quarter of a million documents turned over. As we've heard at various points throughout the testimony provided to this committee, we have heard from outstanding individuals from the Ontario public service who have talked about the extent to which it took an enormous amount of effort to make sure that the document production requests that were put forward and approved by this committee were undertaken and how much of a strain, in many respects, it put on the public service. But to their credit, they've been able to provide this great number of documents, the tens of thousands of documents that have been provided. I think at various times we've had the opportunity to do—

**Mr. Rob E. Milligan:** Chair, point of order.

**The Chair (Mr. Shafiq Qadri):** Point of order, Mr. Milligan.

**Mr. Rob E. Milligan:** If we could just get this on and just—

**The Chair (Mr. Shafiq Qadri):** Pardon me?

**Mr. Rob E. Milligan:** —have the vote on the question.

**The Chair (Mr. Shafiq Qadri):** Thank you, Mr. Milligan. He has the floor.

Mr. Del Duca.

**Mr. Steven Del Duca:** Thanks very much, Mr. Chair. As I saying a second ago, this committee has now sat for over 125 hours. We have seen over a quarter of a million documents turned over. I know that the member from Mississauga–Streetsville also said in his comments earlier today that it was actually members of the NDP caucus that brought forward a motion—I believe it was on September 10—to see that this committee moved to three witnesses a week, something that was supported and has taken place.

I think that every member on all three sides of this particular committee, even though the exact lineup has changed and evolved over the course of time, has always brought the very best of intentions, wanting to work together to make sure that we can actually fulfill the responsibility or the mandate that was given to us by the Legislature, the mandate that I read out a second ago—a very important mandate, and actually one of the most fascinating things that I've had the chance to learn about, because I'm not really someone who came to this particular responsibility or this particular role with a great deal of extensive knowledge around the siting of energy infrastructure. I think one of the most fascinating, and ultimately one of the most worthwhile, undertakings by this committee has been the opportunity to ask a number of very intelligent, very thoughtful expert witnesses about their ideas with respect to how we can improve the future siting of energy infrastructure.

I think that's been a fascinating discussion, and I sincerely hope that as we continue to do our work, all members from all caucuses will keep an open mind with respect to how that aspect of the process, that notion of the future siting of energy infrastructure, is something that we can continue to focus on. That's very important, I know, for people in my community. I'm sure it's important for members whether you represent a community from the east or the north or the southwest or Mississauga or Ottawa–Orléans or Toronto–Danforth or any of the ridings across this province. I know that it's important to make sure that the future siting of energy infrastructure is something that we do in the most optimal way.

I think it's also important to recognize that since this committee began its work, the Premier of Ontario and the Minister of Energy have worked very hard to dramatically improve and enhance and strengthen a lot of the measures and a lot of the conditions and criteria that are required with respect to the siting of future energy infrastructure.

I would, in a way, just reiterate—because it's very important to me—that that aspect of this committee's mandate be something that we spend a degree of time and energy and care with respect to making sure that in our final report back to the House, we provide very clear recommendations on how we can take the improvements that have already been introduced into the system over these last number of months by Premier Wynne and Minister Bob Chiarelli and the government team and continue to enhance those.

As I was saying earlier, I think it is really important to note that the work that's taken place since—I forget the exact date that we started, Chair, but I believe it was in February 2013; at least that seems to ring a bell. I've had the chance, as has my colleague from Mississauga—Streetsville and some of the other members—we had the member from Nipissing, who served for quite some time on this committee; obviously, the member from Toronto—Danforth, I think, has joined us virtually since day one. There's been a bit of changeup from time to time. I, unfortunately, have not been able to attend every single committee hearing, but I've been proud to serve on this committee. I think that over this time, over these last number of months—12, 13, 14 months—sitting for over 125 hours and seeing the tens and tens of thousands of documents coming through, the number of witnesses that have come through is now trending towards—

**Mr. Peter Tabuns:** Point of order, Chair?

**The Chair (Mr. Shafiq Qadri):** Mr. Tabuns, a point of order?

**Mr. Peter Tabuns:** The speaker—and I have great respect for him—is simply repeating himself endlessly. If he's going to raise a point, he should raise a point. If he's just going to repeat himself, I don't think that's allowable, Mr. Chair.

**The Chair (Mr. Shafiq Qadri):** Mr. Tabuns, I cannot make any comment on his cognitive state, but he does have the floor.

*Interjections.*

**Mr. Steven Del Duca:** Chair, as somebody who is a relatively new member to the Ontario Legislature, I aspire to one day be as eloquent and erudite as the member from Toronto—Danforth. I am a work in progress. As a very famous American politician once said, "God is not finished with me yet." I would ask for a degree of indulgence as I continue to refine my oratorical skills here at committee, and hopefully beyond this point in time.

As I was saying—and I apologize, because it is important. It's important to make sure that we stress that there is an exceptional amount of work that's taken place here at this committee. We have heard from Premier Kathleen Wynne twice; we've heard from the former Premier twice; we have heard from a number of individuals representing a wide variety of careers, a wide variety of areas of expertise, and I think that—you know, I give credit. I give credit to every member who's served on this committee since the very beginning, because I believe we've all brought, for the most part—and there are always exceptions to every statement and sentiment—ourselves and our work and our attention to the task at hand, to the mandate that I referenced earlier in my comments. I think that we've done, for the most part, good work.

But from time to time, of course, as in any committee—and the other committees that I've served on are not necessarily immune to some of these similar activities happening—from time to time, people lose their cool. That happens. I understand the cut and thrust. At least, certainly I'm learning very quickly about the cut and thrust of committee hearings and debate in the

Legislature itself. But I think, by and large, people have done their best to try to get to the root of what it is they might be looking for.

**1020**

I said this earlier, in talking about the future siting of energy infrastructure, that I can think of a time long before I was elected to serve as a member of this Legislature, something I've been very proud to do for the last 19 months or so on behalf of the people of my community—I can remember that there was, at one point in time, a desire to site some energy infrastructure in my community. This was many years ago. There was actually a great deal of work undertaken by the city council of the time and residents from the area known as West Woodbridge in my community to make sure that it was clearly understood that this was something that wasn't particularly in keeping with the development plans and the sense of how that community wanted to evolve. That was perhaps many years ago, again, at which point I had the chance to see that level of citizen engagement, at that level, up close—

**Ms. Lisa MacLeod:** Point of order, Chair.

**The Chair (Mr. Shafiq Qadri):** Point of order, Ms. MacLeod.

**Ms. Lisa MacLeod:** Just on civic engagement, I think the best way to engage the public is for us to have a vote on this motion.

**The Chair (Mr. Shafiq Qadri):** We appreciate your sentiments.

Mr. Del Duca, again, has the floor.

**Mr. Steven Del Duca:** Thank you, Chair. As I said earlier, I am always willing to listen closely and intently to the comments made by members of this Legislature who have served far longer than I, be it the member from Toronto—Danforth or the member from Nepean—Carleton. I do my best in putting partisanship aside from time to time. Although I am a fairly partisan individual, and I will admit to that, I am prepared from time to time to put my partisanship aside to learn, to witness and to give credit, I suppose, in all due respect, to those qualities that even members of the opposition bring to bear on behalf of their communities. I don't always agree with, I suppose, their style or their tactics. I certainly don't agree with the philosophical underpinnings, such that they are, that inform why they're doing the work they do, but I do try to keep an open mind about the work that members of the opposition do. I have respect for that, as I was—

**Ms. Lisa MacLeod:** Chair, a point of order.

**The Chair (Mr. Shafiq Qadri):** Ms. MacLeod, a point of order.

**Ms. Lisa MacLeod:** I move that the committee adjourn and that the question now be put.

**The Chair (Mr. Shafiq Qadri):** Ms. MacLeod—

*Interjection.*

**Mr. Bob Delaney:** Chair, we have not yet had a chance to continue to speak to the amendment, let alone the motion. Mr. Del Duca still has some time remaining, I have some points I wish to make on the amendment, and Mr. McNeely hasn't spoken at all.

**The Chair (Mr. Shafiq Qadri):** Thank you, Mr. Delaney. Your point is well taken.

Ms. MacLeod, your request for both a vote and the motion can occur when you have the floor, not through a point of order.

**Ms. Lisa MacLeod:** I'm really trying hard.

**The Chair (Mr. Shafiq Qadri):** We appreciate your energy.

Mr. Del Duca.

**Mr. Steven Del Duca:** Thanks very much, Chair. I think that was a wise choice of words. After all, we are here in this committee—you mentioned the word “energy.” I think that’s important. As I’ve said earlier, as we do our work, as we’ve rolled up our sleeves from day one on this committee to work as hard as we can, I think the area that’s of most interest to the people who live across this province is to make sure that, as we go forward, as we continue to implement our own government’s long-term energy plan—and a long-term energy plan that I strongly encourage all members of the Legislature to take a moment to read. From this particular perch at this particular moment, I want to give a great deal of credit to the current Minister of Energy, Bob Chiarelli, and his outstanding team—his parliamentary assistant and all the others—who have done exceptional work with respect to putting together that plan. You mentioned the word “energy”; I think it’s really important that everybody take the time to review the long-term energy plan and take a look at the other initiatives and reforms that we have brought to bear with respect to that siting of future energy infrastructure.

I talked about civic engagement a second ago. It prompted the member from Nepean–Carleton to also provide some comments with respect to the importance of civic engagement. While I said earlier I think it’s important to recognize that we all come at this from different perspectives—I am a very proud Ontario Liberal; members opposite represent their philosophies and their parties, and that’s the importance of our system. That somewhat adversarial notion that’s at the foundation of our system is something that, in some ways, is very good and very strong. Sometimes it produces results that I’m sure viewers at home, people who we represent, don’t love to see, but it does bring out that healthy tension, and I think that’s important. That’s very much how we arrive at a point where we can produce the best result for the communities.

I was saying at length earlier—and I know the member from Mississauga–Streetsville was also saying—we have now sat in this committee for well over a year. We have had 125 hours of hearings. I’m sorry I’m forgetting the number, but I believe we’ve seen somewhere around 80—

*Interjection.*

**Mr. Steven Del Duca:** I was going to say 90. We are trending towards over 100 witnesses that have come through, Chair, including some witnesses who have appeared—

**Mr. Rob E. Milligan:** Eighty-eight.

**Mr. Steven Del Duca:** The member from Northumberland–Quinte West is mentioning 88. That sounds like a number. It reminds me of the jersey worn by Eric Lindros in all of his years while he played in the NHL, a great Ontarian as well.

I think that when you consider that the committee has now sat for 125 hours, that we have had literally tens of thousands of documents—every single document production request, to my knowledge, Chair, that has been put forward by members of this committee, regardless of which caucus they happen to represent, has actually been provided to the committee. They have had the opportunity to hear from witnesses. They have had the opportunity to hear from witnesses more than once, in some cases multiple times. I think the witnesses who have come through—I give them a great deal of credit for taking the time out of, in many cases, their very busy schedules to be here with us over the last 13, 14, 15 months, over these 125 hours. I think many of the witnesses who come forward in good faith have unfortunately been treated in a very shabby way by certain members of the opposition. Be that as it may, that’s obviously their right to represent members of their communities and their constituencies to the best of their respective abilities.

But given that we have spent so much time over these last 125 hours, given that we have spent so much time and energy and dedicated so much of our effort towards making sure that we are fulfilling the mandate provided to this committee by the Legislature itself, I think it is important that we take that notion of civic engagement that the member from Nepean–Carleton talked about just a moment ago, and that I tried to talk about as well, and we understand that the schedule next week for the Legislature, after five weeks of very intense work in the Legislature, is designed specifically to provide the 107 members of the Legislature with the opportunity to do exactly that: to engage with their communities, to take that notion of civic engagement and to do what we need to do to make sure that the voices and the concerns and the ideas and the passions and the aspirations of the people that we represent are brought back to this place in the week after the break week and that we can do the job we need to do.

It’s that very notion of civic engagement, which, by the way, is also one of those foundational principles that’s at the very heart of elements of the long-term energy plan and is part of the reforms that Minister Bob Chiarelli and his team have brought to bear under the direction and with the support of Premier Kathleen Wynne, to make sure that as we go forward into the months and years ahead, we site future energy infrastructure in a far more suitable and appropriate way.

It’s the very notion of a constituency week that provides all of us with that chance to hear directly from the women and men and their families and the employers in our respective communities—these are the people we represent. And so, after 125 hours of hearings, after 88 or so witnesses, after the tens of thousands of documents that have been provided to this committee, to then seek to

add several more hours of committee hearings during a week that is designed for us to make sure that we are hearing directly from the people we represent seems counterproductive to me from the standpoint of—as the opposition member from Nepean–Carleton said—the respect that she has for civic engagement. It seems to me that we should all be taking the time that we can over the course of that scheduled constituency break week to make sure that we are doing exactly what we are supposed to be doing as members of this Legislature representing the people in our communities.

I know that certainly in my own community, there are a number of things that are taking place next week, not only previously scheduled events, but certainly a great deal of work that needs to happen and a number of individuals who have wanted to come to talk to me, and because we are doing the work and we have done the work that we've done over the last five weeks in this place, they have not been able to see me, because in the limited time that I have on a Friday or perhaps even a Saturday in the course of a regularly scheduled week to see constituents, there's a good deal of overflow, let's call it, there's a good deal of people who have some very important issues to talk to me about. Next week is the opportunity for me to be able to sit down with them and hear directly.

Whether we're talking about challenges around developmental services or gridlock or transit or the future of the Vaughan hospital, these are matters that are extremely important to the people of my community. It would seem that if I really wanted to live up to the standard as espoused by the member from Nepean–Carleton with respect to the importance of civic engagement, we can't in this place just talk the talk, we have to walk to walk, and constituency week is the opportunity for us, all of us, regardless of partisan stripe, to do that kind of work—the work that really informs, in turn, the work that we do here in this Legislature when we speak about the matters that are important to the people that we represent. I just want to say that I think it's—

**The Chair (Mr. Shafiq Qaadri):** Thank you, Mr. Del Duca. Now, just to be clear, the motion for a two-day sitting is still before the floor, and the floor is open for comments on that motion. So those who would like to—

**Mr. Phil McNeely:** Chair.

1030

**The Chair (Mr. Shafiq Qaadri):** Just a moment. Gentlemen, ladies, would you care to say, because you have—

*Interjection.*

**The Chair (Mr. Shafiq Qaadri):** Mr. Milligan? I'm just interested in rotation, but I'm just telling you. Yes, go ahead.

**Mr. Rob E. Milligan:** Thank you very much, Chair. I sat here quite intently listening to the member from Vaughan, who I have a great admiration for. But at the same time, I'm fairly new here as well, and it's a great honour to be subbed into this committee now and again. I feel like a designated hitter or a pinch-hitter sometimes

coming in. But I'm also learning a lot, specifically here today, on procedure, protocol and what is transpiring here this morning. I think, to the member from Vaughan's point, he said that we've have 88 witnesses come before the committee to testify and give testimony on what actually has transpired with the gas plants investigation and what our given mandate is here.

But Mr. Chair, I have to say that we have learned, just this morning, some new information, that there's some new light that's been brought forward in this investigation. So I think, from the standpoint of the PC caucus, and I know the third party would probably agree with me, there have been testimonies that have just recently come to light that have given us a better understanding of what actually has happened in this fiasco, the gas plant fiasco under Premier Wynne and former Premier Mr. McGuinty.

I think it is our civic duty to sit on these committees, and this is why we have committees: to get to the bottom of issues, and this particular one happens to be the gas plant boondoggle. But on the whole, we do have a civic duty, and I'm proud to say that over the last two and a half years, I've really enjoyed serving the people of Northumberland–Quinte West. It's quite an honour, and when I go back to the riding, one of the things I hear when I'm out and about is—

*Interjection.*

**Mr. Rob E. Milligan:** Can I call the question, Mr. Speaker?

**The Chair (Mr. Shafiq Qaadri):** The question has been called. This is the commentary on the question. We're, by the way, voting the first motion of the two-day motion that's on the comment. I will rotate—Ms. Thompson, you're welcome to speak. But Mr. Singh, if you'd like to speak—no. So then—actually, I think this goes to Mr. McNeely, and then to Ms. Thompson.

**Mr. Phil McNeely:** Thank you, Chair. It's very important to me to be back in the riding next week. When you're not from the Metropolitan Toronto area, you have that special week when you set up all your meetings and you want to hear from the constituents in your riding. This is a sacred week, because you do get time with your people. You don't get much time if you're only going home on Thursday night and coming back on Sunday evening. So for that purpose, I think, from a legislator's point of view, from an MPP's point of view, that it's important to be back in the riding, and be back in the riding all week. It's not a matter of coming down for three or four hours. It's a matter of coming down and taking a whole day. You probably leave at 6 o'clock and get home around 8 or 9.

I really appreciate and enjoy what we've heard from so many people in this committee—some excellent, excellent professionals who have come out here and have defended the process of siting gas plants, who have looked at improving the siting of gas plants. I think it was extremely important. It was unfortunate that the OPA had a process that did not include that public consultation.

I think it's important that we had the people in Mississauga and Oakville that did give their concerns for

the environment, the concerns for the airshed that they're living in, and that it was so important that we get out of coal. They recognized this, and the new siting regulations that came out of here are probably a very important aspect of this.

We know that all three parties agreed that we shouldn't be building these plants—at a late stage, of course, in the process. The way we all agreed we were not going to build them, that we were going to, in one case, tear part of a site down, was a hard decision to make, but when you consider what people went through to get out of coal, the dollar cost to getting out of coal in Ontario—the first jurisdiction to get out of coal—it's extremely important that those issues came up during the siting of these plants. It's extremely important that the right decisions were made, and the dollar figure is one that all the parties should have considered at the time that we all came out and said that we were going to stop the gas plants.

In any case, the dollar figures are high, but in the long term, from a health perspective and from the perspective of the environment, these gas plants are going to enable us to get into other green energy. It's the proper way to go. It's the way a lot of this is going in the United States, now that coal is no longer the energy of choice. It's the energy of death from air quality and greenhouse gases. It's extremely important that we've acknowledged that now.

It's surprising to see that China is investing some \$50 billion into getting more of their energy from green sources. That's certainly something that's important. When we have experts coming in here and justifying—I know several of them—green energy and talking about the reductions in emissions, going from coal to gas, we know that the right decision was made. We know that it could have been done in a better way. All three parties participated in that decision. So I can go home to my riding and I can tell people: “Look, yes, there were mistakes made, but in the end, the decisions are the right decisions from the perspective of health and the environment.” As was said before, the long-term energy plan has been changed a great deal, and I think a good part of that is because of the perspective that was placed on energy production through a lot of these excellent people who have come in and given us of their knowledge and perspective.

I'm pleased to have the opportunity to sit on this committee. I haven't said very much, but I've certainly listened. I'm now working on a group of indicators of climate change, and certainly that's part of what we're doing. That's part of the direction we're going in Ontario for green energy. I'm pleased that we had the opportunity to have that big review of energy. We never had that review before, and certainly you get the best people coming in to give evidence and it certainly has taken us down the long way of understanding energy a lot better.

I was PA to the Minister of Energy back a few years, and even being the parliamentary assistant to the energy minister, it's a very difficult topic to understand. The

information coming in on it is from all directions, and everyone can take their own information on it. But if we look back at the testimony given at this—over, what, 100 witnesses, or close to 100 witnesses—we do see that there's a lot more information out there today. There's a lot more understanding of energy. There's still a long ways to go in understanding the direction we're going, but the long-term energy plan no longer includes a nuclear build, something that has taken a lot of dollars off the future energy costs.

We know that it was 22 gas production facilities for electricity that were located. Two of them gave great problems, but the system worked for most of them; I think it was about 18 or 19. We're going to pay the bill for that. That's true. But it's taking us into new areas. We understand distribution better. We understand that it costs money to transport gas to these locations. These were all issues that were not plain to us at the start of this and really complicated the methodology for costing them out. I think all parties, when they supported gas plants generally or supported the stopping of the two gas plants, had the opportunity to do their costing, but it was a very complex issue. It's taking many months to understand all the implications of those dollars.

We now know where we should be going. The long-term energy plan has benefited a great deal from the testimony heard at this committee. We've had an open discussion, people coming in and answering the tough questions about energy—not easy questions but the tough questions on energy. We've come a long way with the long-term energy plan because of the importance that has been placed on energy in Ontario.

The long-term impacts of how we're going to design our system have certainly changed a great deal. We no longer have that major nuclear build in our long-term energy plan. That has changed a great deal, and that's because of what we've heard here and the discussions that have come up. So even though the price tag on the relocations is high, in the long term, the implications for energy rates in Ontario should be positive, because we're no longer doing that major nuclear build. We're looking at all kinds of means of promoting more efficient energy use. The information that came out of these committees helped build that. It's made our decision-making so much better—not only the siting but the choice of which energies we're going to use in the future.

*Interjection.*

**Mr. Phil McNeely:** Pardon me?

*Interjection.*

**Mr. Phil McNeely:** I've finally, after many weeks of being at this committee, got an opportunity to get some of my ideas out about energy, so I thank the Chair for recognizing me. That is the end of my comments.

**The Chair (Mr. Shafiq Qadri):** Thank you, Mr. McNeely. Ms. Thompson, the floor is yours.

**Ms. Lisa M. Thompson:** I'd just like to call the vote, please.

**The Chair (Mr. Shafiq Qadri):** Thank you, Ms. Thompson. Is that agreeable? Shall we call the vote? Fair



enough. So to be clear, we're now voting on the main motion, the two-day sitting. A recorded vote is requested. All those in favour?

**Mr. Rob E. Milligan:** Chair?

**The Chair (Mr. Shafiq Qaadri):** Yes.

**Mr. Rob E. Milligan:** Can we have a five-minute recess?

**The Chair (Mr. Shafiq Qaadri):** A five-minute recess. Fair enough. Thank you.

*The committee recessed from 1044 to 1049.*

**The Chair (Mr. Shafiq Qaadri):** Thank you, colleagues. The committee is now back in session. All parties are now represented here.

Before the vote, just to be clear, we're on the main motion—a recorded vote for the two-day motion.

#### **Ayes**

MacLeod, Milligan, Singh, Thompson.

#### **Nays**

Delaney, Del Duca, McNeely.

**The Chair (Mr. Shafiq Qaadri):** The motion carries.

**Ms. Lisa MacLeod:** Thank you. Motion to adjourn.

**The Chair (Mr. Shafiq Qaadri):** Motion to adjourn. Any objections?

**Mr. Bob Delaney:** Chair, what is the purpose of this?

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

**Mr. Bob Delaney:** What is the purpose of this motion?

**The Chair (Mr. Shafiq Qaadri):** What is the purpose of what? Sorry.

**Mr. Bob Delaney:** I believe there is a motion on the floor; I'm asking for the purpose of the motion.

**The Chair (Mr. Shafiq Qaadri):** The motion that was just voted on is carried. I'm just asking if there is any further business for the committee before we adjourn.

**Mr. Bob Delaney:** The reason I ask, Chair, is that a motion to adjourn is not debatable.

**The Chair (Mr. Shafiq Qaadri):** Yes. Excellent.

Is there any further business before this committee? Seeing none, we are adjourned until next week. Thank you.

*The committee adjourned at 1051.*





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Ms. Teresa Armstrong (London–Fanshawe ND)

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Mr. Steven Del Duca (Vaughan L)

Mr. Frank Klees (Newmarket–Aurora PC)

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Mr. Shafiq Qaadri (Etobicoke North / Etobicoke-Nord L)

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Mr. Jagmeet Singh (Bramalea–Gore–Malton ND)

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