



**Legislative Assembly
of Ontario**

Second Session, 40th Parliament

**Assemblée législative
de l'Ontario**

Deuxième session, 40^e législature

**Official Report
of Debates
(Hansard)**

Wednesday 23 April 2014

**Journal
des débats
(Hansard)**

Mercredi 23 avril 2014

**Standing Committee on
Justice Policy**

Members' privileges

**Comité permanent
de la justice**

Privilèges des députés

Hansard on the Internet

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

Index inquiries

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-3708.

Le Journal des débats sur Internet

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

Renseignements sur l'index

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 325-3708.

Hansard Reporting and Interpretation Services
Room 500, West Wing, Legislative Building
111 Wellesley Street West, Queen's Park
Toronto ON M7A 1A2
Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
JUSTICE POLICYCOMITÉ PERMANENT
DE LA JUSTICE

Wednesday 23 April 2014

Mercredi 23 avril 2014

The committee met at 1406 in room 151.

MEMBERS' PRIVILEGES

MR. TOM ADAMS

The Chair (Mr. Shafiq Qaadri): Chers collègues, j'appelle à l'ordre cette séance du Comité permanent de la justice. Je voudrais accueillir notre prochain présentateur, M. Tom Adams, who will be affirmed by our able Clerk.

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. Tom Adams: I do.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Adams. Five minutes for your opening address begins now.

Mr. Tom Adams: Thank you, Mr. Chairman. Members, I'm an electricity consultant and researcher. I've been investigating and reporting on the gas scandal, including the work of this committee, for two and a half years. My findings, and all of your exhibits up until May 2013, are posted in searchable form on the Gas Busters section of tomadamsenergy.com.

The evidence before you represents an unprecedented record of the inner workings of a systemic failure. So that we might avoid such weakness in future, citizens must have access to your record. I urge you to ensure that your vast library of exhibits be placed online in a properly archived structure, with all content searchable. I have done my best, but Gas Busters is only current to a point. Making all original gas scandal documents accessible should be a taxpayer expense rather than a private one.

The Legislature, in its mandate, ordered you to report. I ask you to heed this wise direction. While the gas plant cancellation and relocation costs are small in the context of Ontario's soaring electricity bill, there is a scandal here that must be laid bare. Customers deserve answers to the questions contained in your mandate.

I submit to you that answers to the questions the Legislature passed to you can be summarized in the following 12 points.

An engineered cover-up centred around the offices—

The Chair (Mr. Shafiq Qaadri): Mr. Adams, just as you continue—time has stopped for a moment—I'm just looking at your 12 points. I'd just invite you to please use

parliamentary language. I think, as you can sort of discern on your own, there are a number of words here that are, I think, not appropriate before this committee, so I'd perhaps—I mean, you're welcome to go through your points, but you might want to restructure some of the words in there. Please continue.

Mr. Tom Adams: An engineered information management approach, centred around the offices of Premier McGuinty and Minister Bentley, was in place. This engineered information management approach included planned, coordinated avoidance of documentation; public business communication transacted on private networks; illegal email destruction and possibly cybercrime.

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

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

Mr. Bob Delaney: I counted three unsubstantiated allegations in that second statement alone.

The Chair (Mr. Shafiq Qaadri): I believe your point is well taken.

I remind you, Mr. Adams, you are before a parliamentary committee, as you are very well aware.

Mr. Jagmeet Singh: Point of order.

The Chair (Mr. Shafiq Qaadri): Before I offer the floor to Mr. Singh, I'd just invite you to please, once again, respectfully contour your language to make it parliamentary.

Mr. Singh.

Mr. Jagmeet Singh: I just want to clarify a couple of points. Parliamentary language is a prescription that's applied to parliamentarians in the course of question period and in the course of comments made in the House. The testimony at committee should be unfettered. An individual comes before this committee for the purpose of seeking the truth, and they're able to adduce any evidence they wish to. There's absolutely no precedent set for fettering the speech of a witness.

The Chair (Mr. Shafiq Qaadri): I thank you, Mr. Singh. Parliamentary language is applied to parliamentary committees. I am not, by the way, ruling solely out of my own wisdom here; this is the collective opinion of our team on this side. These are unparliamentary, and therefore I have respectfully requested the witness to contour the language. I'm not interrupting him on going through these points, but I think, as Mr. Delaney pointed out in his point of order, which is accurate and well taken, that language is unparliamentary. Thank you.

Mr. Adams, your time resumes now.

Mr. Tom Adams: Experts advised that replacement generation for Lakeview's coal power be sited at Lakeview, but politics intervened.

Mr. Bob Delaney: There again, Chair, he has made an allegation that this committee has not found to be substantiated.

The Chair (Mr. Shafiq Qaadri): Mr. Delaney, I'm going to let that one go. I think there's a threshold of language that I'm being very cautious of. There's no objection there.

Please, Mr. Adams, continue.

Mr. Tom Adams: The energy ministry's 2005 decision to accept a lowball price from Eastern Power backfired. Cancelling the original contracts was all about electoral advantage but created a hole in the western GTA's power supply. The Ontario—

Mr. Bob Delaney: Chair?

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

Mr. Bob Delaney: There is an allegation there that is completely unsubstantiated. He has claimed that it has "created a hole in the western GTA's ... supply," an assertion made without any form of substantiation, and talked about something about electoral advantage, and I'm going to accuse him of exactly that.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Delaney. Whether the hole is there, whether it's half full or half empty, is a matter of opinion.

Please continue, Mr. Adams.

Mr. Tom Adams: The Ontario Power Authority board of directors did nothing to protect ratepayers at the critical time. During the 2011 election, all parties made promises of some kind to cancel Greenfield South. Cancelling without relocating the plants may have cut the losses, but the Auditor General did not explore those.

Responsibility for the renegotiated contracts rests solely with the Liberal Party. Kicking off the negotiations with TransCanada, Mr. McGuinty's representatives, Jamison Steeve and Sean Mullin, gave TransCanada assurances that unjustifiably escalated cost, although only TransCanada knows by how much.

Relocation turned into a windfall for EIG when Robert Prichard, doing Minister Bentley's bidding, stung ratepayers for hush money.

Mr. Bob Delaney: Chair?

The Chair (Mr. Shafiq Qaadri): Mr. Delaney, thank you. Your point is well taken, even before verbalized.

Mr. Adams, I don't think that phrase in the last point there is appropriate. In any case, please continue.

Mr. Tom Adams: As the recontracting, the information management approach and the public statements drew complaint, the Premier and all the key ministers resigned en masse while trusted representatives pursued further information management approaches.

Mr. Bob Delaney: Chair, that is an allegation without any form of foundation and involves drawing—

The Chair (Mr. Shafiq Qaadri): Mr. Delaney—

Interjections.

Mr. Bob Delaney: That involves drawing a conclusion that this committee is here to do.

Interjections.

The Chair (Mr. Shafiq Qaadri): Fine.

Ms. Lisa MacLeod: The Information and Privacy Commissioner actually drew that—

The Chair (Mr. Shafiq Qaadri): Thank you, colleagues. I am on the alert for offensive language. It seems to have passed my test.

I will now return the floor. You have 25 seconds, Mr. Adams.

Mr. Tom Adams: Given this late hour, I urge you to pass the baton of sorting out the issues of document destruction to the OPP, the courts and the Information and Privacy Commissioner.

My pitch is, do not allow the gas scandal investigation to get waylaid again. You must report, even if only by interim report, no later than the earliest date the Legislature could be prorogued—

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Adams. I must congratulate you on having perhaps the first and only contentious opening remarks.

In any case, the floor passes now to the PC side. Ms. MacLeod, you have your 20 minutes.

Ms. Lisa MacLeod: Thanks very much, Chair, and thank you very much, Mr. Adams, for coming in. I do apologize for the number of interruptions in your presentation. I thought it was quite thorough. I looked at your bullet points 1 through 12, and I encourage those at home, if they can, to access this information, which I hope will end up on your blog, where we are not confined by the constraints of parliamentary language.

I would like to talk to you about a freedom-of-information request that you filed in November 2012. You requested, as you know, all documentation and correspondence from the Premier's office related to the gas plant scandal. You were notified at the time—when I look at the documentation from your website, tomadamsenergy.com—that 100 pages of documents were responsive to the request, and you paid a deposit of just over \$100 to continue the FOI.

The day after Kathleen Wynne was sworn in as Premier, a letter was then sent to you, as Tom Adams, notifying you that you would be granted partial access to the request, and that would total 88 pages, down from 100.

On February 28, 2013, Kathleen Wynne then held a press conference, stating that she would be opening up government and would release all documents related to the gas plant scandal. She made this statement knowing that emails from senior Liberals had been deleted, because this FOI request proves that her office had to search for them.

On April 26, 2013, you received a decision of appeal on your appeal, notifying you that six senior Liberals had no responsive documents related to the gas plant scandal. The response states that during the search process and subsequent appeal, it was discovered that these emails had been deleted and that recovering them would be impossible.

I wanted to get you to talk about that freedom-of-information request, and then I would like to ask you to

talk about your submission on your website, tomadamsenergy.com, where you say, “Gas Busters Part 65: What Was Kathleen Wynne’s Role in Cover-up?” Could you do that for us? Could you walk us through?

Mr. Tom Adams: Okay. The origin of the FOI request came from a critique I had of the original estimates committee motion, which limited the investigation of documents to Ministry of Energy documents, Minister of Energy documents, and the OPA. I thought there were interesting questions elsewhere and tried to pursue that by FOI.

What transpired was a long exchange, and one of the key elements of that exchange is that an affidavit was filed by Jamie Forrest. She is a representative of the Premier’s office, and her responsibilities are to administer the processing of the paper to get the appropriate answers. Her affidavit identified a number of non-respondent individuals who could only reasonably have had carriage of documents of relevance to this committee’s work. That FOI went on for a very long period of time, and there was a lot of exchange back and forth.

Unfortunately, the resolution of that appeal was something that I believe I accidentally cut short in the administration of the documents. I’m not totally certain I made that mistake, but we actually never received a conclusion from the Information and Privacy Commissioner. So the record is, unfortunately, incomplete. I’m happy to come back to that, if I can be of more assistance, but it’s kind of a half-cooked hamburger.

The second element of your question—help me.

Interjection: Part 65.

Ms. Lisa MacLeod: I’ll start with the quote. It was March 31, 2014. You posted it at 1:10 p.m. This is what you said, and I’ll just read it to you:

“The very day Kathleen Wynne assumed legal authority as Premier of Ontario—Feb. 11—her office issued this response to one of my freedom-of-information requests.

“The FOI response—claiming that the only documents McGuinty’s office had during 2012 amounted to a handful of PR fluff—was effectively a declaration of systematic document destruction by McGuinty’s office.

1420

“At the time I [filed] this FOI, it was the only formal application to a complete record of the information in McGuinty’s office on the gas” plants “scandal. The estimate committee motion for disclosure that had been the focus of the justice policy committee hearings to that point had specified an earlier time period and had not specified McGuinty’s office.

“In the OPP warrant, Peter Wallace”—

The Chair (Mr. Shafiq Qadri): Ms. MacLeod, time has stopped. I’d just also refresh the collective memory of the committee, to please use parliamentary language; the issue being that the witness, as you know, has been asked to configure his remarks in that respect, and for you to be, therefore, reading material of his that is offending to that—

Ms. Lisa MacLeod: Sure. I’m just reading something that—

The Chair (Mr. Shafiq Qadri): Time resumes; go ahead.

Ms. Lisa MacLeod: Thank you.

“In the OPP warrant, Peter Wallace, the cabinet secretary during the transition period from McGuinty to Wynne, is noted as expressing concern about the necessity of maintaining documents to be able to respond to FOI applications.

“I am inclined to believe Kathleen Wynne when she claims that she had no oversight over document destruction.... The timing of the Premier’s office response to my FOI and the timing of David Livingston’s engagement of Peter Faist to destroy public documents as reported in the OPP warrant, suggests to me that Wynne’s negotiations with McGuinty on the transfer of power may have been a key period in the conspiracy that clearly guided the document destruction intended to conceal public business from the public.”

I just wanted some comment on that.

Mr. Tom Adams: The point that I was—

Mr. Bob Delaney: Point of order.

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

Mr. Bob Delaney: An allegation of a conspiracy? Come on, Chair. I think we can get this down to proper parliamentary language that for more than a year we have more or less stayed within.

The Chair (Mr. Shafiq Qadri): The point is well taken. I would once again ask all committee members to please observe that.

Mr. Adams and Ms. MacLeod, time resumes.

Mr. Tom Adams: When the ITO became available, it was clear that there was a coincidence of important dates. In the first week of February, Mr. Faist was retained to do certain work. Just days later, coincident with the first day on the job—formally speaking—of the current Premier, I received a freedom-of-information reply in the form of this affidavit from Jamie Forrest, which I was referring to previously. The response that was the subject of that exchange, giving rise to the affidavit of Ms. Forrest, clearly had a bearing on the work of this committee.

What appears to have happened, as best as I can put together the pieces, is that during the transition period, information management approaches were taken within the Premier’s office. That’s what I was trying to draw attention to.

Ms. Lisa MacLeod: Don’t you think, though, that for an FOI of this magnitude to have been conducted in the Premier’s office while Ms. Wynne was Premier, someone in her office had to have known that you were poking around for information, information that clearly had been removed? Would this not have been sent out through her office—some sort of red flag?

This isn’t the first freedom-of-information request you’ve put in to access government records, is it?

Mr. Tom Adams: I believe that there may have been two freedom-of-information requests before the Premier’s office at that time, mine being one.

It was very clear from the submissions received from the Premier's office in response, during the mediation part of the FOI appeal, that there was an intense level of investigation going on on their part to come up with responses to the inquiry.

Ms. Lisa MacLeod: Do you think some of the information that you had requested was deleted by Mr. Livingston or Mr. Faist or others?

Mr. Tom Adams: I would be speculating. But the timing of Mr. Faist's retention, and then the statements contained within the affidavit, are very troubling, I suggest.

Ms. Lisa MacLeod: Okay. Let's go back to March 29. You put another posting on tomadamsenergy.com.

You're a well-respected energy consultant in Ontario. You provide advice to all of us. Whether we take it or not is, much to your chagrin—

Mr. Tom Adams: Whether I'm respected or not is something to the opinion of others.

Ms. Lisa MacLeod: But this is your livelihood.

Mr. Tom Adams: Yes.

Ms. Lisa MacLeod: This is what you spend your time on.

Mr. Tom Adams: Yes, it is.

Ms. Lisa MacLeod: You write articles for the National Post.

Mr. Tom Adams: Yes.

Ms. Lisa MacLeod: You're sought after for your advice. So when you write on tomadamsenergy.com, it's not to be taken lightly; it's actually something that parliamentarians and their staff read.

On March 29, 2014, at 2:10 p.m., you posted an article, "Gas Busters Part 64: Cushy Gov't Jobs for Gas Scandal Cover-Uppers." This would have been March 29 of this year. You detail people, for example, like Neala Barton or Craig MacLennan and others who have fared quite well under the Wynne Liberal government. I'm wondering if you could go into detail on some of those folks who were involved in the initial gas plant scandal—possibly into the alleged cover-up of destroyed documents and emails and hard drives—and where some of these people have landed within the Liberal government of Ontario.

Mr. Tom Adams: I identified three individuals in that posting that you're referring to: Jamison Steeve, Craig MacLennan and Ms. Barton. Two of them show up on the sunshine list—Mr. Steeve and Mr. MacLennan—and Ms. Barton was identified in a newspaper article some time in the new year as taking a new position with the Pan Am Games.

What I was drawing attention to with that research was that these are all key players from the gas plant story. Ms. Barton was part of the affidavit of Jamie Forrest identifying no responsive documents to my FOI; of course, Mr. Steeve, of famous communication with TransCanada that's subject to some dispute about the content; Craig MacLennan, one of the clean inbox people.

What struck me as significant about that is that if there had been an attempt to really clean up this story about

what had happened with the gas plants, I would not expect to see individuals with this record still within the pay of the extended public service.

Ms. Lisa MacLeod: But they still—

The Chair (Mr. Shafiq Qaadri): Mr. Adams and Ms. MacLeod—again, time is stopped—once again, I respectfully ask you to please return to the mandate of the committee. As an example, subsequent employment of these individuals, given all of these events, is likely not really part of the mandate. But in any case, the floor is yours.

Mr. Tom Adams: I'm—

Ms. Lisa MacLeod: You're finished?

Mr. Tom Adams: Please.

Ms. Lisa MacLeod: Okay. We have indicated, in the official opposition, that we would like to call Beckie Codd-Downey and Lauren Ramey to our committee here. They are still government staffers who previously worked for the McGuinty administration; both are still working in the Wynne administration. You had indicated in a public venue, via social media, that they had been involved in this alleged cover-up. I'm wondering if you could outline your concerns to the committee.

Mr. Tom Adams: I take a harsh view of what has transpired here, and I've tried to outline my observations that I believe arise from the evidence. Many of these people have been called before the committee and have had their chance to speak to these matters; some have not. Actually, the two that you mentioned, I believe, have not yet appeared.

There's a lot of explaining that needs to be done here, it seems to me. There are strong allegations. There are harsh allegations. The question becomes, what benefit for public administration arises when individuals with these question marks hanging over them remain within the public employ?

Mr. Bob Delaney: Chair?

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

Mr. Bob Delaney: I would like to bring up, I think, a very important point here that the witness needs to consider very carefully, which is that while members enjoy a wide latitude of privilege in what they can say, it would be worth noting to the witness that the witness does not enjoy that degree of privilege, and the witness—

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Delaney. Two things: (a) I'm sure he's edified by your remarks, and (b) he actually does enjoy those privileges when he's testifying before a parliamentary committee.

1430

But once again, for the benefit of committee members, the current line of inquiry, though interesting and certainly worthwhile etc., is not within the mandate of this committee. I would once again respectfully ask you to return to it.

Ms. MacLeod.

Ms. Lisa MacLeod: Just on a point of order, Chair.

The Chair (Mr. Shafiq Qaadri): Yes, Ms. MacLeod. Generally, we don't point-of-order ourselves when we're speaking.

Ms. Lisa MacLeod: It's a return point of order to my colleague. The witness does enjoy the privileges that we enjoy. I don't think that it's this committee's mandate to muzzle our witnesses. That might be the modus operandi for opposition members by your government with lawsuits and the like. We have asked this witness to come here to testify based on publications on his website and information he has tried to obtain from that government during which their current Premier has been leader of their party and has been Premier of this province. The timeline coincides. I'm simply asking him questions based on that timeline, which I think is important information for the public to hear.

The Chair (Mr. Shafiq Qadri): All that, Ms. MacLeod, is welcome and certainly material. But it needs to be within the mandate, and it needs to be parliamentary. Please resume.

Ms. Lisa MacLeod: Again, I wanted to talk a bit more about Beckie Codd-Downey and Lauren Ramey and the details which have emerged in your study. With your "Gas Busters," you are, I believe, up to part 65, perhaps even more. You've really documented this scandal quite well on tomadamsenergy.com. You have many followers across the province. This is public information.

You had indicated to me via social media that two individuals that we in the official opposition are intent on calling, Beckie Codd-Downey and Lauren Ramey, would be suitable witnesses for this. You had indicated that they may have had a role in this, and I am simply interested in learning more about that. I think the public is as well.

Mr. Tom Adams: I wear my heart on my sleeve. I publish what I think I can support. I do, from time to time, attract threats of litigation. None of those threats of litigation, fortunately, has ever been successful, although I have contested several.

But in this case, I have identified a number of witnesses that I would love to hear answers from. Those two are examples. There are others—for example, Mr. Robert Prichard—that I've identified as people who have had an interesting experience directly participating in these matters.

But I am concerned about the lateness of the date. The closeness of a potential election suggests to me that if the committee is to complete its work—more witnesses use up a lot of time, and you don't have time. Potentially, you may—

Ms. Lisa MacLeod: Who would you call? Who would you call if you were sitting in my chair? Who would be the top five people? You have spent an awful lot more time than any regular citizen has on this, and so I would go to you and say, "If you had five people that you could call next week, who are they?"

Mr. Bob Delaney: Chair, what does this have to do with the mandate of the committee?

Ms. Lisa MacLeod: It has everything to do with the mandate of the committee. It's recommendations for witnesses.

The Chair (Mr. Shafiq Qadri): Mr. Delaney, I'm going to let the question stand.

Please go ahead.

Mr. Tom Adams: Mr. Robert Prichard played a key role in a moment when the negotiations with EIG were being concluded. That was a moment just prior to Minister Bentley's appearance before the estimates committee in July 2012. There was a lot of money spilled in great haste to close off the construction activity, and also, the evidence that I've seen suggests to me that Minister Bentley was looking for some talking points that he would offer to the estimates committee.

What we know from the record is that EIG was paid out at a rate of interest that translates into about two times the Criminal Code rate of interest. It's an extraordinary payout. They put \$60 million in, and they got \$149 million out. Really, why was it not government lawyers who were negotiating this? Why was it a lawyer who was brought in from outside to make that negotiation, and what were his instructions?

In this instance, Mr. Prichard was not acting in a legal capacity; he was acting in a business capacity. His claim on solicitor-client privilege seems to me, just as a non-lawyer, to be a question as to whether it was really—the fact that he is a solicitor is not something I'm contesting. It's whether he was doing solicitor work at the time that he was engaged in these negotiations. That's one that I have argued previously.

Ms. Codd-Downey, Ms. Ramey—actually, the entire list of all the people who were identified in the affidavit of Jamie Forrest—many of those have appeared as witnesses—not all—but it seems to me that they have all had interesting experiences of direct relevance to this committee's work.

Ms. Lisa MacLeod: Okay. I actually have the list here.

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

Ms. Lisa MacLeod: Just finally, then, I'm going to ask you one final question. You identified back in 2012 that the true cost of the cancelled gas plants would be \$1.3 billion. Dalton McGuinty said it wasn't. You were right. You've been right all along. I believe you're right, right now, and I just wanted your comment on that.

Mr. Tom Adams: That wasn't my work alone. My friend Bruce Sharp, who was your second witness before this committee, has more technical knowledge in some aspects of this than I. We worked together; I published his stuff initially. He got a piece in the National Post; I got a piece in the National Post. There was a flurry in October and November of 2012.

When asked about our estimates and the \$1.3-billion claim that we were issuing, Mr. McGuinty's response was, "If Elvis says it, do you have to print it?"

The Chair (Mr. Shafiq Qadri): Thank you, Ms. MacLeod. To the NDP side: Mr. Tabuns, 20 minutes.

Mr. Peter Tabuns: Thank you very much, Mr. Chair. I don't have that many questions. Mr. Adams, thanks for being here today.

Mr. Tom Adams: Thank you.

Mr. Peter Tabuns: Just a few points. We filed freedom-of-information requests for documents related to Project Vapour, and were informed in roughly October or

November of 2012 that the documents we were requesting didn't exist.

You've done a lot of freedom-of-information work. Were you aware that we'd made those requests?

Mr. Tom Adams: Yes, I was.

Mr. Peter Tabuns: When you found difficulties with your freedom-of-information request, did you contact the Information and Privacy Commissioner?

Mr. Tom Adams: Yes, but my contact was by way of an appeal application that went to mediation. The mediation went on for a time. There was an exchange of documents, and then there was an adjudication process, and that's where I made my mistake.

Mr. Peter Tabuns: Okay. Have you been in a situation before as an energy consultant where you've filed for documents and seen this kind of process?

Mr. Tom Adams: I actually have not got extensive background in freedom of information and haven't done it in other jurisdictions, so I have a limited range of experience. I was really simply reading the documents for what they said, without a great deal of background.

Of course, information disclosure through this process has been one of the difficult challenges that the committee has faced. The one that really got me was the 88 pages back from the Premier's office, saying that this was all the documents they had. Keep in mind what was going on—of course you'll keep in mind what was going on at that time—

Mr. Peter Tabuns: I will, but I don't mind you saying it for the record.

Mr. Tom Adams: To me, what struck me as significant was that this was a period where he had direct carriage of the file. He had made promises that were responsible for relative electoral success in 2011.

This is an important issue. It's inconceivable that the Premier only had this small handful of press clippings.

1440

There were some material discoveries that arose from that material; for example, a letter from workers who worked at a firm affiliated with Greenfield South that drew, I think, some important attention to who we're really dealing with when we're dealing with Eastern Power. But that was a kind of accidental disclosure. It was caught up in a sweep.

What you have obtained in the May 2013 disclosure to this committee makes it very clear—and also the reports of the Information and Privacy Commissioner—that the responses to the FOI that I received were really not correct.

Mr. Peter Tabuns: Okay. And just out of curiosity, because I'm not familiar with this comment, when you say "who we're really dealing with" when we are dealing with EIG, are you talking about hedge funds located in Luxembourg and the Cayman—

Mr. Tom Adams: No, not EIG. Eastern Power.

Mr. Peter Tabuns: Oh, Eastern Power.

Mr. Tom Adams: Eastern Power had two power plants in Ontario. They were in a dispute with OEFC around the legacy of Ontario Hydro contracts, and what

we discovered in the 88 pages was this letter from workers who appeared to have been very unfairly treated.

Mr. Peter Tabuns: Last point. I don't know if you're aware, with regard to your point 7 and cancellation of Greenfield South, that when Andrea Horwath was asked during the 2011 election about the cancellation, her response was that she wouldn't make any commitment on this until she knew what sort of costs were going to be incurred.

Mr. Tom Adams: I struggled with this observation. There was some level of commitment from the local candidate, was my understanding, and I didn't want to attach too much strength to that. My thinking behind this point when I was composing this specifically with regard to the NDP's position was that there was some ambiguity. Perhaps my language here is not precise enough and better documentation would make the arguments different ways. In trying to compress things to under 200 words, I phrased it this way, but I'm very willing to hear the arguments on both sides.

Mr. Peter Tabuns: Okay. I don't have a further question, but would just note for the record that Andrea Horwath was speaking for the NDP when she was asked that question, and that was her position.

Mr. Tom Adams: Yes, and I'm well aware of that.

Mr. Peter Tabuns: Okay. I don't have further questions. Mr. Singh?

Mr. Jagmeet Singh: Thank you. Just with respect to your freedom-of-information requests, the documents that you obtained, was there anything in what you obtained—besides this interesting piece of information regarding Eastern Power, was there anything else of note or of significance in the information that you obtained or received?

Mr. Tom Adams: This was some while ago, but that's the only one that jumped out at me. It was the absence that was most noteworthy, not the content. Perhaps you can take me to a document, but I can't recall one of significance otherwise.

Mr. Jagmeet Singh: Sure. And then just in terms of that request, you made the request for—can you specify what the request was, just to understand why you felt that it was so underwhelming in terms of the response?

Mr. Tom Adams: Yes. Actually, there was a package of documents circulated, and it's drawn from my website. I can't recall; I think it's Gas Busters 23, but I'm not too sure.

So the FOI was published, and it was very comprehensive. My intention here was—

Mr. Jagmeet Singh: Sorry to interrupt you, sir. Are you referring to the last page of your package?

Mr. Tom Adams: That's right. The last page of the handout contains it. I can read it into the record if that assists you, but I don't want to use your time.

Mr. Jagmeet Singh: That's fine. So that outlines all the information that you requested. I see that there. Thank you for that.

You received a response which included 86 pages, you said?

Mr. Tom Adams: Yes.

Mr. Jagmeet Singh: Okay. Is there anything else that you'd like to add at this point in relation to the mandate of this committee regarding the gas plants cancellation cost and related matters?

Mr. Tom Adams: I've studied this for so long. It seems to be such an opportunity to see inside the machine as the machine turns. Right? I really think you have just an incredible opportunity. Ontario has a long history of parliamentary inquiries into matters related to electricity. There were select committees. There have been royal commissions—a host of them. Some of them really stand out historically. Many of them are concentrated during periods of minority government for reasons that this committee also kind of has a relationship to. Many of those committees did work of lasting value; you have that same opportunity. You can produce work of lasting value, but you need to report.

Mr. Jagmeet Singh: Okay. Do you have any questions?

Mr. Peter Tabuns: No.

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

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

Mr. Bob Delaney: Thank you very much, Chair. Chair, just before I begin, I would like to ask the committee for unanimous consent to screen a very brief video, that I think is germane, about the credibility of the witness.

The Chair (Mr. Shafiq Qadri): Thank you, Mr. Delaney. Do we have unanimous consent?

Interjections.

The Chair (Mr. Shafiq Qadri): I understand there is an objection. Mr. Delaney, the floor is yours.

Mr. Bob Delaney: Well, it appears they don't want to hear anything that is contrary to their preconceptions.

Chair, I would like to ask the Clerk to please distribute two documents to both the witness and to the committee.

The Chair (Mr. Shafiq Qadri): That is your right. We will distribute it.

Mr. Bob Delaney: It seems, Chair, that it is in fact the PC Party with something to hide here. Mr. Adams, are you currently a member of the Ontario PC Party?

Mr. Tom Adams: Yes, I am.

Mr. Bob Delaney: Okay. Now, the photo that you're looking at was taken in February 2013. It's at a PC riding event. It shows you addressing a crowd of PC members in the riding of Scarborough Southwest. You're discussing the implications of the relocation of the Mississauga and Oakville plants. That was what was to be shown in the video. I'm sure you may remember this.

You said at the time, and I will use your words exactly: "When we turn to this Paths to Prosperity document, the Affordable Energy document, I'm very proud to have played a modest role in assisting in the drafting and the editing of that document. But there were many, many hands on the document." You go on talking in glowing terms about a PC Party document.

Mr. Adams, who had asked you to visit the riding and talk to the PC Party members that day?

Mr. Tom Adams: I received—

Ms. Lisa MacLeod: Point of order, Chair?

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

Ms. Lisa MacLeod: As much as I would enjoy listening to the questions from Mr. Delaney, this really is not germane to the focus of this committee nor to the mandate of this committee, to talk about what happens at political fundraisers. Though I certainly would encourage Mr. Delaney to join us in the Ontario Progressive Conservative Party—I'm sure he would have a really good time listening to the facts and debate—

The Chair (Mr. Shafiq Qadri): Thanks, Ms. MacLeod. I think I'm sure he will consider that invitation eagerly. The fact that the individual, your own witness, is an energy expert and is speaking on energy—not merely energy but actually on the relocation of gas plants—I think the question and the answers are material.

Mr. Delaney, continue.

Ms. Lisa MacLeod: Point of order, Chair?

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

Ms. Lisa MacLeod: What he is asking is not at all related to the gas plants. What he was asking for is a document put forward by my former critic in the party, Vic Fedeli, on affordable energy, which is not germane, nor is it part of the mandate of this committee to talk about a document, a white paper at that, put forward by the party.

Mr. Bob Delaney: Chair—

The Chair (Mr. Shafiq Qadri): All right. Thank you, Ms. MacLeod. I'm going to offer the floor to you, Mr. Delaney. May I just respectfully ask you to perhaps rephrase the question and bring it to the mandate? Please continue.

Mr. Bob Delaney: Well, Chair, if the witness wishes to quote himself, his website and his work, then I have the freedom to ask him questions about that very work that he's quoting in his responses to the PC Party.

1450

The Chair (Mr. Shafiq Qadri): The floor is yours, Mr. Delaney.

Mr. Bob Delaney: Mr. Adams, who asked you to visit the riding and talk to the PC Party members that day?

Mr. Tom Adams: I think it was the secretary of the riding association, but I can't precisely recollect.

Mr. Bob Delaney: All right. Let's talk a little bit about the work that you've done for the Ontario PC Party when it comes to drafting their energy policies; for instance, the PC white paper on affordable energy.

Ms. Lisa MacLeod: Point of order, Chair.

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

Ms. Lisa MacLeod: I appreciate that Mr. Delaney has an intense interest in the Progressive Conservative white paper on affordable energy. In fact, it's important that we

talk about affordable energy—but not here, because right here, this is what our mandate is—

The Chair (Mr. Shafiq Qaadri): Thank you, Ms. MacLeod. The expertise of the witness, his past affiliations, his contributions in the energy sector, be they in a blog or the National Post or to any particular party, are material.

Please continue, Mr. Delaney.

Mr. Bob Delaney: The question then stands.

Mr. Adams, you worked very closely with the PC Party in helping them generate their energy policies. For example, as far back as 2010, a PC news release will say, in part, “according to calculations performed by energy consultant Tom Adams.” PC MPP Jim Wilson said, in a news conference in February of last year, that he had relied upon you as an “energy expert.” The same year, party leader Tim Hudak said, “Tom has been a great source of advice for our policy, and he has been highly complimentary of our reliable and affordable energy plan.” Later during the year, Hudak quoted you as “Tom Adams, another respected energy expert.” And I’ve got a lot more.

How much did you help with the drafting of the PC white paper on energy?

Ms. Lisa MacLeod: Point of order, Chair.

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

Ms. Lisa MacLeod: I was listening to all the wonderful quotes from my leader about Mr. Adams, and my colleague Mr. Delaney said he had a lot more. I’m wondering if he would expand on all of the generous quotes that Tim Hudak has said toward—

The Chair (Mr. Shafiq Qaadri): Ms. MacLeod, we appreciate your spirit of inquiry. That’s not really a point of order.

Mr. Delaney.

Mr. Bob Delaney: Nice try—but in the fullness of time.

How much did you help with the drafting of the PC white paper on energy?

Mr. Tom Adams: I’ve been a volunteer with the PC Party from time to time, over an extended period of time. I’ve had moments of falling out, such as during the 2011 election campaign, when I issued YouTube videos and Web postings attacking the positions that the party was taking at the time.

In the case of the Paths to Prosperity document, my role in its development arose in something of a restoration of my fortunes with my PC friends, who were generous enough to take me back into the fold after the harshness of my criticism in 2011. Historically, I have made life difficult for my friends on occasion.

Mr. Bob Delaney: Mr. Adams, what have they paid you for your professional expertise?

Mr. Tom Adams: Not a penny, sir.

Mr. Bob Delaney: Have you been remunerated for any expenses on any travel you may have had to undertake?

Mr. Tom Adams: No, but I have eaten some pizza that the PCs have paid for, sir.

Mr. Bob Delaney: You are, sir, quite welcome to enjoy pizza on any political party that so offers it to you.

What other work have you done in the energy field to help support the PC Party’s energy platform?

Mr. Tom Adams: None. Until 2011, much of my work was in Ontario. Since 2011, almost none of my commercial work has been done in Ontario.

Mr. Bob Delaney: How often does the Ontario PC Party engage you for your work as an energy consultant?

Mr. Tom Adams: Well, if we think of the term “engage” in a conventional, commercial sense, then of course not at all, since I’ve never received any compensation whatsoever. If we think of the term “engage” as a more fulsome notion of inviting comment or discussion, then the answer would be: with some frequency, a number of times per year.

Mr. Bob Delaney: So it would then be reasonable if someone called you a PC Party energy advocate?

Mr. Tom Adams: That—

Mr. Bob Delaney: As a card-carrying member, of course.

Mr. Tom Adams: That conclusion would be difficult to reach if the point of reference was my comments around the 2011 election platform, sir.

Mr. Bob Delaney: Let’s go into some of that, then. One of the posts on your blog is “Part 65: What Was Kathleen Wynne’s Role”—from March 31, 2014, this year. I’m just going to read you a little quote that you had written when it came to Premier Wynne’s involvement in the matters before this committee. You said, “I am inclined to believe Kathleen Wynne when she claims that she had no oversight over document destruction while Premier.” Can you confirm that you wrote that?

Mr. Tom Adams: Yes, absolutely.

Mr. Bob Delaney: Thank you. Your blog also indicates that you were aware that two OPP officers have testified before this committee. Correct?

Mr. Tom Adams: Yes.

Mr. Bob Delaney: All right. When Constable Duval was here, he confirmed that this investigation is “centred on the actions of Mr. David Livingston only”—April 3 of this year. Correct?

Ms. Lisa MacLeod: Point of order, Chair.

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

Ms. Lisa MacLeod: It’s important for my colleague to remember that there is an OPP ITO, but that is not the sole focus of this committee. This committee has a mandate, prescribed by the Speaker and the finding of a prima facie case of privilege with respect to the production of documents by the Ministry of Energy and the Ontario Power Authority to the Standing Committee on Estimates, and to consider and report its observations and recommendations concerning the tendering, planning, commissioning, cancellation and relocation of the Mississauga and Oakville gas plants.

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

First of all, the questions are material, so they will continue. But you do remind us that should questions venture into forbidden territory with reference to the OPP investigation etc., my team here will intervene. But the questions are material as currently being asked.

Mr. Delaney, continue.

Mr. Bob Delaney: Thank you very much. I think that having the OPP officers testify before the committee and say the investigation is into the former chief of staff of the former Premier is pretty credible. Wouldn't you?

Mr. Tom Adams: Absolutely. I followed the testimony carefully.

Mr. Bob Delaney: Let's talk a little bit about some of the Open Government initiatives implemented under Premier Wynne, on her watch. You are aware that in the last year, Premier Wynne's office coordinated a mandatory document retention training program for all political staff here at Queen's Park?

Mr. Tom Adams: Yes.

Mr. Bob Delaney: Okay. Premier Wynne has also undertaken a series of very significant steps to open up this process to an unprecedented degree and to be fully transparent on this particular issue around the cancellation and relocation of the two gas plants in particular, including:

- calling in the auditor to review the Mississauga and Oakville relocation costs and accepting the findings in her report unequivocally;

- recalling the Legislature right away and offering the opposition a select committee, which, by the way, they rejected;

- testifying at this committee twice, along with several other members of the current and former government; and

- providing about a third of a million documents in response to committee motions, including some 30,000 from Premier Wynne's own office.

You are familiar with all of those?

Mr. Tom Adams: Yes, I am.

Mr. Bob Delaney: Okay. I want to ask you a few questions about the FOI request you made and on which my colleagues asked you a few questions. I just want to clarify a few things. On your website, you noted that you had made an FOI request dated November 30, 2012, and that it was a specific request pertaining to the dates of January 1, 2012, to October 1, 2012. Correct?

Mr. Tom Adams: Yes.

Mr. Bob Delaney: That's important. I just want to make sure, because some of your comments and some of the questions asked of you were a little ambiguous. I want to make sure that everybody understands that this freedom-of-information request was made into records generated by the former Premier's office.

Mr. Tom Adams: Yes.

Mr. Bob Delaney: Thank you. On your website, you stated that records were located and sent to you with a letter dated February 11, 2013. Right?

Mr. Tom Adams: Yes.

Mr. Bob Delaney: That was the last day that Premier McGuinty held office.

Mr. Tom Adams: Yes.

Mr. Bob Delaney: All right. In response to your appeal, the current Premier's office advised that a further search had been undertaken for responsive records under a separate request. In this search, the Premier's office identified records prepared by the government House leader's office relating to the conduct of matters within the Legislature. While usually these records are considered outside the scope of the freedom-of-information and privacy act legislation, in the interests of transparency, these records were shared with you. Correct?

1500

Mr. Tom Adams: You referred to it as a separate search; I think it's a related search. But I think I understand your point.

Mr. Bob Delaney: I'll take your distinction on that.

From a letter dated April 26 that you posted on your website: "In a further search for records, we identified records that were prepared by the government House leader's office relating to the conduct of matters within the Legislature. While these records are normally considered outside of the scope of the Freedom of Information and Protection of Privacy Act, in the interest of transparency, the government made a decision to voluntarily release these records." Those are your words.

Mr. Tom Adams: I don't believe those are my words. I believe I was quoting.

Mr. Bob Delaney: Okay. Nonetheless, you have posted that on your website.

Mr. Tom Adams: Oh, yes. Absolutely. I acknowledge it.

Mr. Bob Delaney: So, in May 2013, a motion was passed at the Standing Committee on Justice Policy for another series of documents related to the two gas plants, and in response, Premier Wynne's chief of staff, Tom Teahen, sent a letter to the committee including the search parameters, the corresponding responsive records, and explicitly added that though the government House leader's office would not formally be subject to a search of this kind, the records from this office had been included in the document production in the interests of transparency.

In fact, a list of 52 names that the information technology office had identified as being formerly employed were also turned over to the committee, the Standing Committee on Justice Policy—this one.

At the time, the Premier's office undertook to ensure that best efforts to fully comply with the committee's request had been made and some 30,000 pages of responsive documents had been available for this request, to the committee, and also to you. Will you confirm that?

Mr. Tom Adams: Your question identified search requests pursuant to certain code names. My request did not contain any code names, but other than that, I concur.

Mr. Bob Delaney: Thank you. In addition to the search undertaken by the Premier's office, searches were also conducted by Cabinet Office, which has produced to the committee records sent to or received from staff in the Premier's office. Similarly, searches in the Ministry

of Finance, the Ministry of Energy and the Ontario Power Authority may have also produced records sent to or received by staff in the Premier's office, and we understand that records sent to or received by staff have been made available to you through the office of the Clerk of the Committee. Correct?

Mr. Tom Adams: I believe what you're referring to is the document disclosure in and around May 2013 that constitutes a document collection that runs some 31 gigabytes. That material I do have. I have spent some time searching it; it's very awkward to search. I have not had the resources to publish that material—

Mr. Bob Delaney: The records, nonetheless, remain accessible to you.

Mr. Tom Adams: I have those records. That's correct.

Mr. Bob Delaney: Thank you. The Ministry of Government Services also conducted a centralized electronic search of the available email accounts and personal drives of certain named individuals, formerly or currently employed in the Premier's office, in response to the committee's motion. They include the current Premier, Kathleen Wynne; the former Premier, Dalton McGuinty; David Livingston; Chris Morley; and some former senior staff in Premier McGuinty's office, including Laura Miller, Sean Mullin, Jamison Steeve, John Brodhead, Dave Gene and John Fraser.

Will you also please confirm that these records have been made accessible to you through the Clerk of the Committee?

Mr. Tom Adams: I have the records that the committee has—

Mr. Bob Delaney: Thank you. That's the question I was asking you: that you do, in fact, have the records that the committee has.

Mr. Tom Adams: I have the records that the committee has.

Mr. Bob Delaney: Thank you. So, in November 2013, after receiving this material, which we both agree runs to tens of thousands of pages, you did then end your appeal. Correct?

Mr. Tom Adams: I believe the appeal lapsed in December 2013.

Mr. Bob Delaney: So, in essence, the appeal is now over—finished.

Mr. Tom Adams: That's correct.

Mr. Bob Delaney: Thank you. The current Premier introduced a series of new rules governing document retention and record-keeping practices of political staff. Are you aware of those?

Mr. Tom Adams: Yes.

Mr. Bob Delaney: Okay. To provide a little bit more context, then: The current Premier has, in fact, apologized about the former administration not turning over all the documents requested, and has since been fully cooperative with the Information and Privacy Commissioner on a number of things.

When the Information and Privacy Commissioner released her report this past summer on document retention

practices by the government, it was an item the Premier moved very quickly to lead the way on. The Premier gave directions to all political staff on the need to be responsible and diligent in retaining documents pertaining to government business, and ensured that new training processes were put in place.

Following that, the Information and Privacy Commissioner was quoted as saying—among other things about the Premier—that the Premier “has been fully cooperative with me and my office. In fairness to Premier Wynne, she said, ‘You have my full co-operation, whatever you want from us.’”

She also said in an interview with the Toronto Sun, “I have commended Premier Kathleen Wynne's government's approach to dealing with this issue, referencing the staff training program she instituted and the memo circulated by her chief of staff.”

Are you aware that Dr. Cavoukian had made these statements?

Mr. Tom Adams: Yes, I'm aware.

Mr. Bob Delaney: Okay. So the government, then—actually, I'm going to skip a few more of Dr. Cavoukian's statements.

With regard to the Auditor General, the Auditor General said, “I did have the opportunity to meet with the Premier”—referring to Premier Wynne. “It was good to hear that they are taking the report seriously and they are taking some actions and changing the way things are going to be done in the future so that a situation like this doesn't evolve.”

This was a statement made by the Auditor General on October 8 of last year, 2013. Were you aware of the Auditor General's statement?

Mr. Tom Adams: Yes, I am.

Mr. Bob Delaney: Thank you. To go back to the 2011 provincial election, I presume you paid fairly close attention to the issues during the election?

Mr. Tom Adams: Yes.

Mr. Bob Delaney: Did you participate in helping the PC Party campaign at all?

Mr. Tom Adams: No, I did not.

Mr. Bob Delaney: Okay. But you would be familiar with the PC promise to cancel the Mississauga power plant if it were elected. Correct?

Ms. Lisa MacLeod: Point of order, Chair.

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

Ms. Lisa MacLeod: Point 9 of Mr. Tom Adams's presentation to the committee says, “Responsibility for renegotiated contracts rests solely with the Liberals.” I just wanted to point that out.

The Chair (Mr. Shafiq Qadri): We thank you for that reminder. It's not a point of order. The question is material.

Mr. Delaney, please continue.

Mr. Bob Delaney: So you would be, then, familiar with the PC promise to cancel the Mississauga—

Mr. Tom Adams: Yes, I am.

Mr. Bob Delaney: Okay. The fact is, of course, that a leader doesn't just make a promise to cancel the Missis-

sauga power plant—which was a PC Party commitment that was an integral part of their political strategy. As a PC Party member, why would you—

Ms. Lisa MacLeod: Point of order, Chair.

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

Ms. Lisa MacLeod: I'd just like to remind my colleague opposite that the Ontario PC Party is not under an OPP investigation, but it is members of his party who are—

The Chair (Mr. Shafiq Qaadri): These excellent points of order and floating reminders are most interesting, but are, generally speaking, not points of order.

Mr. Delaney, continue.

Mr. Bob Delaney: Thank you, Chair. I would remind my colleagues and perhaps bring to the attention of the witness a document from the 2011 campaign, which I passed out. If you will look at the highlighted section, Mr. Adams, it reads, “The only party that will stop the Sherway power plant is the Ontario PC Party.”

Mr. Tom Adams: Yes, I'm aware of that.

Mr. Bob Delaney: Do you recall the name of the candidate who ran in the riding of Mississauga South, in the 2011 election, for the PC Party?

Mr. Tom Adams: I can't be trusted with the pronunciation, but—

Mr. Bob Delaney: Could you try?

Mr. Tom Adams: Janoscik?

Mr. Bob Delaney: Geoff Janoscik? Would that be about right?

Mr. Tom Adams: Janoscik, yes.

Mr. Bob Delaney: Thank you. In that package—which, by the way, was distributed as a PC document—we've printed the script of the PC robocall from PC candidate Janoscik that was blasted out to Mississauga homes. He says, in part, “I'm against this power plant, and as your MPP, I will fight to stop the power plant from being built....”

1510

So my last question for you, Mr. Adams: What work did you do to help the PC Party cost their promise to cancel these two power plants?

Mr. Tom Adams: I did no such work. I would point to a distinction between the cost of cancellation versus the cost of relocating, which I think is material—

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Delaney. It passes now to the PC side. Welcome, Ms. Martow, for your inaugural questions to the justice policy committee. You may begin.

Mrs. Gila Martow: My inaugural question to this committee, that is. I just want to say that I really compliment Tom Adams, and I'm sorry for the kind of badgering questions he had to endure. He's a private citizen. He has spent a lot of his own time and his own funds to do what really is up to the government to be doing, which is to investigate themselves. I really commend him for that. Thank you very much.

Mr. Adams, you mentioned previously Jamie Forrest, who administers the freedom of information at the Pre-

mier's office. I guess that is who you were dealing with. I just want to read out, so it's on the record, a list of names of individuals who had office email accounts in the former Premier's office. They were listed in Jamie Forrest's affidavit. I'm going to apologize for any mispronunciations of any of the names: Chike Agbasi, Christine Allenby, Kristyn Annis, Asma Bala, Richelle Barrette, Neala Barton, Jennifer Beckermann, John Brodhead, Tyler Charlebois, Beth Clarkson, Beckie Codd-Downey, Julie Cousins, Pierina DeCarolis, Jonathan Espie, Patricia Favre, Samantha Fowler, John Fraser, Alexandra Gair, Dave Gene, Mark Hazelden, Sophia Ikura, Kate Jamieson, Emily Jephcott, Keerthana Kamalavasan, Shawn Kerr, Nauman Khan, Leon Korbee, Jason Lagerquist, Kristen Lake, Ruby Latif, Kayla Lewis, David Livingston, Rod MacDonald, Lindsay Maskell, Wendy McCann, John McGrath, David McLaughlin, Laura Miller, Sean O'Connor, Paulina O'Neill, David Oraziotti, Cortney Pasternak, David Phillips, Lauren Ramey, Elise Roiron, Jonathan Rose, Michael Simpson, Tracey Sobers, Kevin Spafford, Jessica Spindler, Priya Suagh and Paul Tye—just so that their names are now on the record, people of interest to this committee. Thank you.

The Chair (Mr. Shafiq Qaadri): Thank you. Your time is done. All right, thank you—

Ms. Lisa M. Thompson: No, no, me.

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

Ms. Lisa M. Thompson: Thank you very much. Now, Mr. Adams, when my colleague was reading off the names, I heard “John Fraser.” To your knowledge, was he the John Fraser who worked at 180 Elgin Street in Ottawa and who is now MPP for Ottawa South?

Mr. Tom Adams: That's my understanding.

Ms. Lisa M. Thompson: Okay. Interesting, based on what we learned last week.

But changing gears here just a notch, I want to go back to some of your opening remarks, specifically number 10, where you note, “Kicking off the renegotiation with TransCanada, McGuinty's representatives Steeve and Mullin gave TransCanada assurances that unjustifiably escalated costs, although only TransCanada knows by how much.”

In your estimation, who in TransCanada would specifically know what the escalated costs would be?

Mr. Tom Adams: TransCanada is an extremely sophisticated player. They have demonstrated a lot of ability to figure things out that other people haven't understood. This is a company that has very good gas models, for example.

The gas cost element of the gas management fee settlement is an example where there was a tremendous amount of money on the table, as identified in the Auditor General's report. There would have been a negotiating team that would have collected the information from that meeting, but the analysis would have been done by analytical teams elsewhere.

Ms. Lisa M. Thompson: So to circle back around, that's why you feel Richard Prichard would—

Mr. Tom Adams: Robert Prichard—

Ms. Lisa M. Thompson: Robert Prichard. Excuse me.

Mr. Tom Adams: —was not involved in the Trans-Canada negotiation. The importance I associate with his role in matters of relevance to the committee relates specifically to the EIG element of the Eastern Power negotiation.

Ms. Lisa M. Thompson: Thank you for clarifying that.

Going on to your 12th point: “As the recontracting, cover-up and web of statements drew complaint, the Premier and all key ministers resigned en masse while trusted representatives destroyed records and frustrated FOIs.” Can you elaborate on that?

Mr. Bob Delaney: Chair?

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

Mr. Bob Delaney: Chair, if it was unparliamentary enough for you to direct the witness to change the words while reading it, it should remain unparliamentary enough for Ms. Thompson quoting those words.

The Chair (Mr. Shafiq Qadri): The point is well taken and agreed to. Ms. Thompson, I’d appreciate if you’d please resume parliamentary language. Thank you.

Ms. Lisa M. Thompson: Okay. Mr. Adams, could you please elaborate on your 12th point in your opening remarks?

Mr. Tom Adams: The point that I’m trying to make: Especially the last two clauses of the sentence try to combine what we learned in the ITO with what we learned during the disclosure process around the documents, including the FOIs. The same people are showing up in both venues. Right? So the role of Mr. Livingston in this time period, as we’ve seen in the report of the Information and Privacy Commissioner, then in the ITO and then on these lists, including the affidavit of Jamie Forrest—I’m just trying to connect the dots between these different threads of information that are available to you.

There is an allegation around what may be legally contested behaviour. He has also identified Mr. Livingston on a list of people who have declared not to have responsive documents from a time period when he was directly engaged.

Ms. Lisa M. Thompson: Okay, and I want to talk about that a little bit more. Thank you for bringing that up.

I’d like to go back to this justice committee on August 6, where the nature of your FOI requests was discussed between Laura Miller and Vic Fedeli. Specifically, I want to go to a particular moment during that testimony and pick up some comments. Okay? Then I’ll follow up with you after that.

I want to start off with Mr. Victor Fedeli saying to Laura Miller, “I think you lied to these people.” Ms. Laura Miller then says, “—that I am under oath.” Then Mr. Victor Fedeli says, “Then, under oath, tell me, did you have responsive documents to either of these two FOI requests? Yes or no.” Ms. Laura Miller then goes on

to say, “At the time I did the research, no.” Then as the conversation evolved during that particular testimony, Mr. Victor Fedeli went on to say, “The lesson learned is, you thought you deleted your emails permanently and they weren’t deleted permanently. Only when the Ministry of Government Services looked ‘under the hood’ did they find your emails that you thought were safely deleted. Is that true?” Ms. Laura Miller responded, “I’m glad that they found them.” Then Mr. Victor Fedeli said, “I’m glad they found them, too, because you told the freedom-of-information request you had no responsive records.”

So as a citizen submitting FOI requests and paying out of your own pocket, how do you feel when you hear that type of testimony?

Mr. Tom Adams: I was quite moved by the final passage of the report of the Information and Privacy Commissioner, where she was quoting another authority who was saying, in effect, that you can’t have a democracy if the business of the people is none of the people’s business.

That passage by Miller, keep in mind—

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

Mr. Tom Adams: —in your May 2013 document inventory, I think you can look there and find not just emails but documents of her authorship.

1520

Ms. Lisa M. Thompson: Okay, yes. Thank you very much. My last question for you is, do you suspect that there are any more cases like this where emails have been deleted in order to avoid FOIs?

Mr. Tom Adams: A proper answer to that question requires a reconstruction of the archive. I’ve proposed, in my remarks, a chronological series. The information that has been disclosed to this committee—I used a term that I may not be allowed to use here in describing the nature of that disclosure. In my professional—

The Chair (Mr. Shafiq Qadri): Thank you, Ms. Thompson. The floor passes now to the NDP. Mr. Tabuns.

Mr. Peter Tabuns: We have no questions. Thank you.

The Chair (Mr. Shafiq Qadri): Thank you, Mr. Tabuns. The floor passes now to the Liberal side. Mr. Delaney.

Mr. Bob Delaney: Mr. Adams, the committee staff did a pretty good, thorough job in looking up your background. Just a couple of clarification questions: Have you ever worked for an entity that generates electric power?

Mr. Tom Adams: I was on the board of directors of the predecessor of the IESO, but they do not generate power.

Mr. Bob Delaney: Have you ever worked for an entity that is involved in the transmission of electric power?

Mr. Tom Adams: The closest I’ve come to professional engagement is with the IESO’s predecessor.

Mr. Bob Delaney: While you have good academic qualifications, have you ever practised science or engineering in the electric power field?

Mrs. Gila Martow: Point of order.

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

Mrs. Gila Martow: It's my understanding that this committee is about the deleted emails and the lack of transparency in terms of the cancellation of the gas plants. We're not having a committee meeting to discuss and review the qualifications of somebody—

Mr. Bob Delaney: Chair, I have asked other witnesses similar questions.

The Chair (Mr. Shafiq Qadri): Ms. Martow, with respect, (a) the committee is not about the deleted emails exclusively and (b) the background of witnesses is material.

Mr. Delaney, the floor is yours.

Mr. Bob Delaney: The question stands.

Mr. Tom Adams: I've testified many times before regulatory tribunals and been accepted as an expert witness on many occasions. I've also testified before—

Mr. Bob Delaney: I understand that you have been accepted as a knowledgeable witness, but the question was, have you worked in a laboratory, a production facility or an entity that is involved in the transmission of electric power?

Mr. Tom Adams: Not transmission of electric power, no.

Mr. Bob Delaney: Or of the manufacture of major components that are used in the production or transmission of electric power?

Mr. Tom Adams: No.

Mr. Bob Delaney: Just to go back to the quote that you posted on your blog where you said, "I am inclined to believe Kathleen Wynne when she claims that she had no oversight over document destruction while Premier," which you earlier confirmed that you had written—and that, in fact, you are a card-carrying member of the PC Party, as is your freedom. You also confirmed that you frequently engage with the PC Party and their energy policies, as you said, a few times a year. As a trusted adviser to the Ontario PC Party, would you in your capacity advise the PC Party of Ontario to continue with the allegations that they have made against Premier Wynne?

Mr. Tom Adams: I'll leave it for others to decide whether I'm trusted or not. The allegations that you're discussing are part of a political exchange, and—

Mr. Bob Delaney: It's actually a yes or a no question.

Mr. Tom Adams: I would hesitate to advise anyone on a political matter such as that.

Mr. Bob Delaney: Okay. Chair, thank you very much. We are, in fact, finished.

The Chair (Mr. Shafiq Qadri): Thank you, Mr. Delaney. I thank all members of the committee for their indulgence. I realize there's a lot of to and fro with reference to mandate and what is in and out of order and parliamentary language etc.

There is a motion before the committee. Mr. Tabuns, is this yours?

Mr. Peter Tabuns: No, it is not my motion.

The Chair (Mr. Shafiq Qadri): Whose motion is this? Oh, I'm sorry. Ms. Thompson, go ahead.

Ms. Lisa M. Thompson: This is a motion to sit next week. I move that the Standing Committee on Justice Policy meet for the purposes of hearing witness testimony sit on Monday, April 28, 2014, from 8:30 a.m. to 10:15 a.m. and from 2 p.m. until 6 p.m.; and Tuesday, April 29, 2014, from 8:30 a.m. to 10:15 a.m. and from 2 p.m. to 6 p.m.; and Wednesday, April 30, 2014, from 8:30 a.m. to 10:15 a.m. and from 2 p.m. to 6 p.m.; and

That three witnesses be scheduled per day in the following manner: PC witness from 8:30 a.m. to 10:15 a.m.; NDP witness from 2 p.m. to 3:45 p.m.; and Liberal witness from 4 p.m. to 5:45 p.m.; and

That a witness list with up to 10 names must be submitted to the Clerk no later than end of day on Thursday, April 24, 2014; and

That the committee return to its current organization for meetings that occur beyond April 30, 2014.

The Chair (Mr. Shafiq Qadri): Thank you, Ms. Thompson.

You're welcome to make some comments. I would offer the floor to Mr. Tabuns.

Mr. Peter Tabuns: Mr. Chair, we're interested in the motion, but we actually have to confer with our colleagues. We'd like to ask for a 15-minute recess.

The Chair (Mr. Shafiq Qadri): A 15-minute recess is available—fair enough. Fifteen minutes: Let's keep to that schedule.

The committee recessed from 1526 to 1534.

The Chair (Mr. Shafiq Qadri): Thanks, colleagues. The committee is now back in session. We have the motion, as read by Ms. Thompson, before the floor. The floor is open for comments. Mr. Tabuns—or anyone. Any comments?

Mr. Jagmeet Singh: We have some matters to discuss after this motion.

Mr. Peter Tabuns: Yes.

The Chair (Mr. Shafiq Qadri): Fair enough. Are there any further comments on this particular—Mr. Delaney.

Mr. Bob Delaney: Well, Chair, I don't find that this is a reasonable request at all. I would urge the members opposite to reconsider their position on having more committee hearings. I would remind everyone that we have now sat for more than 125 hours. We have seen some one third of a million documents.

It was, in fact, our colleagues in the NDP who brought forward a motion on September 10 to see that this committee moves to three witnesses a week. I'm just going to remind members of what that motion is. It says:

"I move that the Standing Committee on Justice Policy meet, when the Legislature is in session, to review the matter of the Speaker's finding of a prima facie case of privilege with respect to the production of documents by the Minister of Energy and the Ontario Power Authority to the Standing Committee on Estimates and to consider and report its observations and recommendations concerning the tendering, planning, commissioning, cancel-

lation and relocation of the Mississauga and Oakville gas plants, as follows:

“(1) one witness slot on Tuesday mornings, starting at 8:30 a.m.

“(2) one witness slot on Tuesday afternoons, starting at 3 p.m.

“(3) one witness slot on Thursday mornings, starting at 8:30 a.m.

“That each caucus is allotted one witness per week with the same rotation;

“That each witness is allotted a total of 95 minutes, including a five-minute opening statement, with the same rotation for questions;

“That the new meeting schedule will be effective starting Thursday, September 19, 2013.”

Chair, there has been plenty of time for a fulsome debate and, in fact, all three parties agreed to hear three witnesses a week. In point of fact, our colleague and my good friend, Mr. Fedeli, joked about missing the plowing match, but the truth is that we all have an awful lot on our agendas right now.

I would remind the committee members, because this motion appears to have been made in splendid isolation, that we have 10 committees sitting right now. With the case of the justice committee, no caucus is having difficulties calling witnesses to committee. I would suggest, Chair, that staying the course would be the more prudent thing, as no one will miss an opportunity to call a witness to the committee.

If the motion had dealt with finding a way to replace the Thursday witness, that is something that the government could very conceivably work with the opposition to support. If the intent of the motion was to have ensured that next week we continue to have three witnesses, as we have had in the past, that’s something that the government would be willing to find some flexibility to deal with. But this is in fact a request to double the normal allocation to the committee. I would put it to you that this is yet another case of political flip-flopping from the opposition.

In fact, just yesterday in the Standing Committee on General Government, after a long-fought battle to see report writing on auto insurance move forward, I believe it was the NDP that teamed up with the PC Party to override their own motion and change entirely the business of that committee.

So, Chair, in the years that we’ve all been here—and some of us have been here a rather large number of years—there is, in fact, a natural order to committee business and we all have to work hard to be prepared for the witnesses. We have found that three witnesses a week appears to have been a rotation that has been working very, very well. In fact, this arrangement would cause a number of new scheduling headaches were we to try to intrude into committee time that, at this point, I don’t know where other members are meeting and I don’t know what logistical difficulties would be entailed in finding a room for the committee to meet and such things that we simply normally assume away, such as the avail-

ability of the staff from Hansard and the availability of our other committee staff, which this motion appears not to have considered at all.

In fact, if my colleagues opposite can tell us exactly what research they’ve done, that would be fairly helpful, but I don’t think they can because this seems to have been dreamt up without any effort whatsoever to consider what are the ripple effects or the ramifications to other committees, what are the impacts, indeed, to the members who need to be sitting here, and what are the other conflicting schedules. We don’t know, for example, whether there would be a room available.

1540

In fact, under the old timetable, we were often running into confusion about whose witness slot was whose. The old one had three witness slots on Tuesday and two scheduled on Thursday.

This simply gives rise to an attempt to bring in witnesses who may not be prepared and put them before committee members who will not be prepared.

Chair, it also ignores the fact that the committee has itself passed a motion to retain legal counsel. Until we have retained legal counsel, I think we should adhere to the existing schedule. It’s an important thing for the committee to consider, because as we saw so vividly here today, legal counsel would almost certainly have advised the witness before us that some of the statements that he was prepared to make in his opening statement were, in fact, unparliamentary and should not have been made, and would almost certainly have advised the members of the parties as to their particular line of questioning and would almost certainly have assisted the Chair in determining what was and was not germane.

What we seem to be facing here is an attempt by the opposition to just pile on witnesses, apparently, to offer testimony that cannot be reasonably researched and cannot be reasonably fact-checked and, as such, would have importance that would be disputable to the entire committee.

Chair, pending the ability of my colleagues to refill my water glass and the length of time before my body will tell me that it has to get up to go and attend to something, I’m willing to sit here and talk about this until the cows come home, about how ill-advised and unnecessary this particular motion is.

A motion that would ask us today, on Wednesday, to open up nine witness slots next week, when the committee was not able to fill witness slots this week, seems to me to be very short-sighted and to be asking members to make arrangements with their staff to cancel meetings, to be ready to go to meetings of the Standing Committee on Justice Policy, to discuss witnesses who may or may not be able to arrive, and thus find ourselves in the position of saying, “Oh, well, that event that was on again is off again, but it may be on again, depending upon whether or not the witness is there.”

As I mentioned to my colleague from the NDP out front, as the chief government whip, just sitting here looking at this, one of my concerns is to make sure, if we

have a committee meeting, that there are human beings in those seats, ready to take on those roles, who have had the time to be briefed and are ready in every way to participate in an informed and useful capacity in the committee.

This motion here asks that this committee essentially triple its workload, and asks it to do so with no consideration whatsoever of the resources available in the Legislature and, certainly, from the vantage point of the resources available to the government caucus.

I think this is an inappropriate and ill-advised notion and would, in fact, see this committee sitting for a longer period of time and considering more witness testimony than other larger, more historical bodies and boards of inquiry in this Legislature and in others. And the purpose for this has never been brought forward by its mover.

I see no particular purpose in this. They have not begun the request in their motion with any form of preamble that indicates that there is a problem that the committee's schedule is unable to meet. As the committee has been able to obtain its witnesses and has been able to bring its witnesses here on schedule and to fulfill the requests of the entire committee, there is no particular reason to triple the number of witnesses per week when it has been fairly clear that the committee has occasionally been scrambling to deal with the three witnesses per week that we have had for nearly a year.

As such, Chair, the government considers this motion unnecessary, and it considers it unjustified. It considers that the motion has been made without reference to the resources available. It considers that the motion, having been made, is unrealistic from the vantage point of being able to access the witnesses. It's unrealistic, certainly next week, for the witnesses to have the time to get prepared. The opposition parties have, in fact, not presented any list of people that they've not heard from.

There doesn't appear to be a gap in the testimony offered by witnesses, when I think back over the amount of time we have spent together, and I have missed very, very few of these sessions, Chair. We have had an opportunity to hear a very wide range of testimony from witnesses across the spectrum. Some of them have been very, very useful, and others have been debatable as to their usefulness to this committee and their contributions to the committee's record.

I would hope, Chair, with the benefit of the comments that I've been making and some of the points that I've brought out, that members would be willing to take this motion—at the very least, this motion should be run by the House leaders. There is no indication in the motion, or in the comments made by its mover, that any of the three House leaders have had an opportunity to discuss this. If this motion were one that House leaders had recommended, the government would have no trouble supporting it. But at the moment, we do not know whether or not this motion, which, as I pointed out, appears to have been made in isolation by the PC Party, is even supported by their own House leader.

We supported a motion to sit during constituency week, and our colleagues in the NDP, in fact, cancelled their slot.

What we see here before us is a motion to ask up to nine people to come and to have a conversation with the committee, without in any way knowing, first of all, who those nine people may be; secondly, whether or not they're even available; and thirdly, what rhyme or reason this has with regard to the some 89 or 90 witnesses that we've heard from already. We have no idea, in this motion, what possible contribution to the committee's mandate this is going to make.

We had agreed in the past that a progression for this committee of three witnesses per week is fair. That should mean that all witness lists should be given to the Clerk on Monday, and that, from the vantage point of scheduling witnesses, is—to be polite—just ridiculous.

We have not determined whether or not there is committee room space. I think it would be reasonable, before further considering this motion, to have the Clerk's office weigh in on whether or not the resources required by the committee are in fact available. It's one thing to say that the committee may sit at the call of the Chair, but it's another thing to ask whether or not the resources required to put this committee together even exist from the Clerk's office, something that we had no indication of, because, of course, there was no advance consultation on this.

In fact, if the members of the PC Party, in making this suggestion, had come to see the government, we of course would have referred it to our House leaders. But the government, throughout this past more than a year—13 or 14 months now—has worked co-operatively with both opposition parties. We have supported a wide range of motions. We have worked very hard, when they've asked for witnesses from the government, to ensure that the witnesses clear their schedule and make time to come here.

1550

This one just comes right out of the clear blue. It comes without any precedent, it comes without any reason, it comes without any resources and, frankly, it comes without any justification for making it.

Perhaps among the amendments that the mover might consider would be a change that we don't sit on Monday, but perhaps Tuesday and a Wednesday, depending upon the availability of both the witnesses and the resources to do so; or perhaps the Monday and Tuesday, but not Wednesday; or the Wednesday and Monday, but not Tuesday. We could entertain a discussion about the order of witness slots so that we could consider different witnesses in different witness slots. This, of course, was not presented as an option by the member making the motion.

Chair, I am just getting started here. There's a whole host of things that I want to talk about, procedurally.

I think that for this motion, the government should be able to—as I would assume that most of the witnesses requested would probably come from within the govern-

ment. There is no way of knowing what people's schedules may be. For example, they are suggesting Liberal witnesses from 4 p.m. to 5:45 p.m. and reserving 8:30 to 10:15 and 2 to 3:45 for PC and NDP witnesses. We have no way of knowing who those witnesses are, and we have no way of knowing, at this point, the scheduling difficulties in arranging for those witnesses, which is yet another weakness in this motion that is really without precedent or need at this particular time.

I note that some of the effort that goes into preparing background on witnesses seems to be quite extensive. There has been no consideration whatsoever into the effort required by the Clerk staff to do proper, diligent and accurate work, which I submit, as a committee member, is important to me. Not only do I need to know something about the witnesses, as do my colleagues, but I think we need to know that the effort taken to research the witnesses has been fulsome enough to be able to offer us an accurate encapsulation of who they are and what they're all about.

This comes back to a point that I made earlier, which is the lack of legal counsel that should be here to serve the committee. Said legal counsel, I think, would ask that the consideration of this motion be deferred until we've determined what its impact may be on the proper conduct of business of the committee. Chair, going back to last year, we moved to consider a number of different legal firms, and perhaps the government should have been a little bit more assertive in saying we've got to get on with this, but I am saying that we have to get on to it now.

The notion that next week this committee is going to schedule nine witnesses on virtually no notice and proceed with questioning of nine witnesses without the ability to offer the witnesses sufficient advance warning, without the ability, in my opinion, of the legislative staff to do proper and accurate preparation for the witnesses, while taking members away from other things they may have already committed to or other committees on which they may already be sitting—

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

Mr. Bob Delaney: —because there has been no consideration of this whatsoever: I don't think that this is justified and, in fact, Chair, there is no part of this particular motion that the government feels is necessary or proper at this time. I think the part that the government would fully support would be a much more active consideration on the retention and the ability of legal counsel to get up to speed, to be able to offer both witnesses and members of this committee informed counsel, so that some of the unfortunate digressions from the mandate of this committee to which we have been subject in the last little while could perhaps be avoided.

Chair, in summary, I think there is not a single sustainable, supportable reason offered by the move.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Delaney. The floor passes to Mr. Tabuns. For committee members, members are allowed to speak for 20 minutes at a time on the motion that is before the floor. There is no limit on the number of rotations.

Mr. Tabuns?

Mr. Peter Tabuns: Call the vote.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Tabuns. The floor is open. Are there any further—yes?

Ms. Lisa M. Thompson: A five-minute recess, please.

The Chair (Mr. Shafiq Qaadri): A five-minute recess.

The committee recessed from 1556 to 1601.

The Chair (Mr. Shafiq Qaadri): Thank you, colleagues. The committee is now in session. Ms. Thompson, I believe you had the floor.

Ms. Lisa M. Thompson: No. Mr. Tabuns does.

The Chair (Mr. Shafiq Qaadri): Fair enough. Mr. Tabuns, you have the floor.

Mr. Peter Tabuns: Call the vote.

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Tabuns. Are there any further comments before we call the vote?

Mr. Bob Delaney: Chair, I believe I'm entitled to another 20 minutes.

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

Mr. Bob Delaney: Chair, I can understand the motivation of my colleagues, who feel that they have a reasonable number of people that they still want to talk with. I would remind the Chair and remind all of my colleagues that at no point has the government prevented witnesses from coming forward or done anything other than to co-operate in every reasonable way with the opposition to ensure that the committee, on a reasonable basis, has a chance to hear testimony from the witnesses that the committee has asked.

Chair, at various times over the past year our witness rosters of five have either changed or there have been fewer than five on some of the opposition rosters. Very often the opposition rosters simply changed completely from one week to the next depending upon, I'm sure, whether they like or agree with testimony or whether they prefer to follow a different line of questioning or pick up a different subject with a different witness.

So the point that I keep coming back to is that this is an unreasonable request, made without any consultation of the government, based upon a witness list that they claim exists but we have not seen. It makes an assertion that the committee has had trouble getting witnesses to appear, which is an assertion that can't be sustained, because in fact the committee has not had trouble getting witnesses to appear.

The motion seems to feel that there's some urgency in bringing in witnesses. Now, with the witness list, I think, at either 89 or 90—I can't remember which—and headed straight north toward 100, we don't see that there's any need next week for nine witnesses. The motion in fact deals just with next week. I'm not sure why there should be three witnesses every other week but nine witnesses uniquely next week. This is again something that the mover has not explained. I think it's a point that the committee really should hear. Why is it necessary for the committee to hear from three witnesses in the course of

most weeks, but nine witnesses next week? I have not yet seen a list that says that these nine people, whom in the course of the past 15 months we have not heretofore asked before the committee, suddenly need to come here with such urgency that the committee has to sit in the last week of April on Monday, Tuesday and Wednesday, virtually all day—by the way, there should be something in here in which we get some lunch out of it too—to hear nine witnesses who could have been called at any time in the past 14 or 15 months and, in fact, could be called at any time in the next I don't know how many months.

The motion may have an underlying assumption in it that suggests that perhaps the 40th Parliament may be short-lived. I would remind my colleagues across that the government has passed fixed election date laws. Regardless of what you think of the fixed election date laws, the fact of the matter is that in Ontario, they are the law of the land. A fixed election date, for the edification of my colleagues, means that it's not possible for the Minister of Finance to bring down his budget next Thursday—I believe that would be at 4 o'clock—and for the Premier to pull the plug on the 40th Parliament and say, "Surprise! We're going into an election."

What it does mean is that, following the reading of the budget by the Minister of Finance next Thursday, May 1, at 4 o'clock, it will be necessary for the House to consider the budget for a period of at least 20 hours' worth of debate, over a time span of not less than 12 sessional days. At four sessional days per week, that would mean that before the first of two votes are held on the budget, the first vote being that of the budget motion vote, we need to have some 20 hours of debate over 12 sessional days.

The budget motion vote would be the first reasonable time at which, depending upon the opinion of the two opposition parties—because you should remember that if we have a minority government, it means we have a majority opposition. So, on a motion of confidence, a majority opposition could decide at any time, as has been their prerogative over the past 31 months, to bring an end to the 40th Parliament and to bring to Ontario its 41st general election.

But the point of it all is that we can reasonably foresee that the 40th Parliament is going to last at least to and perhaps beyond Victoria Day. If I read the media speculation correctly, the media are saying that should the NDP or the Conservatives decide not to support the government's budget, although I keep hoping, Chair, that given the government's record of fiscal prudence and its record in never missing a budget reduction target—in fact, we are the only government in Canada, including the feds and including Alberta, never to have missed a budget deficit reduction target and to have delivered the lowest-cost government in Canada. I keep hoping that our colleagues in the Progressive Conservative Party would in fact see the light and choose to support the government's budget, which is something they could have done in two budgets that delivered, really, a lot of the things that the Progressive Conservatives who have

voted for Bob Delaney three times in the past decade have said to me. They said, "One of the things that we like about you and about your government is that these are the values we grew up with. This is what we want to vote for."

Chair, the point of it is that it's not realistic to expect that the 40th Parliament will come to an end before Victoria Day, and probably not for a few days thereafter, which does mean that the committee can continue its deliberations at the rate of three witnesses a week.

If the opposition feel that they need to accelerate that, I still don't see the need to go from three, with a very sharp spike, to nine and then drop back down to three witnesses, presumably, for the week following the budget. Nor have I seen this mythical list of people who are so important that they all have to be invited within the span of the very same week. Nor have I seen a list from the opposition that says, "We have determined that there's actually a committee room available." Nor do we know whether or not they even have their three people to put into this committee. We don't know the same thing from the NDP as well.

1610

What we do know is that, should there be something that's supportable in the government's budget of May 1, it is entirely possible that perhaps one or both parties opposite could listen to the reading of the budget by the Minister of Finance—who will bring down, I'm sure, a very prudent, reasonable budget that is going to address the needs and aspirations of Ontarians moving into the third decade of this the 21st century. If the budget motion carries at the end of May, it means that it becomes much more likely that perhaps, when it's voted upon toward the middle or the third week of June, the budget bill itself too would carry.

That would mean, Chair, that the committee can sit all the way through May and all the way through June. The government will certainly not support this committee sitting all through the early part of July. I think, for our own sanity, we definitely need to take a little bit of a break so that we can be in our communities and be among our families. But the government was reasonable last year with regard to this committee sitting during the summer, and we'll be reasonable again.

If there is a reasonable and a credible scenario that sees the government budget carrying when the budget motion in May or the budget bill in June is presented, it would then be reasonable to assume that, throughout May and June, the various parties would have an opportunity to call an additional 27 to 30 witnesses before the House rises for its summer recess. Following a brief sanity break in July, when members can get back to their families and back into their communities, the committee resumes its deliberations somewhere about the third week of July. From the third week of July until the time that the Legislature resumes in the middle of September would then be some seven weeks. That would involve an additional 21 witnesses.

What I have been presenting, Chair, is the ability, with the means that the committee has at its hands right now, at the rate of some three witnesses per week, to hear from an additional 50 witnesses. That would bring the number of witnesses up to 140 and headed north to 150 before Thanksgiving. Just so that members could get an idea of scale, how many are 150 witnesses? Do you know that the inquiry into the sinking of the Titanic only heard from some 150 witnesses? That's just so that members can have that as some kind of a benchmark.

Just using the resources available right now, should the budget carry, in between now and around the time that the Legislature will rise for its recess around Thanksgiving, it's entirely possible that the committee would have heard from some 150 witnesses, up from the roughly 90 that we're at right now.

I have not yet seen any list at all, let alone a list that is some 60 people in length. If this number of witnesses—

Ms. Lisa MacLeod: Point of order, Chair.

Mr. Bob Delaney: I'm not done yet.

Ms. Lisa MacLeod: No, just a point of order.

The Chair (Mr. Shafiq Qadri): I don't believe there are points of order in these—

Mr. Bob Delaney: I'm not done yet.

The Chair (Mr. Shafiq Qadri): All right. Ms. MacLeod, your point of order.

Ms. Lisa MacLeod: My colleague was concerned. I just wanted to point out that the Conservatives have four additional witnesses on our current rotation. We have just read into the record 55 more, for a total of 59. We have just released to the Clerk as well as to the media an additional—

The Chair (Mr. Shafiq Qadri): As always, Ms. MacLeod, we thank you for the information update, but it is not a point of order.

Mr. Delaney, go ahead.

Ms. Lisa MacLeod: I just wanted to clarify it for the member—76.

Mr. Bob Delaney: Chair, I do appreciate the clarification. But again, in the spirit in which the committee has operated, we have worked successfully with the opposition over the span of some 16 months and have been able to arrange that witnesses have been able to appear on a reasonable and a prudent schedule. The number of witnesses outlined by the opposition suggests to me that, just with the committee sitting at its normal scheduled frequency, all of those members would be heard should the committee continue its deliberations into the fall, which I admit makes the assumption that the committee is going to persist through the summer, which rests upon an underlying assumption that the budget has a chance of carrying.

As a minority government in Canada has an average lifespan of some 18 months, where this minority government, Chair, has lasted more than 30 months, there seems to be an enduring quality to this minority government. In my recollection, minority governments of this vintage, other than the Davis minority of 1977 to 1981—I think I would be very hard-pressed to think of a minority gov-

ernment provincially or federally during my lifetime in Canada that has lasted as long as this minority government.

Resting upon that, it's not a slam-dunk to assume that there is no credible scenario that will see the government's 2014-15 budget carry. What that does mean is that if the 2014-15 budget does carry, under the scenario that I've outlined previously which would include a vote on the budget motion somewhere either just before or just after Victoria Day, and on the budget bill itself, probably—if you play out the length of time it would take for the Standing Committee on Finance and Economic Affairs to hold public hearings and then to do the detailed clause-by-clause consideration of the 2014-15 budget—it would seem that the vote on the budget bill itself would come in about mid-June.

Then I would go back to the assumptions I've been extemporizing about on the frequency of witnesses on Ms. MacLeod's list. Even if all of those people were, in fact, ones that the PC Party continued to invite to the committee—and I would hope that in that list they would produce their candidates, who we have invited, in most cases, a dozen and a half times. I hope Geoff Janoscik is on that list because we'd love to hear Geoff Janoscik. We invited him in the very first week of testimony. He just refused to even speak to the Clerk's staff, I understand.

If they are proposing to invite the entire transition team, as I think I heard correctly, then I know the government is going to be equally aggressive in insisting that some of the PC and the NDP candidates make some time in their day, after having been invited and re-invited and re-invited and re-invited and re-invited, to come to see us to tell us who it was who told them—"them" being the PC and the NDP candidates—to put out those flyers that said that if their party were elected in 2011, their party would be the only one that would cancel those two plants. We would like to have a very fulsome discussion about that because if they were going to cancel those two plants, one wonders, then, how much those sunk costs would have been. I've been dying to ask those questions of those witnesses, but those witnesses simply won't show up.

1620

My point is that on the schedule that the committee has been operating, in which we deal with three witnesses per week, we would have enough time not merely to hear all of the names—and I am going to assume that those are all real names of real people, because I've dealt successfully with my colleague from Nepean-Carleton, and I would say we have treated each other respectfully and professionally through the years and actually enjoyed dealing with one another. So I'm actually trying to find a way to work with her. What I am trying to say is, why don't we talk for a few minutes about a more reasonable and more realistic way to schedule some of these witnesses? If you feel that in the very short term you want to have a bit of a surge, let's try to find a time and a manner in which we can deal with more than three witnesses in the course of a week. As the government has done

throughout the time that this committee has been formed, the government has been reasonable and supportive of all reasonable motions made by the opposition. In fact, when the opposition has asked for key people, those key people have appeared.

I would still come back to the points that I've been making throughout: Before we deal with witnesses, we need to have proper legal counsel, and we need to know that the witnesses had time to be properly prepared, and we as committee members need to have the background on those witnesses to be able to ask intelligent, knowledgeable questions about them and to be able to have some perspective on which we can judge—

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Delaney. The floor is now open for any further comments from any of the other parties.

Ms. Lisa MacLeod: Call the vote.

The Chair (Mr. Shafiq Qaadri): We have a request to call the vote.

The floor is still open. Are there any further comments?

Mr. Bob Delaney: Yes, Chair.

The Chair (Mr. Shafiq Qaadri): Mr. Delaney, you have the floor for 20 minutes.

Mr. Bob Delaney: Chair, I'm glad I have a chance to pick up where I left off. It's really encouraging to see that for whatever value my extended rhetoric may carry, I appear to have the ability to retain a full house.

Interjection.

Mr. Bob Delaney: My colleague just talked about whether I am afraid the vote may happen. There's nothing to be afraid of, because if the vote happens, the majority will rule. If the members want to stay here until a very, very late hour and listen to me talk about things that are, I believe, germane to the committee and important and relevant to our committee mandate, that's in fact their freedom.

Chair, the important part here is that for no credible reason, we have been asked for this committee to hear from nine witnesses next week, and uniquely next week, where last week and the week thereafter the committee's existing schedule will have it hear from three witnesses. As I've done the mental math, I have shown the committee members a reasonable and achievable scenario in which, if they want to call however many witnesses they had—and I think I heard various estimates of between 50 and 70 witnesses—the committee has the capacity to hear those 50 to 70 witnesses. We are quite willing to be cooperative with the opposition in arranging that schedule. But what we've seen so far is this repeated demand that next week, without consulting our House leaders and without having appointed counsel, they'd like to go from three witnesses to nine and then presumably back to three. Chair, I don't think that that's a reasonable request. I think in light of our ability as members to evaluate the testimony given by witnesses, this would involve our various staffs having to absorb material that is prepared in haste by committees branch and may or may not be a full description of the background of a witness or, for all

we know, may contain information that's in error or out of date. It doesn't give our staff, then, the ability to prepare a proper list of questions for the members to ask.

It doesn't allow the members to be able to consult with the legal counsel, whom I have talked about repeatedly and pointed out should be here to advise the members. In fact, for that matter, it would make a lot of sense if this committee had had a lawyer and the lawyer were able to bring in my colleagues in either or both of the PC and the NDP parties and say, "Look, let's have a little chat here because, unless you want to hear the sound of the voice from the member from Mississauga–Streetsville for the balance of the evening, perhaps we should find something that's more realistic and sustainable for the committee to consider." That, I think, would be a reasonable and a prudent first step for our legal counsel.

Our legal counsel would also, in the event that these nine people come in and either make a statement that's outside the scope of the committee's mandate or begin to deal with a line of questioning that is itself either inappropriate or contrary to the standing orders, or unparliamentary in nature or even unbecoming the role of a member of provincial Parliament—which is something that all of us have taken seriously, because when I look around this room, I see members who have the trust of five different communities and have been sent here with a solid mandate to do their best for the people of those communities.

I can't believe that the people of those communities would want their members dealing with a serious matter such as the costs of the relocation of the two gas plants in Mississauga and Oakville, which is, if nothing else, fraught with detail, and to say you've got to bring people in on a revolving-door basis, you've got to sit them down, ask them questions, perhaps before they're ready and certainly before you're ready, and do so on a schedule that is going to see members, certainly by the third day, not physically able to pay complete attention, unless the intent of the member's resolution, or motion rather, is that they counter the revolving door of witnesses with a revolving door of members and substitutions, such that it's going to be very hard for anybody to determine who is asking what and to whom, let alone when.

What this motion purports to do is to take a list of names and ask committees branch to begin matching this list of names with contact data on this Thursday, April 23. And where we have normally considered that it's necessary to give witnesses a week's reasonable notice to come before the committee, something that we've adhered to for more than a year, this motion asks that the first three witnesses appear on five days' notice, which by the way includes a weekend, in which it's not realistic to be able to expect to contact witnesses at their work address. Certainly, even looking at the longest span of time, that's merely seven days. And you would be asking both members and witnesses to subject themselves to physically long days, particularly members. Also, this doesn't give witnesses a reasonable amount of time to prepare themselves. What would be the point of trying to

schedule nine witnesses in a span of three days if it turns out that not many of them are available, and we end up with a point I mentioned earlier, where members are asked to rearrange their schedules, or to substitute for other members, only to find, as you approach the time when the witnesses are set to appear, that in fact the witnesses are not available?

1630

This would mean that for members and their staffs, the various people who need to see us, the other committees that we have to serve on, the House duty that we have to do—all of the other things that govern how our lives are led, as elected members, on Monday, April 28, Tuesday, April 29, and Wednesday, April 30, have to be put into this perpetual Mixmaster in which you don't know whether or not your schedule is on again or off again or on again or off again.

It's not a very sensible or logical way for any party to act. It's perhaps one of the reasons that we think this motion was a completely ad hoc motion. It's part of the reason that we don't think that it's fair or sustainable.

Frankly, we think it is an abuse of the majority on the committee, which has never yet had a realistic problem of working with the government. The government, whenever we have been able to get together with our colleagues in the opposition to say, "Let's talk about what you're trying to accomplish" has always found a way to deliver the things that the members are trying to accomplish.

We accept that this is a committee that's dealing with an important matter that not merely the people of Ontario but also the elected members in this Legislature have charged us to look into and to come up with a set of reasonable recommendations.

It is not possible, Chair, for us to cycle these witnesses through at the rate of three a day and be able to do our proper due diligence, not merely during the time the witnesses are with us, but to be able to do our proper due diligence ahead of time in making our own preparations, setting aside the work that's required by committees branch to arrange the witnesses, setting aside the work that's required by committees branch—

Interjections.

Mr. Bob Delaney: Chair, I think the things that I'm saying are important enough that perhaps the members would want to just pay attention to them and not to—

The Chair (Mr. Shafiq Qaadri): Colleagues, if we might just have a little bit of silence.

Mr. Bob Delaney: Thank you, yes. I'm doing my best here to make my case carefully, to make it logically, and it would be very nice to know that I had my colleagues' full attention for all of that.

Ms. Lisa MacLeod: I am attentive. I am attentive.

Mr. Bob Delaney: I do appreciate that, because when I was elected, I was not elected to become entranced with the sound of my voice. Nonetheless, if members insist on hearing the sound of my voice—at the end of this rotation, they will have done so for a full hour—

Ms. Lisa M. Thompson: You're a goalie. You're a great goalie.

Mr. Bob Delaney: —they are welcome to continue to hear that.

I have to thank my colleague from Huron–Bruce for attending the most recent game in which the Ontario Legiskaters played against the Ontario Dentinators. I very much appreciated her support in the stands because—let's just say this across party lines—she was cheering for the team. The team, in this case, was all of us as legislators—all of us. That meant that when—

The Chair (Mr. Shafiq Qaadri): Mr. Delaney, unless your skating prowess is tied to the cancellation or consideration or transmittal of documents of the gas plants, I'd invite you to please—

Mr. Bob Delaney: Well, thank you very much, Chair. While I do have the ability to skate verbally, it was not I who opened the suggestion of the hockey game. But if in fact the door was opened, I had every intention of going for a quick skate around centre ice.

That's a source of unique pride for me. It was, in fact, near the end of my 54th season in the game—

Ms. Lisa MacLeod: Really?

Mr. Bob Delaney: Yes.

Ms. Lisa MacLeod: You don't even look 54.

Mr. Bob Delaney: There you go. You see?

Interjection.

Mr. Bob Delaney: My colleague from Huron–Bruce was, in fact, cheering lustily for us. You know, we almost had them. It was 7-6 at the end. You give that game another two minutes and we'd have tied it. We definitely would have tied it.

What it shows, and the reason that that conversation is in fact relevant to what we're discussing right here today is that, as members, we're able to come together to work and to find a consensus in the things that we're trying to do as a Legislature.

The reason that I continue with my remarks on why this motion should be amended, and why the government will be entirely reasonable in taking what we feel is an unreasonable motion and amending it to make it a more reasonable motion, would be that we share with the opposition a strong desire to find out what actually happened in the matter of the mandate of this committee, which is to examine the costs in the relocations of the two gas plants in Mississauga and Oakville. As we share with our colleagues opposite the reasonable desire to find out what actually did happen, what the government is offering is a chance to finish this day very quickly, but to find a more reasonable accommodation that will enable the government to be better prepared, that will enable the committee to get its legal counsel on board and that will enable the witnesses to prepare themselves and schedule themselves on a much more rational basis.

That will result for us, Chair, in an opportunity to hear testimony that is itself relevant, and to be able, as legislators, to make a thoughtful, careful consideration of what we're hearing at the committee, such that—whenever the two opposition parties choose to—whenever the commit-

tee begins to do its report writing, we've got to make sure that the report that this committee produces in fact reflects our best efforts, that the report that this committee produces reflects what we actually heard here, and that the report that this committee produces is a document that's useful, going forward, in how to site energy infrastructure, and if it's necessary to either cancel or relocate energy infrastructure, what are the things that we should take into consideration.

What we found out here is that there was really not much to go on when the time came to make a decision that all three parties agreed upon. This is a point that hasn't been debated enough in this committee, and as I appear to have all night to talk about it, I fully intend to bring out some really interesting points about how and why it is that—

Interruption.

Mr. Bob Delaney: I think that's your earring that just fell right in front of the table. I can see it right there.

I think it's important for all of us, as legislative colleagues, to spend our time considering the things that may likely happen in the future, and to look at what happened here for which there was no precedent. In the time available to me in the future, I intend to spend a fair amount of time talking about the scenarios for which there was no precedent—scenarios that I think an amended version of this motion can help us get to the bottom of, because we owe that to the people who sent us here.

We owe the people who sent us here our very best efforts, as their legislators, to be able to give future MPPs, future decision-makers in the electric power sector and future regulators a better framework than what the government had this time. This would enable people who are going to sit in these seats in the years and the decades to come to make better-quality decisions than those of us who sit in these seats were able to make in the 39th and in the 40th Parliaments. There was, at the time that we had to make these decisions, really no precedent on how to make them at all.

For example, Chair, one of the points brought out in this committee, and a point I would like to have a witness explore, was mentioned very early on by Oakville mayor Rob Burton. He brought out the point that the proponent merely had to find land that had been zoned industrial and really didn't have to deal with the town of Oakville at all. Nor did the proponent, at the time they were set to begin the construction of the power plant in Oakville—that was a firm called TransCanada Energy—have to say, “Well, is there in fact a need at this time for the energy that the plant would produce?” This is something that I'm looking forward to discussing with a witness in the weeks and months to come.

As I have explained earlier, the government has laid out a very reasonable and credible scenario in which we could be having that kind of fulsome discussion—not merely next week with nine witnesses, but through the summer and into the fall and into Christmas and into next year—if the budget carries and if the opposition so

desires, and not just the nine witnesses that they've proposed for next week but, indeed, some additional 50, or perhaps even more, witnesses with which we can sit down and discuss some of those things.

I think a lot of those factors would be a lot more germane than some of the things that this motion is going to ask us to consider, which are going to be very likely narrow lines of questioning—

The Chair (Mr. Shafiq Qaadri): Thank you, Mr. Delaney. The floor is open for further comments.

Ms. Lisa MacLeod: Just calling for a 20-minute recess.

The Chair (Mr. Shafiq Qaadri): A 20-minute recess. It's agreeable, yes?

Ms. Lisa MacLeod: I'm going to go change if we're going to be here all—

The Chair (Mr. Shafiq Qaadri): All right. A 20-minute recess.

The committee recessed from 1642 to 1702.

The Chair (Mr. Shafiq Qaadri): Thank you, colleagues. Committee is back in session. Ms. MacLeod, I believe you have the floor.

Ms. Lisa MacLeod: Thank you very much, Chair. I wanted to briefly say—I'm not going to take the full 20 minutes—why I think it's important that we do proceed this way.

There is some speculation, with respect to timing, given the provincial budget next Thursday, that we may in fact end up going to the polls. We still have an outstanding list here. Of course, no one really knows what will happen. I think a lot of people are playing their cards close to their chest.

But I think what's really relevant here for my colleagues and I is to have the ability, Monday through Thursday next week, to have the opportunity to speak with a number of witnesses with respect to the prima facie ruling by the Speaker on the two cancelled gas plants, as well as the new information obtained through the search warrant by the OPP. In addition, we have had witnesses come in where we have learned more, and in order for us to do our jobs, we want to continue.

Today, for example, the Ontario PC Party has put forward a list of 76 names; 17 of those are members of the transition team for Kathleen Wynne. That's relevant to us, given Peter Wallace's testimony last week. Given our testimony today from Mr. Tom Adams—we asked him who he had recommended and he had said that Jamie Frost, I believe it is—

Mrs. Gila Martow: Forrest.

Ms. Lisa MacLeod: —Jamie Forrest's affidavit—there were 55 witnesses that there were former email accounts to. I think what's significant here is a number of those names are people who are contained within the OPP ITO—as well as some other outstanding concerns that we have.

Finally, we already had a list of five names that we provided the Clerk last week, one of whom showed up today, so there are four witnesses.

So in total, we have, in the official opposition, 76 other individuals we would like to try and question. Given the possibility of an election, we feel it's necessary to try and open those slots next week, particularly before a possible dissolution of Parliament.

We're suggesting that this be put to a vote. We appreciate the concerns of our colleague from Mississauga–Streetsville, Mr. Delaney. I've had a very good working relationship with him on a number of different files, and I appreciate that. We don't seem to agree here with the sense of urgency, but that is something that we feel—we have caucused this, and it is the belief of our House leader, our planning and priorities team, and our leader that this is the appropriate way to move forward.

We didn't do this lightly, nor did we do it in isolation. We considered this and its implications widely over the Easter weekend, which we just celebrated, and we thought long and hard about how to maximize the information that we need in order to come forward with, at some point, a report and possibly—depending on how an election turns out—potentially a judicial inquiry.

The important issues before us in the province—I don't mind saying that there are two major issues. One is the price of hydro in Ontario; the second is this gas plant scandal, this \$1.1-billion scandal for cancelled gas plants in both Oakville and Mississauga. It's what you hear when you are at pancake breakfasts, it's what you hear when you are at the doorsteps, it's what you hear when you're at the grocery store, and I think it's incumbent upon all of us on this committee to do what it takes to complete the job.

The best way, I think, to complete the job is to consider more witnesses. In the event that we have a snap election in the next couple of weeks, I will have felt that my job as critic of energy, as well as the Progressive Conservative lead on this committee—I will have done my job if we do continue to sit.

That's why tonight, here on Wednesday evening, in the middle of a constituency week when I could be out door-knocking, I could actually be spending time this evening with my little girl, who's nine years old, we feel—my family does, and my staff and my colleagues—that we have an important job to do, and it is worth finishing and following through with. That means that we may require to see more witnesses. In fact, we have said that we've got 76 on our list. That means that we are going to have to sacrifice our time, and that's why we're sitting here this evening.

We're willing to wait out the government. I appreciate the fact that Mr. Delaney wants to filibuster this, and I understand that he's just doing his job as the chief government whip and as the PA to energy. He's a decent man. He is—

Ms. Lisa M. Thompson: He's a decent goalie, too.

Ms. Lisa MacLeod: He's a decent goalie, too, and I appreciate where he's coming from, but we're simply asking to be able to do our jobs next week with an increase in days and an increase in slots.

I take his point. Sometimes we forget that we have a lot of support staff here, both political and through the assembly. I think it's appropriate at this point in time to thank our Clerk, as well as our research and legal staff, Hansard, the translators, the audio-visual people and, of course, the Chair, as well as all of our staff with our respective political parties.

But this is a Parliament, and Parliaments debate matters of importance to the people they represent. From time to time, it requires emergency sittings on issues that are important. This isn't new; it's part of the British parliamentary system that we adopted over 100 years ago in this chamber. Take-note debates and emergency debates occur a lot—frequently—on Parliament Hill. We're simply suggesting that this \$1.1-billion gas plant scandal and the alleged cover-up in the OPP ITO merit a frank, thorough discussion with witnesses who may know what happened, why it happened and how it happened.

Some of those people we would like to hear from, outside of Laura Miller and Peter Faist, include people like Beckie Codd-Downey, who presently works for the Minister of Energy; perhaps John Fraser, who used to work for former Premier Dalton McGuinty, and who is now an MPP; Jason Lagerquist, who is mentioned in the OPP ITO. We'd like to speak with David Livingston. We'd like to speak with Wendy McCann, who was director of communications for the former Premier, Dalton McGuinty. We'd like to speak with David McLaughlin, John McGrath, Sean O'Connor, David Oraziotti, Lauren Ramey.

1710

We'd like to talk to these people, including the Wynne transition team. If you'll indulge me, some of those names include Monique Smith—who, as you will recall, was mentioned in the presentation to this committee by Peter Wallace as somebody who would be of interest, last week, on Thursday, before the House rose for the Easter break. I indicated to the government House leader that it would be our preference to call Ms. Smith as soon as possible to find out what she knew and when she knew it with respect to the alleged deletion of emails.

We'd like to talk to Tom Allison. He would be a key witness for us, given his experience with the current Premier, Ms. Wynne.

Glen Murray, who is now a senior minister in Ms. Wynne's cabinet, also played a key role in her transition team.

Dr. Ben Levin: I'm not sure if he is still in prison or not. However, he would be of, I think, keen interest for us to question, given his role in the transition between Mr. McGuinty and Ms. Wynne.

Tony Dean; Greg Sorbara; Don Drummond, who is no stranger to these committee rooms and was on the transition team; Frances Lankin; former Liberal leader Lyn McLeod; Elaine Todres; Jan Innes; David Crombie; Maria Van Bommel; Arnold Chan; Hari Suthan Subramaniam; Angus Toulouse; Bernadette Clement—these are all individuals who would have spent time working with

Kathleen Wynne and David Livingston in the transition of power between January 26, 2013, and February 11, 2013.

That is a key time period, Chair, given that the OPP has indicated there was a super global password accessed by Peter Faist, at the behest of David Livingston, for a computer password that should have been granted to Wendy Wai between the period of February 6 and March 20.

That information we received in the official opposition, as it pertained to the OPP information-to-obtain, or ITO, search warrant changed everything, which is why I believe two things will happen. One, we will go into a spring election because it is untenable to continue to support this government. Second, it is the reason that we must hear from these witnesses I have just named and from others who we expect to hear from.

In fact, we were so disappointed with Mr. Wallace's presentation that we are calling him back in. That's key and that's important.

We've also added to our list Premier Kathleen Wynne. Each time she appears before committee we learn more information and have to continually invite her back.

It brings us to this, Chair, and this is what I think is absolutely critical: On a number of occasions, we have brought in witnesses to this committee and we haven't gotten the full story from them. In fact, we have to continue to bring them back because more information comes out, whether it's from the Information and Privacy Commissioner, whether it's from the Auditor General, whether it's from the OPP, whether it's from documents that we retained. It just appears to us in the official opposition and, I believe, to Ontarians right across this province that people aren't being forthcoming with this committee. That's a concern to me.

Also of concern is the fact that we have a Premier who is willing to go to the courts to muzzle myself and my leader, and now we're going through a filibuster.

I ask you: If there's nothing to hide, if they have given us every document, why not allow us to sit next week? Monday, Tuesday, Wednesday, Thursday—three sessions, 76 people—we'll work at making sure they appear.

We have a golden opportunity to get to the bottom of the biggest political scandal in Ontario's history right here in this committee. I dare say, in a show of non-partisanship—or bipartisanship, as our American colleagues would say—this is probably the finest group I could ever think of to work with in getting to the bottom of this scandal.

I think of my colleague from Mississauga–Streetsville and my colleague from Toronto–Danforth and my colleagues from Brampton, Mississauga and York South–Weston, and of course my colleagues here from Thornhill and Huron–Bruce, and of course our Chair, from Etobicoke. Here we are from all different parts of this province all with one goal in mind, and that's to find out what really happened. We can do it. You said it yourself: We've worked together, and we work together well.

We have a lot of questions, though. And you can't stifle it, not right now. We're so close, we can get there, but it's going to take some work. I'm confident that we can get there.

I know my colleague from—what's your riding, Mr. Singh?

Mr. Jagmeet Singh: Bramalea–Gore–Malton.

Ms. Lisa MacLeod: Bramalea–Gore–Malton—I apologize. I know my colleague from Bramalea–Gore–Malton brings his legal expertise to this committee. He has asked some very astute and challenging questions. He thrives in this environment.

I've never seen someone give a better point of order than my colleague from Mississauga–Streetsville. I've certainly learned a lot from him. He's got Bob Delaney's Greatest Hits.

We've been working hard, and I'm quite prepared to go head-to-head in this filibuster to provide my point of view and persuade my colleagues in the governing party that it is the right thing to do next week. I'm committed to sitting in this chair and asking the tough questions, and I know my colleagues in the official opposition are. I'm certainly sure that my colleagues from the third party are probably interested in this as well. I can't speak for them.

There's so much interest in the public. They are proud that we're doing this work. You hear from them. They're emailing in, they are calling in, and they're sending us messages on social media, whether that's Twitter or Facebook. They think we're doing a good job, and they want us to continue.

So I say to my colleagues in the government, I understand that your government House leader might feel that his toes have been stepped on with this. But listen: It's not about that. It's not about him. It's about getting the answers and the truth. I'm confident we can get the answers and get to the truth, but it's going to take the work.

I know we've got amazing support staff here with Hansard and our translators; they're doing a great job. I know our legislative researchers are really raring to go. They turn out probably the best briefing notes in the Confederation here. Our Clerk has been working hard. She's been trying to track down witnesses.

This is an important job. We're making history here. We're making history. Don't think for a second that, when we're in question period or here, people don't know that.

A great deal of public money was misused, in my opinion. I want to put this into perspective. To cancel two gas plants at \$1.1 billion and counting for five seats in the last election is less money than Barack Obama spent getting elected President of the United States of America—some would say the free world—probably the most expensive elections in the world.

1720

Here we are in the mighty province of Ontario, where the Liberals used \$1.1 billion to save five seats, but they used public money—public money—and then, when they denied that it cost \$1.1 billion and said it only cost \$40 million, and we pursued it, the auditor came out and said,

“No, the Progressive Conservatives are right. It is \$1.1 billion.”

Ms. Lisa M. Thompson: You know who else was really close?

Ms. Lisa MacLeod: Tom Adams, our presenter today. He actually said it was \$1.3 billion, I believe, at the time. So then we had that. But then what really, I think, has made this the scandal for the ages—actually, it wasn’t the so-called, what they say, crime.

Mrs. Gila Martow: It was the cover-up.

Ms. Lisa MacLeod: It was the so-called cover-up, with this destruction of emails, the obstruction of the Information and Privacy Commissioner and, I dare say, an attempt by Laura Miller and her friends to try and talk about something I like to call the Speaker.

We have now ended up here, with a litany of examples of how we can do better as a province and as a government, but the best way to do that is to let us do our work.

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

Ms. Lisa MacLeod: I’m absolutely committed to this motion. I think it is the right thing to do. We’ve got 76 witnesses. It’s a \$1.1-billion scandal, with deleted hard drives and deleted emails, and obstruction of the Information and Privacy Commissioner. We deserve to know what happened, who knew about it and when they knew. We’re going to continue to ask the tough questions. I cannot apologize for that. I think that’s my job, and I’m going to continue to do it.

Chair, I’d like to, at this point in time, put this to a vote, call the question, and ask that my colleagues support it. Thank you.

The Chair (Mr. Shafiq Qadri): Thank you, Ms. MacLeod. There’s a call for the vote. We can proceed to that, unless there are any further comments.

Mr. Bob Delaney: There are further comments.

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

Mr. Bob Delaney: Thank you. I thank my colleague and friend from Nepean–Carleton for her remarks, to which I paid very, very close attention. There are many of those remarks that not only I, as a committee member, but the government profoundly and deeply disagrees with, most of which were her assertions on things that, frankly, this committee has not found yet. In fact, this committee has not issued a report.

I do want to go through some of the points that she has made, both some of the ones that were good-natured and tongue-in-cheek and others that I think are important points. Perhaps the most significant points made by my colleague from Nepean–Carleton that I heard were her apprehensions over—and I’m going to use her words—a snap election.

Earlier in my remarks, one of the things I covered is that in the government’s first term, between 2003 and 2007, the government passed a law fixing election dates. What that means in practical terms is that, regardless of what is or isn’t in the budget—unless the member can say that, having read the act, she has found such-and-such a scenario that would enable the Premier to dissolve the Legislature—I don’t know of a legal way in which

the Premier can go and see the Lieutenant Governor and dissolve the Legislature—

The Chair (Mr. Shafiq Qadri): Mr. Delaney, I’d just invite you to confine your remarks to the mandate of the committee.

Mr. Bob Delaney: While I appreciate the comments, Chair, I think these remarks are germane to the motion, because some of the reasons that the member has proposed what we think are unreasonable terms in the motion are apprehensions that I detect over a snap election. If, in her turn, the member can articulate to me how such a snap election might be called—I don’t see it. I was one of those who was present when that legislation was voted on—

Ms. Lisa MacLeod: What was the guy’s name who put that bill through? The former Premier, what was his name?

Mr. Bob Delaney: When that legislation was voted on in our first term as government, our Premier at the time foreswore the ability to call a snap election. If that’s one of the motivating factors behind this particular motion that would unrealistically stack nine deputations during a week in which we normally have three, I would like very much if my colleagues opposite would explain to me how it is that they fear such a snap election would happen. If there’s merit in what they say, then I am quite willing to admit that, but I don’t know that there’s any way that this apprehension over such a snap election can carry.

There were two points that my colleague made that I thought were important ones. She said, “We have an important job to do, and it’s worth finishing and worth following through on.” I couldn’t possibly agree more. I would like to add to that: If it’s worth doing, it’s also worth doing well, and it’s worth not doing hastily. The reason that the government has objected greatly, and on substantive grounds, to this motion is that this motion would see us do our work in a manner that is not done well and would see us do our work in a manner that’s done hastily.

I am going to give the floor back to my colleague from Nepean–Carleton before my 20 minutes are up because I would like very much for her to explain to me how it is that she fears that a snap election could be visited upon us as members.

There were, however, a couple of points that she mentioned in her remarks that I think are worth the government commenting on. I am going to give the opposition this: They have managed to take this number of in excess of \$1 billion and successfully sell it as a cost that has been paid in the past. That, Chair, is false.

Ms. Lisa MacLeod: No, it’s in the future.

Mr. Bob Delaney: That’s an admission of truth that, in fact, that number is in the future. In fact, the amounts that have actually been paid out are—

The Chair (Mr. Shafiq Qadri): Colleagues, to the motion, please.

Mr. Bob Delaney: Chair, this is an important part because, in discussing this motion, the member has brought out some points that she felt were germane to the motion.

We didn't interrupt her when she brought those points out because, if it's possible for us to find a consensus on this motion—and I thought I heard my colleague from Nepean–Carleton, in her remarks, begin to explore whether or not there is that middle ground to find a consensus on this motion. She brought out an objection on a snap election. I thought that the objection on the snap election, which was one that I hoped I had addressed—I want her, in her turn, to explain to me how that snap election would come about.

She also brought out a number of other points that, while not directly germane to the motion, seemed to be part of the underlying set of assumptions and beliefs that I think the government should also comment on because, in their turn, our comments are equally as relevant as the points brought out by my colleague from Nepean–Carleton.

She commented on the price of the two cancellations, and as the Auditor General reported and as the Minister of Energy reported at the time, in the year 2011, some \$40 million was paid out—in the past—for the sunk costs of the gas plant in Oakville. In the year 2012, if my memory is correct, some \$155 million was paid out to resolve the sunk costs with regard to the gas plant in Mississauga, with all of the remaining costs and savings—and this is the important omission: and savings—spread out over a period of some 30 years.

I asked the Auditor General, when she was before the committee, “Would it be possible to reconcile the estimates made by the Ontario Power Authority and those estimates made in the Auditor General’s report?” The Auditor General said, “I will only do that if it is by a resolution of the committee.”

1730

Now, Chair, it's very telling that the committee declined to ask the Auditor General to make that projection. However, the Ontario Power Authority did devote the effort to doing that, so let's look at those future costs and savings. Those future costs, when spread out over the span of the 30 years that both the Auditor General and the Ontario Power Authority considered the useful lifetime of the replacement gas plants, resulted in an additional cost—depending on whose scenario you choose to accept, and also how reality works out and where it lands close to—of between 0.01 cents and 0.02 cents per kilowatt hour.

In turn, the savings, spread out over the same period of time, represent—depending upon how reality works out, depending upon whose set of estimates and projections you choose to accept—between 0.02 cents and 0.04 cents per kilowatt hour over exactly the same period of time. So it's important when one mentions the cost that you keep in perspective the fact that there are also offsetting savings. It would be fair and reasonable if our colleagues in the opposition reminded Ontarians—and, indeed, their own supporters—that the projected savings over the same period in which the projected costs will occur are roughly double the costs. In other words, the savings equal two times the costs.

Another, I would say, urban myth that one needs to address is the notion that somehow or other these decisions impacted five seats. I've asked, both heckling in question period and in my own remarks in the House: Whose seats? I'd really like to know whose seats those were.

So with those comments added on to those remarks made by my colleague from Nepean–Carleton—just before I give the floor back to her—I would like her to please, in her remarks, talk about that scenario of the snap election. If they are worried about a snap election in the very short time after the budget—in other words, any scenario that would see a snap election occur before the vote on the budget motion—would she kindly elucidate to me very clearly what that scenario is, because I don't understand it.

If she is correct, I'm quite willing to admit that that's a possibility, but I do not know that there is a correct scenario that would see any possibility of there being a call of an election before the vote on the budget motion, which would require, if my memory serves me correctly, some 20 hours of debate over a period of at least 12 sessional days.

Now, she called some of my remarks—what was it?—“Bob Delaney's Greatest Hits,” and my colleague from Huron–Bruce, when she brought up—

Ms. Lisa MacLeod: No, those were your points of order.

Mr. Bob Delaney: Oh, were they my points of order? Okay. And my colleague from Huron–Bruce, of course, has reminded me that she admires the work that I do between the pipes, so I would suggest that the points of order then be called “A Compendium of Bob Delaney's Greatest Saves.”

Let me tell you something, as a goaltender, in my concluding remarks here: As a goalie, the one thing in the world that you hate most is overtime, because when you go into overtime and a forward makes a mistake, he thinks to himself, “Oh, well. At least the defence is here to clean up my mess.” If the opposing forward gets beyond the defence, the defenceman goes, “Oh, well. At least I've got a good goaltender behind me.” If you are into what is now quadruple overtime, at least from the vantage point of my making 20 minutes' worth of remarks, once you get down to being the goaltender, if it goes beyond you, the game is over.

With that, Chair, I would like to ask my colleagues: Would they please describe to me the scenario that causes them concern over a snap election?

The Acting Chair (Mr. Vic Dhillon): Ms. MacLeod?

Ms. Lisa MacLeod: Thanks very much, Chair. I'll be very brief.

(1) Obviously there is a precedent set by a federal government that did this a few years ago.

(2) If Ms. Wynne loses the confidence of the House, which I believe she will, we will be put into what I think is an election.

(3) We can have a debate, and they can call a vote at any time; he knows that.

(4) Even if we waited the two weeks, there are still a number of witnesses that we would like to see.

(5) He's curious about the five seats: One in Oakville and four in Mississauga equals five.

If he is talking about the \$1.1 billion, those aren't my numbers; that is the auditor's number. However, it was indicated by my colleague Vic Fedeli that that would have been the true cost before the auditor's report, and he was proven right. Tom Adams, who was our deputant here today, suggested during the cancellation that it would be as high as \$1.1 billion. If he would like to say that that's a savings for the people of Ontario, go ahead. No one believes it. That's all I'm going to say.

Now I would ask that the question now be put and that we have a vote on this matter in order to sit next week Monday through Thursday, every day that the House is sitting, with three witnesses a day.

The Acting Chair (Mr. Vic Dhillon): Any more debate?

Mr. Peter Tabuns: No.

Mr. Bob Delaney: Chair, I would just like the member to read the motion again, please.

The Acting Chair (Mr. Vic Dhillon): Ms. MacLeod.

Ms. Lisa MacLeod: Well, you know what? It's not my motion. My colleague Lisa Thompson put forward the motion.

Ms. Lisa M. Thompson: I certainly can read it.

I move that the Standing Committee on Justice Policy meet for the purposes of hearing witness testimony sit on Monday, April 28, 2014, from 8:30 a.m. to 10:15 a.m. and from 2 p.m. until 6 p.m.; and Tuesday, April 29, 2014, from 8:30 a.m. to 10:15 a.m. and from 2 p.m. to 6 p.m.; and Wednesday, April 30, 2014, from 8:30 a.m. to 10:15 a.m. and from 2 p.m. to 6 p.m.; and

That three witnesses be scheduled per day in the following manner: PC witness from 8:30 a.m. to 10:15 a.m.; NDP witness from 2 p.m. to 3:45 p.m.; and Liberal witness from 4 p.m. to 5:45 p.m.; and

That a witness list with up to 10 names must be submitted to the Clerk no later than end of day on Thursday, April 24, 2014; and

That the committee return to its current organization for meetings that occur beyond April 30, 2014.

The Acting Chair (Mr. Vic Dhillon): Further debate?

Mr. Bob Delaney: No, Chair.

The Acting Chair (Mr. Vic Dhillon): Okay, I'll call the question. All those in favour? And against? That's carried.

Ms. Lisa MacLeod: Chair, if I may? I'd like to say thanks to my colleague Mr. Delaney for putting up a valiant effort there. We have a disagreement; however, I'm confident that next week, we'll be able to get the work done. Thank you.

Mr. Jagmeet Singh: Just a quick point.

The Acting Chair (Mr. Vic Dhillon): Mr. Singh.

Mr. Jagmeet Singh: I have two points I want to make briefly. One is in respect to Peter Faist and Laura Miller. I'm asking the Chair that, with the consent of the committee, we re-invite both Peter Faist and Laura Miller and

advise them that the dates they provided, which were quite late—that we want earlier dates and that we ask them to consider coming sooner—

Ms. Lisa MacLeod: On the same day.

Mr. Jagmeet Singh: On the same day, sure, but ask them to come sooner. So if we can send out a letter again on behalf of this committee to both those witnesses, saying that we want them to come sooner instead of the later dates they have suggested.

Interjection.

Mr. Jagmeet Singh: That's one. The second issue is with regard to Mr. Livingston. I want it to be clear that the response provided by his counsel has a number of problems with it. One is that he is certainly entitled to have legal representation, and he certainly should, if that's his desire, seek to retain counsel to protect his interests and to ensure that he knows what his rights are and his obligations are, and that's actually fine. But there's absolutely no requirement that the committee have counsel. Whether we have counsel or whether we don't have counsel is not a prerequisite to Mr. Livingston attending this committee.

I want to make it very clear: The counsel has suggested that he can't advise his client to appear because we haven't appointed counsel. We may choose never to appoint a counsel. That's not relevant to the decision of this committee, compelling or asking someone to appear before it. I want to make it very clear that the response is unacceptable, and I would like us as a committee to respond and say that we want Mr. Livingston to attend, that he has his own counsel, and whether or not we have counsel appointed is irrelevant in the decision of his appearance.

If he is indicating that he is not prepared to attend, then we have to proceed to next steps, and we've done that before in the Ornge committee. There have been tactics that have been used in the Ornge committee as well; Dr. Mazza did not want to appear and tried different things so as not to appear.

We want to make it very clear that we want him to appear, that this is not acceptable, to say that we'll wait until counsel is appointed. I'd like to have the committee's approval for a letter of that nature to be sent.

Ms. Lisa M. Thompson: Absolutely, and I think you could be even more specific. We will pursue a Speaker's warrant if he does not attend—

Mr. Jagmeet Singh: Sure.

The Acting Chair (Mr. Vic Dhillon): Mr. Singh, I believe the Clerk—

Mr. Jagmeet Singh: Has some comments?

The Clerk of the Committee (Ms. Tamara Poman-ski): Yes, I have comments. Okay, Laura Miller was confirmed for May 8 because she's coming in from out of town, so that has already been confirmed.

Peter Faist: In response to what the committee asked me to do, I sent a further letter saying we don't want him on video conference and gave him reiterated dates. I'm waiting to hear back from his lawyer. I think I have

something in my inbox; I haven't looked at it yet. That's the update on that.

We're looking at May 1 already—next week. Technically, Laura Miller is confirmed for the week after.

With respect to—sorry—

Mr. Jagmeet Singh: That's a good summary of those two. So now the final—

The Clerk of the Committee (Ms. Tamara Poman-ski): Are you okay with that, then?

Mr. Jagmeet Singh: Yes. Well, you're waiting—so Laura Miller is confirmed for the 8th.

The Clerk of the Committee (Ms. Tamara Poman-ski): Yes, she has confirmed May 8. She is going to be in town at that time, and the committee knew that.

Mr. Jagmeet Singh: We did. I still think that we'd like to see her sooner, but she has confirmed. That's okay. The Peter Faist update, we're waiting to see it.

The Clerk of the Committee (Ms. Tamara Poman-ski): I have something in my inbox. I will have something for the committee next time—

Mr. Jagmeet Singh: That's fine. Then the final point is the Mr. Livingston issue.

The Clerk of the Committee (Ms. Tamara Poman-ski): Okay, Mr. Livingston: A letter did go out to him last week in response to the committee's request to say that providing—us hiring legal counsel is no barrier, basically. I reiterated our invite, and then we got this letter back. So it's up to the committee now to decide what they want to do.

An option is, if the committee would like, I could send another letter back to the lawyer reiterating that. As well, we could take further options in terms of if we wanted Mr. Livingston to come—technically, there have been two formal requests and one informal request, so if he doesn't appear, then we could request to the House for—

Mrs. Gila Martow: A Speaker's warrant.

The Clerk of the Committee (Ms. Tamara Poman-ski): Right. We could do that, but again, it's up to the committee to decide and give me direction on what they would like to do.

Mr. Jagmeet Singh: Sure. I suggest one of two options, then. Option number one is that we word it very clearly that this is our last attempt to ask Mr. Livingston to appear of his own volition. We want to make it very clear that if there is a response from his lawyer to this same effect, we will consider that a denial of our request and then we will proceed to the next step at that point, just to make it clear that this type of response, in the

viewpoint of the committee, is essentially a no, that he's basically saying no to our request for him to attend.

Mrs. Gila Martow: Why not just go to a Speaker's warrant?

Ms. Lisa M. Thompson: Well, I think what you suggested is fine.

Mr. Jagmeet Singh: I think it covers our bases a bit better to say, "Listen, we've received this response. We're asking one more time," to make it very clear that there is no obligation on behalf of the committee to have any lawyer appointed, any legal counsel appointed—that's not our duty; we don't need to have that—and that either way, he should attend.

If he responds with something similar to this, as a committee we'll consider that as Mr. Livingston basically not accepting our request, or not responding in a responsive manner to our request, and then we will proceed to the next step.

We want to make it clear that if he doesn't say, "Yes, okay, I'll come," and says something along the same line—if the lawyer has some sort of response along this line again—we'll consider that a no, basically.

Is that something that everyone agrees with?

Interjection.

The Acting Chair (Mr. Vic Dhillon): Perhaps Ms. Thompson has another comment.

Ms. Lisa M. Thompson: Okay, yes. Just a point of clarification: Should we identify a timeline for his response—

Mr. Jagmeet Singh: Yes, that's a great point.

Ms. Lisa M. Thompson: —so he doesn't push it out through next week?

Mr. Peter Tabuns: By Monday.

Ms. Lisa M. Thompson: Yes.

Mr. Jagmeet Singh: Yes, that's great. I'd say by Monday is fine, yes.

The Acting Chair (Mr. Vic Dhillon): Okay, is everyone in agreement with that?

Mr. Peter Tabuns: Yes.

The Acting Chair (Mr. Vic Dhillon): Okay.

Mr. Peter Tabuns: Those are the instructions.

The Clerk of the Committee (Ms. Tamara Poman-ski): Yes.

The Acting Chair (Mr. Vic Dhillon): That was it for today. The committee is adjourned. Thank you very much.

The committee adjourned at 1744.

CONTENTS

Wednesday 23 April 2014

Members' privileges.....	JP-1417
Mr. Tom Adams.....	JP-1417

STANDING COMMITTEE ON JUSTICE POLICY

Chair / Président

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

Vice-Chair / Vice-Président

Mr. Phil McNeely (Ottawa–Orléans L)

Ms. Teresa Armstrong (London–Fanshawe ND)

Mr. Bob Delaney (Mississauga–Streetsville L)

Mr. Steven Del Duca (Vaughan L)

Mr. Frank Klees (Newmarket–Aurora PC)

Mr. Jack MacLaren (Carleton–Mississippi Mills PC)

Mr. Phil McNeely (Ottawa–Orléans L)

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

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

Mr. Jonah Schein (Davenport ND)

Substitutions / Membres remplaçants

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

Mr. Vic Dhillon (Brampton West / Brampton-Ouest L)

Ms. Lisa MacLeod (Nepean–Carleton PC)

Mrs. Gila Martow (Thornhill PC)

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

Mr. Peter Tabuns (Toronto–Danforth ND)

Ms. Lisa M. Thompson (Huron–Bruce PC)

Clerk / Greffière

Ms. Tamara Pomanski

Staff / Personnel

Mr. Ian Morris, research officer,
Research Services