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**Official Report
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(Hansard)**

Tuesday 29 April 2014

**Journal
des débats
(Hansard)**

Mardi 29 avril 2014

**Standing Committee on
Government Agencies**

Committee business

**Comité permanent des
organismes gouvernementaux**

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
GOVERNMENT AGENCIES**

**COMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX**

Tuesday 29 April 2014

Mardi 29 avril 2014

The committee met at 0906 in committee room 1.

COMMITTEE BUSINESS

The Chair (Mr. Lorenzo Berardinetti): I call to order—welcome, this morning, to everyone—the Standing Committee on Government Agencies. Today's date is Tuesday, April 29, 2014.

The first item on the agenda is the vote on the amendment moved by Ms. Hunter, which we have in front of us. It's in our package. It was moved on April 15. We'll go to a vote on the amendment right away. We all have it in front of us here. Are we okay to vote on this?

Interjections.

The Chair (Mr. Lorenzo Berardinetti): Okay. We're ready to go. So this is the amendment. Everyone has it in front of them. All those in favour of the amendment? Opposed? The amendment carries.

Then we move on to the main motion, which is moved by Miss Taylor. We have a copy of that as well. It's in our package here. The motion as amended—all those in favour? Opposed? That carries.

All right. It's nice to get something done today.

The committee business in front of us: There are two reports of the subcommittee. One is dated April 17, 2014. Can someone read that into the record? Mr. McDonell, I think you have it.

Mr. Jim McDonell: I move the adoption of the subcommittee report on intended appointments dated Thursday, April 17, 2014.

The Chair (Mr. Lorenzo Berardinetti): Any debate? All those in favour? Opposed? Carried.

Then we have the report of the subcommittee on committee business dated Thursday, April 24, 2014. Do I have someone to move that report? Miss Taylor.

Miss Monique Taylor: I move the adoption of the subcommittee report on intended appointments dated Thursday, April 24, 2014.

The Chair (Mr. Lorenzo Berardinetti): Any debate? None? All those in favour? Opposed? That carries.

Two things I wanted to discuss with committee members: In front of us, we should have—

Interjection.

The Chair (Mr. Lorenzo Berardinetti): The Clerk is going to distribute the names of the extensions. There are four people in total.

Interjections.

The Chair (Mr. Lorenzo Berardinetti): There are currently four intended appointees selected by the committee whose deadlines or extensions expire before our next meeting. We would require unanimous consent of the committee to extend the deadlines so that we may interview these individuals who were selected at a later date.

They are Justin Duncan, nominated as member, Environmental Review Tribunal and Ontario Municipal Board (Environment and Land Tribunals Ontario); number 2, Anne Egan, nominated as member, Building Materials Evaluation Commission; number 3, Karen Kraft Sloan, nominated as member, Environmental Review Tribunal and Ontario Municipal Board (Environment and Land Tribunals Ontario); and number 4, Marcia Valiante, nominated as member, Environmental Review Tribunal and Ontario Municipal Board (Environment and Land Tribunals Ontario).

Do we have unanimous—

Ms. Dipika Damerla: Chair, can we do them one at a time?

The Chair (Mr. Lorenzo Berardinetti): Yes. I'm just going to do that right now.

Do we have unanimous agreement to extend the deadline to consider the intended appointment of Justin Duncan, nominated as member, Environmental Review Tribunal and Ontario Municipal Board (Environment and Land Tribunals Ontario), to move that extension to May 29, 2014? Do we have unanimous agreement? All those in favour? Opposed? That carries.

Number 2, do we have unanimous agreement to extend the deadline to consider the intended appointment of Anne Egan, nominated as member, Building Materials Evaluation Commission, to May 29, 2014? Do we have unanimous consent? I heard a no. Okay.

We'll move on to number 3. Do we have unanimous agreement to extend the deadline to consider the intended appointment of Karen Kraft Sloan, nominated as member, Environmental Review Tribunal and Ontario Municipal Board (Environment and Land Tribunals Ontario), to May 29, 2014? Do we have unanimous consent? Agreed? Okay, agreed.

Number 4, do we have unanimous agreement to extend the deadline to consider the intended appointment of Marcia Valiante, nominated as member, Environmental Review Tribunal and Ontario Municipal Board (Environment and Land Tribunals Ontario), to May 29, 2014? Do we have unanimous agreement? Okay, that carries.

I think everyone received either a recent email or document regarding documents to do with Metrolinx. We have those documents with us, and I just need some direction from the committee. Some pages are confidential, and before we distribute them, I just need some direction, because they are confidential. They will go out today to members of the committee. The Clerk needs to know what to do with the documents. She can distribute them and either have them returned after the meeting or—I think the Clerk can explain better than I can the distribution of the documents. Madam Clerk—

Mr. Rick Bartolucci: So, Chair, I've got to be perfectly honest with you. I came in with an agenda, and now we're adding onto the agenda. I don't think any of us are prepared to discuss the stuff that we haven't seen in advance. If you'd like to arrange another meeting, we may be open to that, but I'm certainly not open to starting to provide direction when we haven't seen anything.

The Chair (Mr. Lorenzo Berardinetti): The documents were emailed out yesterday. It's kind of late notice, I know. So they were distributed yesterday by email.

Ms. Dipika Damerla: But it's not on the agenda, so we had no idea it was going to be discussed.

Miss Monique Taylor: It was emailed to you.

Ms. Dipika Damerla: I know, but it's not on the agenda, so last night I'm not looking at it as an item that's coming up today.

Mr. Rick Bartolucci: So those of us who had computer problems yesterday didn't see this stuff.

The Chair (Mr. Lorenzo Berardinetti): I think the Clerk can provide a further explanation. Madam Clerk, did you—

The Clerk of the Committee (Ms. Sylwia Przewiecki): Yes. Committee members, as I indicated by email to you yesterday, the Ministry of Transportation and Metrolinx did respond to the committee's request for information as per the motion that the committee passed on March 25. Those documents have come in. As per usual, it is my role to distribute them to committee members.

However, before I distribute the keys—because they were all copied on to USB keys, as the request was for an electronic format—I would really require some direction from committee members how to treat the documents that are currently in my possession. Both the Ministry of Transportation and Metrolinx, as per the transmitted letters you have before you, identified certain of those documents as confidential. They have requested that the committee keep certain documents confidential. It is, of course, up to the committee how it will treat those documents once it has seen them and reviewed them. However, those documents are in my possession as well. In case I do not have a further opportunity to hear from the committee, and in case the committee's mandate comes to an end or the 40th Parliament dissolves and those documents are in my possession, I would need some direction.

If there is a dissolution or prorogation, what does the committee wish me to do with those documents in my

possession that have been identified as confidential by the ministry and Metrolinx? Do I send them back to the agency and the ministry and not make them public, or do I exhibit them with the rest of the documents received, which, in effect, would make them part of the committee's public record? I would need some direction on that.

The Chair (Mr. Lorenzo Berardinetti): Any discussion? Mr. Klees.

Mr. Frank Klees: Well, Chair, first of all, we haven't seen the documents, so it's very difficult for, I think, any member of this committee to say that the documents should be kept confidential, or, in the opinion of the committee, whatever may be deemed confidential by the ministry or Metrolinx should be available for public view. So until we've had an opportunity to actually view those documents, I think it's impossible for this committee to even comment on this, unless—I mean, one possibility we have is that we get copies and we have an opportunity to review it.

I would ask the Clerk this: Has the Clerk viewed those confidential documents?

The Clerk of the Committee (Ms. Sylwia Przewiecki): Other than just to verify the integrity of the files, I have not perused them, no.

However, to your point, Mr. Klees, yes, of course, the committee will have an opportunity to review the documents and then decide. My concern, as someone who has these documents in her possession, barring any further instruction from the committee—should there not be an opportunity for the committee to come back and provide further instructions, in that case, what am I to do with those documents?

Mr. Frank Klees: Well, I would think that the prudent thing for you to do, not having any further direction from the committee, is to in fact not make those documents public. I don't think that would be appropriate. The only way that those documents should be made public is if in fact the committee has an opportunity to review it and give that direction.

The Chair (Mr. Lorenzo Berardinetti): So maybe—I know I have a couple of other people down here to speak. But maybe they could be distributed. We can take a 15-minute break—

Ms. Dipika Damerla: No. We need more than 15 minutes.

Mr. Rick Bartolucci: Chair, if we're going to view the documents, we'd have them at an in camera meeting, obviously. I don't know what the extent of those documents are, if there's one page, there's one billion pages—who knows for sure? But one thing you don't do is talk about a confidential document in public. You would meet in camera to determine whether or not it's confidential, whether the committee deems it confidential. I think that's what Mr. Klees is saying, and that's what I thought I said at the very beginning.

The Chair (Mr. Lorenzo Berardinetti): I have Mr. McDonnell, then I have Ms. Damerla and then I have Ms. Hunter.

Mr. McDonnell.

0920

Mr. Jim McDonell: I say there's no reason why we can't close this meeting and see those documents today. We have the documents. We've asked for them. They're available. The committee should at least see them, and we can at least pull out the ones that are confidential. The others are public. Then we can make a quick decision on the ones that are—start the process, anyway, of looking at them.

The Chair (Mr. Lorenzo Berardinetti): Ms. Damerla, you were next on my list.

Ms. Dipika Damerla: Chair, my preference—I'm new to all of this—is to have some time for each of us to read it in private, not take a 20-minute recess where we're all rushing through the documents right now, and then to be able to come back and discuss it in camera and go one by one and say, "Yes, let it go public. No, this is not to be"—so let's just put it in on the agenda for the next time we meet so that we can all, having done our homework, come prepared to discuss it in camera.

Mr. Rick Bartolucci: It should be an in camera meeting.

Ms. Dipika Damerla: Yes, in an in camera meeting. I think trying to rush it right now—I'm not sure what the point is.

Mr. Jim McDonell: Well, we have till 9:30.

Interjections.

Ms. Dipika Damerla: Oh, yes. You can get the documents and we'll discuss it next time. So I can go home and read it and you can go home and read it—

Mr. Jim McDonell: You can, or we can read them here and decide if you want to leave.

Ms. Dipika Damerla: Well, there's nothing to stop you from reading right away. I'm just saying, maybe you only need half an hour to digest it, but maybe I need three hours. Let's just be fair.

Mr. Percy Hatfield: Yes, because if your computer is broken, you have nothing else to do, anyway.

Mr. Rick Bartolucci: I'm a slow reader. It's going to take me an hour and a half to read one document—the next meeting.

Miss Monique Taylor: Chair?

The Chair (Mr. Lorenzo Berardinetti): Just one second. I have Ms. Hunter, and then I'll get to you, Miss Taylor, in one second.

Mr. Klees had mentioned earlier that—basically, your suggestion was to release documents, and then, after that—

Mr. Frank Klees: I'm suggesting that we release the documents to the committee. And I really think that Mr. McDonell is making a very good suggestion—I see nothing else on the agenda—that we go in camera immediately in this committee, that we then take the rest of the time available to us to review the documents. If some committee members prefer not to do that, they don't have to, but I think that it's a good use of our time to then look at the confidential documents. We don't know; I don't think any of us have seen it. There may be two; there may be 20; there may be 200. It could well be

that within an hour and a half, after viewing those documents, we then can give direction to the Clerk. So that would be my suggestion.

Miss Monique Taylor: Chair?

The Chair (Mr. Lorenzo Berardinetti): One second. Ms. Hunter and then Miss Taylor. You were down earlier.

Ms. Mitzie Hunter: Mr. Chair, for me, members have expressed that we have not had this item on the agenda today. It's new information. I agree that it needs to be released to the committee. But it doesn't seem as if this is something that the committee has come prepared, either through subcommittee or through our committee work on the agenda, to discuss.

Absolutely, the Clerk needs direction to share those documents with committee members. I would support my colleague's suggestion that we schedule an in camera meeting for the committee as a whole to consider the documents. But I certainly know that giving us time to receive the information that is not on the current agenda is something that would be appropriate.

The Chair (Mr. Lorenzo Berardinetti): It was requested. There was a request for it previously, so she has the documents. The problem is, some of them are confidential; some of the pages are confidential. Maybe the Clerk can explain it better.

Ms. Mitzie Hunter: We don't have any specifics.

Interjections.

Ms. Dipika Damerla: There are 1,400 pages.

The Chair (Mr. Lorenzo Berardinetti): Just one moment. I think if the Clerk—the Clerk explained, because this may be the final meeting of this committee. I just have Miss Taylor, then Mr. Klees. Miss Taylor, go ahead, and then Mr. Klees.

Miss Monique Taylor: Through you, Chair, to the Clerk, is it appropriate that I moved a motion right now asking that we go in camera to review the documents?

Interjection.

The Chair (Mr. Lorenzo Berardinetti): Yes, I think—I have Mr. Klees. Oh, sorry.

Interjections.

The Chair (Mr. Lorenzo Berardinetti): The problem is, this could be our last meeting, and so—

Ms. Mitzie Hunter: But we don't know that, so I don't—that is a huge, huge speculation.

The Chair (Mr. Lorenzo Berardinetti): It could be; it could be not.

Mr. Rick Bartolucci: Tomorrow the sky might fall.

Ms. Mitzie Hunter: But I don't think our business in this committee can be predetermined by that.

The Chair (Mr. Lorenzo Berardinetti): We had Miss Taylor and then Mr. Klees. If you want to speak, Mr. Klees is next; then I can put you down, Ms. Hunter, if you want to speak again. So, Mr. Klees, go ahead.

Mr. Frank Klees: Thank you, Chair. In the interest of the Clerk's request for direction, perhaps before we get on into further discussion about what we're going to be doing here, I would think that what we should do as a committee, and I'd ask support of the committee mem-

bers here that we make it very clear what the direction is to the Clerk should this committee not have an opportunity to review those documents and give further clarification related to the confidential documents—that it be very clear that the Clerk is directed not to make those documents public—that is, the confidential documents—should this committee not have an opportunity to sit again on this matter.

Could we get agreement from the committee? Perhaps you should ask for that.

Ms. Dipika Damerla: Erring on the side of caution.

The Chair (Mr. Lorenzo Berardinetti): Is that okay with everybody?

Mr. Rick Bartolucci: I think everybody is in unanimous agreement with that.

Mr. Frank Klees: Okay. I just think it was important for the Clerk to have that.

The Chair (Mr. Lorenzo Berardinetti): I thank you, Mr. Klees. So we'll move on Mr. Klees' direction. She will distribute the documents, and then we'll have a chance to—the secret documents.

Interjection.

Mr. Rick Bartolucci: So if the committee hasn't seen the documents, that the confidential material not be released. I think that's what we agreed to. Correct?

The Chair (Mr. Lorenzo Berardinetti): Yes, that's right.

Mr. Frank Klees: But we also agreed that the committee members should have access to the documents and should see the documents.

The Chair (Mr. Lorenzo Berardinetti): Yes. She will distribute them right now.

Ms. Dipika Damerla: Chair?

Miss Monique Taylor: How are we supposed to go in camera to review this?

Mr. Rick Bartolucci: Exactly.

Ms. Dipika Damerla: Excuse me, Chair.

The Chair (Mr. Lorenzo Berardinetti): One moment. I just need to speak to the—

Interjections.

0930

The Chair (Mr. Lorenzo Berardinetti): Okay, so these have been distributed to—

Interjections.

The Chair (Mr. Lorenzo Berardinetti): Excuse me. One second.

Ms. Dipika Damerla: Chair?

The Chair (Mr. Lorenzo Berardinetti): One moment, Ms. Damerla. I'm trying to—

Ms. Dipika Damerla: Chair, I move a motion to adjourn the meeting, there being no further business.

The Chair (Mr. Lorenzo Berardinetti): One thing before we do that—I just need direction. If we meet next time, can we start reviewing some of the appointments? Yes or no?

Miss Monique Taylor: Yes.

Mr. Jim McDonell: Yes.

The Chair (Mr. Lorenzo Berardinetti): All right. So can we put three appointments down for—

Miss Monique Taylor: Whoa, whoa, whoa.

Interjections.

The Chair (Mr. Lorenzo Berardinetti): Mr. McDonell and then Miss Taylor. Go ahead.

Mr. Jim McDonell: I think we have these documents. Could I ask if we could have the confidential ones printed out so that we can make some decision on them at the next meeting? We would have the week to review them, and then at that meeting we could—

Interjection.

Mr. Jim McDonell: Would that be appropriate? We have a list of confidential documents. We're not sure how many there are. We have to make a decision on whether they are confidential or not. The next opportunity would be the most reasonable one to decide that. We could have printed copies and go over them one by one and decide at that point.

The Chair (Mr. Lorenzo Berardinetti): So you would like to discuss that next meeting, then.

Mr. Jim McDonell: Yes.

The Chair (Mr. Lorenzo Berardinetti): All right. For the whole meeting?

Mr. Jim McDonell: Well, I'm not sure. Are there two documents? Are there 10—confidential. I think you might have to set aside the whole meeting.

The Chair (Mr. Lorenzo Berardinetti): Okay. Here's the instruction. Can I have everyone's attention before we go any further. In here, there are eight banker's boxes of documents—

Interjections.

The Chair (Mr. Lorenzo Berardinetti): How many do we—

The Clerk of the Committee (Ms. Sylwia Przedzicki): Just in verifying the integrity of the files and seeing what files are on the keys, the bulk of the documents are from Metrolinx, so the paper version is about eight banker's boxes. Four have been identified as redacted and half unredacted, so it's about half-half. From the Ministry of Transportation, it's a much thinner package. There are five documents that are in the requested confidential file.

Ms. Dipika Damerla: So can I ask—

The Chair (Mr. Lorenzo Berardinetti): I have Miss Taylor down, and then we'll go to Ms. Damerla.

Miss Monique Taylor: Thank you, Chair. Hearing this information of the extent of the documents that we're to look at and to decide what to do with, I think that the entire next meeting should obviously be dedicated to nothing but speaking about the documents.

The Chair (Mr. Lorenzo Berardinetti): Okay. Ms. Damerla and then Mr. Klees.

Ms. Dipika Damerla: I just had one question: Is it clear in the way the files are organized what's confidential and what's not, so when I go, I'll know that I'm looking at something that the government deems confidential or the government deems public? Is that the way it's organized?

The Clerk of the Committee (Ms. Sylwia Przedzicki): Yes. It's in two files.

Ms. Dipika Damerla: Okay. Perfect. Thank you.

My other thing, Chair, is that we have been postponing the review of a lot of appointments, many, many times extended. We again extended today. All I'm saying is, let's do half and half, because if we don't do those appointments, then we won't extend them. I can't agree to just infinitely extending them. I'm just saying, I would also like the opposition to have a chance to review the candidates the government is recommending, but we cannot constantly keep extending them. So to Miss Taylor's point, I would suggest we do half and half, or we'll be in a position where we have to say no to the extension so that those agencies can do the work that they're supposed to.

The Chair (Mr. Lorenzo Berardinetti): Okay. Thank you. Mr. Klees.

Mr. Frank Klees: Chair, I just heard the Clerk tell us that from the Ministry of Transportation, there are only five documents that are confidential. Is that correct? In the interest of getting some work done here, I would suggest this: that we ask that those five documents be printed out now. We can take a 10-minute break waiting for those documents to be printed out and to be distributed to the committee. How much time is left? Forty-five minutes? We have lots of time to review five documents. That would give the committee the opportunity to do that and we can give direction to the Clerk specifically with regard to those documents, should the committee deem to do so. But it would at least give us some productive work to do here for the next 45 minutes.

Mr. Rick Bartolucci: Okay. How long are those documents? Do you know?

The Clerk of the Committee (Ms. Sylwia Przewiecki): No.

Mr. Rick Bartolucci: You don't know. Well, let's have each document at—

Mr. Frank Klees: I would think that those documents are probably two or three pages.

Mr. Rick Bartolucci: Yes, but what happens if they're long?

Mr. Frank Klees: Let's find out.

The Chair (Mr. Lorenzo Berardinetti): Just one second. I just have two more speakers, here: Ms. Hunter and then Ms. Taylor.

Ms. Mitzie Hunter: It seems like we came to a pretty reasonable decision, given this new item. We've had a conversation around it. We've provided the Clerk with some specific direction on how to handle the confidential files. We agreed to convene next meeting in camera to review the documents because we're seeing them for the first time as a committee and I think that's what we want to do. I thought we had agreed to consider some appointments so that we keep a sense of balance in our work of doing both the agency review as well as the intended appointments.

So I don't feel that there is enough time for us to go print off documents—we don't know how long those documents are—and be able to make that kind of careful assessment that we need to do as a committee. But we

now have them. As committee members we can do our homework and come back prepared to discuss them in camera next time.

The Chair (Mr. Lorenzo Berardinetti): So then we would—

Ms. Mitzie Hunter: I would like to at least do one or two of the intended appointments. I think it's very important that we continue to have that opportunity, even if it's just one, if we could all agree on that.

The Chair (Mr. Lorenzo Berardinetti): Okay. Miss Taylor, Ms. Damerla and then Mr. McDonell.

Miss Monique Taylor: I was just wondering if the non-redacted documents that are in the file are already public.

The Chair (Mr. Lorenzo Berardinetti): If they're—I'm sorry, what was the last word?

Miss Monique Taylor: If they're already public.

Mr. Percy Hatfield: Good question.

Ms. Mitzie Hunter: I would say no.

The Chair (Mr. Lorenzo Berardinetti): I think everything is in here right now, so we'd have to take a look at them. I'm just going to go back to the Clerk one second because I don't know how long those other documents from the Minister of Transportation would be that Mr. Klees is requesting.

Just before I go to the next person, Mr. Klees, I'm understanding from the Clerk it would be hundreds of pages to print off.

Mr. Frank Klees: It was a suggestion. If it's impractical then it's impractical. I just thought that while we're here we could look at the documents. I defer to the committee on this one.

The Chair (Mr. Lorenzo Berardinetti): Okay. Ms. Damerla, you were next.

Ms. Dipika Damerla: I'm not entirely sure what the rush is and why making these decisions cannot wait until the next time we meet so that we do make a considered decision. I'm not entirely sure but whatever it might be it seems like it's impractical at this point to ask the Clerk to print them on the fly. We start reading them right here on the spot and go, "Page 1 is okay." I don't know how you can do that without the full context of reading everything at least reasonably. I don't know how anybody is going to read eight banker's boxes fully with all of the different duties we all have. But we'll try. We'll have the support of our staff in each party. I'm just going to suggest, why don't we adjourn now. Those who are real keeners can start reading this right away. But I just don't see the point of back and forth on all of this.

My only other request will be that we also, at the next meeting, consider some of the appointees so that we don't have to extend them again, because the number of times we've had to extend some of their appointments is becoming untenable. Other than that, I move a motion to adjourn the meeting.

The Chair (Mr. Lorenzo Berardinetti): Okay. I still had Mr. McDonell.

Mr. Jim McDonell: I think it's clear we have a mandate to look at Metrolinx. I can't apologize for the

filibustering that's gone on since December here by the government. I think they've done everything they could to delay this agreement. We have them. Maybe it's not practical, the length to look at any of them. We had 45 minutes, so I'm not sure why we couldn't have at least tried, but anyway, I can live with that.

0940

Let's look at these documents next week. Of course, my understanding is anything that's not classified or not restricted is available, is in the public domain. It's only the documents that are classified as commercially restricted that we'll be making decisions on, and I say we start next week. It sounds like there are that many documents that we might as well set the whole period aside for this. This is very important, and I think we should just move ahead and if they want to adjourn, that's fine, but I think that's the direction we—

The Chair (Mr. Lorenzo Berardinetti): Mr. Hatfield?

Mr. Percy Hatfield: Thank you, Chair. Yes, I have no problem if the committee wants to adjourn this agenda, but rather than lose the rest of the time, I would rather be regaled by Mr. Bartolucci and Mr. Klees about some of their stories over the many years they've served in this House. They could use us as a sounding board for some of those stories before they get into the big theatre, whenever that happens.

Mr. Rick Bartolucci: I'd be more than happy to talk about the late Peter Kormos and the way he was able to filibuster, a real pro who taught us so much about filibustering. There are a million stories that we can talk about the NDP and their filibustering techniques over the years.

The Chair (Mr. Lorenzo Berardinetti): My prerogative here is not to—

Mr. Rick Bartolucci: A motion to adjourn.

The Chair (Mr. Lorenzo Berardinetti): Okay. One last speaker: Ms. Hunter?

Ms. Mitzie Hunter: Just in terms of this item, I would not predetermine that the non-confidential files are in the public domain.

Mr. Jim McDonell: They aren't.

Ms. Dipika Damerla: Can the Clerk—

The Chair (Mr. Lorenzo Berardinetti): Let's get clarification from the Clerk one more time on the confidential documents.

Ms. Dipika Damerla: Not confidential; the ones that are deemed not confidential. The ones that are not redacted.

Interjections.

Ms. Mitzie Hunter: Yes, the unredacted because—

Interjection.

Ms. Mitzie Hunter: They've been released how and where, and we, as a committee, haven't necessarily got them. So when was that decision made?

The Clerk of the Committee (Ms. Sylwia Przewdziecki): As with any documents that are filed with the committee, generally the committee members are the first to receive them. Once they've been received by the com-

mittee members, they are considered public documents and my office would share copies with anybody looking for them, unless the committee determined otherwise.

Ms. Mitzie Hunter: So I would request that we deal with this matter at our next committee meeting when we go in camera and we have an opportunity to review the files for the first time as a committee.

The Chair (Mr. Lorenzo Berardinetti): Is that okay with everybody?

Mr. Jim McDonell: Yes, I'm okay. It's just that we've got a pile of documents here today. They're all public, the same thing.

The Chair (Mr. Lorenzo Berardinetti): Miss Taylor?

Miss Monique Taylor: Chair, I just want to confirm if the redacted documents are public.

Ms. Mitzie Hunter: No.

Ms. Dipika Damerla: No.

Miss Monique Taylor: Hold on, hold on. On here, is it just redacted documents or—

The Chair (Mr. Lorenzo Berardinetti): The redacted ones would be public because the—that's why they've redacted them, unless the Clerk says otherwise. Let's get an explanation from the Clerk. One moment.

The Clerk of the Committee (Ms. Sylwia Przewdziecki): On each key, the committee members will find initially two files, one labelled "MTO response," one labelled "Metrolinx response." Going deeper within each file are two folders, or within each folder are two folders, one labelled "Not Confidential" and one labelled "Requested" or identified as "Confidential." From that top level, it should be clear which documents the agency and the ministry have identified as confidential, and those are the documents, barring any further instructions from you, I understand, that will not be made public, should I not receive any further instructions from the committee.

The Chair (Mr. Lorenzo Berardinetti): Miss Taylor, then Mr. Klees.

Miss Monique Taylor: That answers my question.

The Chair (Mr. Lorenzo Berardinetti): Mr. Klees?

Mr. Frank Klees: So for clarity, the understanding and the practice is that the documents that have now been received by the committee, save and except for those documents that are marked "Confidential," are now public. They're available to us. We have them as committee members. The redacted documents are public. The reason they're redacted is that there are parts of those documents that are considered confidential. There's nothing wrong with a redacted document being in the public domain because it is redacted. That's why it's redacted.

Then there's a third set of documents that are marked "Confidential."

For clarity, the direction that the Clerk has, Chair, is that those confidential documents are to remain confidential, subject to this committee making a further decision on that. But immediately, starting today, the package of documents that have been delivered to this committee is public. I just wanted to make that clear. There should be no confusion about that.

The Chair (Mr. Lorenzo Berardinetti): Okay. Miss Taylor, is that—

Miss Monique Taylor: That's what I thought too. He just did it much better.

The Chair (Mr. Lorenzo Berardinetti): Okay. I have Ms. Hunter.

Ms. Mitzie Hunter: Is it my turn? My understanding of what we decided this morning is that we have just been given these eight banker's boxes on a stick, that we have an opportunity as a committee to review what is there, and that we will come back as a committee and discuss what was submitted to the committee.

Mr. Frank Klees: No, that's not it at all.

Mr. Rick Bartolucci: Seriously, we didn't agree to that.

Ms. Mitzie Hunter: Okay.

Mr. Jim McDonell: It's only the confidential documents.

The Chair (Mr. Lorenzo Berardinetti): Yes. The understanding is that only the confidential documents have to be decided on, once the committee has reviewed them—whether they should remain confidential.

Mr. Frank Klees: I think, Chair, it should be clear that that's just common practice for a standing committee. We're not making any new rules here. The minute this committee receives documents that have been ordered, they are public unless there is a confidentiality issue that the committee has to decide upon.

The Chair (Mr. Lorenzo Berardinetti): Is that agreed?

Ms. Dipika Damerla: I think that's standard protocol—

The Chair (Mr. Lorenzo Berardinetti): We will meet next meeting. Given the fact that there are eight boxes of material, I don't think it's practical to put any appointments on.

Interjections.

Mr. Frank Klees: Chair, just a suggestion: We've done this in the public accounts committee. The reason the documents were ordered electronically, obviously, is that it's much easier—

The Chair (Mr. Lorenzo Berardinetti): Excuse me. I just need to make sure the committee is listening, so that this isn't repeated again. I'd ask everyone, just for a second, to—

Interjections.

The Chair (Mr. Lorenzo Berardinetti): Excuse me. Ms. Damerla?

Ms. Dipika Damerla: Oh, sorry.

The Chair (Mr. Lorenzo Berardinetti): I just want everyone to hear what Mr. Klees has to say, and I would just ask that other members do the same when others are speaking.

Go ahead, Mr. Klees.

Mr. Frank Klees: Yes. This is done in other committees. Eight banker's boxes—obviously, it's impractical for us to ask the committee to have those produced in hard copy. The reason they're ordered electronically is that it's easier for us to search the documents.

If someone wants to review the hard copies, then I suggest that the committee make the hard copies available in a designated area between certain times, so that, whether it's a member, or a member wants to designate a staff person to review the hard copies, that will be available to them.

The Chair (Mr. Lorenzo Berardinetti): All right. Does everyone agree with that? That would be through the Clerks, then, that the copies would be done. This is done on other committees. In public accounts, it's done as well.

Okay. Ms. Damerla?

Ms. Dipika Damerla: Chair, I'd like to move adjournment of this committee.

The Chair (Mr. Lorenzo Berardinetti): Okay. All right, there's no debate. A motion to adjourn has been moved. All those in favour? Opposed?

Mr. Jim McDonell: Just to clarify: Next week, we'll get back to these documents?

The Chair (Mr. Lorenzo Berardinetti): Yes.

Mr. Jim McDonell: Okay.

The Chair (Mr. Lorenzo Berardinetti): Okay. We are adjourned. Thank you.

The committee adjourned at 0949.

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