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**Official Report
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(Hansard)**

Tuesday 29 April 2014

**Journal
des débats
(Hansard)**

Mardi 29 avril 2014

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Estimates**

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Hansard Reporting and Interpretation Services
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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
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
ESTIMATESCOMITÉ PERMANENT DES
BUDGETS DES DÉPENSES

Tuesday 29 April 2014

Mardi 29 avril 2014

The committee met at 1549 in room 151.

COMMITTEE BUSINESS

The Chair (Mr. Michael Prue): We'll call the meeting to order. We have received a letter dated April 11, 2014, addressed to me and given to the committee members. It's signed by Michael Chan, Minister, turning over a great many documents. He writes in part, "As you know, on November 19, 2013, I provided the committee with approximately 21,000 responsive records totalling 76,000 pages and on February 14, 2014, I provided the committee with approximately 5,000 responsive records totalling approximately 45,000 pages."

Now he is providing additional documentation—40,000. "In today's package, I have included approximately 5,000 responsive records totalling approximately 40,000 pages."

The committee needs to determine what it wants to do with these new 40,000 pages. To make matters easy, what we have done in this committee in the past, not only with this ministry but with other ministries, is that we have agreed to take the copies both in redacted form and unredacted form. The redacted ones can be made public if the committee so decides. The unredacted ones we have, in the past, kept in the confidence of the committee, and any member wishing to release them must come back to the committee to do so.

That's, in a nutshell, what we have done, but I am in the committee's hands to do whatever you want with this package.

Mr. Paul Miller: Mr. Chairman, obviously we've taken delivery of the other boxes. I'm actually having trouble getting through my door in my office. But if we've accepted the other ones, we're certainly going to accept these, in my opinion.

The Chair (Mr. Michael Prue): If you want to deal with it in the same way, we do have a motion. Mr. Miller, are you prepared to move the motion? I can have the Clerk deliver them out.

This is a similar, if not identical, motion that has been made in other cases, so if members would take a moment to read it.

Mr. Rob Leone: There are the two sets, redacted and unredacted? The same thing?

The Chair (Mr. Michael Prue): That's correct.

Mr. Miller, if you are prepared to make this motion, if you would read it into the record.

Mr. Paul Miller: I move that the Standing Committee on Estimates accepts the information received on April 11, 2014, that is responsive to the October 22, 2013, motion adopted in committee during the review of the 2013-14 estimates of the Ministry of Tourism, Culture and Sport;

That one copy of all redacted and unredacted documents received be provided to each caucus and that the caucuses keep the unredacted documents confidential;

That the Ministry of Tourism, Culture and Sport be notified in advance should the committee decide to make the unredacted documents public; and

That the redacted documents be made public.

The Chair (Mr. Michael Prue): Everybody has heard the motion. Is there any discussion? Mr. Del Duca.

Mr. Steven Del Duca: I just have a quick question. I don't, as you would know, ordinarily serve or spend a lot of time on this committee, I'm sorry to say, but I'm just wondering, because I know this committee has dealt with a lot of requests like this: Is this motion in keeping and consistent with what's taken place here?

Mr. Paul Miller: Yes.

The Chair (Mr. Michael Prue): As far as I know, as the Chair, but I'll turn it over to the Clerk, who is completely unbiased. As far as I know, this is identical or nearly identical. The only thing that is different that is being pointed out—"the information received on April 11, 2014;" the date, of course, is different from the other one.

Mr. Steven Del Duca: So is that why a motion is needed, because of the date being specified?

Mr. Paul Miller: Any time you accept documents, you have to move a motion.

Mr. Steven Del Duca: Still learning, Paul.

Mr. Paul Miller: I'm just helping you out.

The Chair (Mr. Michael Prue): Is there any further discussion on this motion? There is another potential motion following this. Is there any discussion on this motion?

Mr. Rob Leone: I would, Chair, just like to state again for the record that, considering the fact that this is in keeping with what we have done in the Standing Committee on Estimates before with documents that we've received, whether they be finance documents or health documents and Pan Am documents now, I think the rule from our vantage point is that we should stay consistent with what we have done in the past. I would certainly

support the motion moved by my colleague Mr. Miller from Hamilton East–Stoney Creek as a result of doing exactly what he suggested here.

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So from that perspective, I will concur, and I think that the Standing Committee on Estimates should also agree with this.

The Chair (Mr. Michael Prue): Any other discussion? Seeing none, I'm going to call for the vote. All those in favour of Mr. Miller's motion? Opposed? That carries.

There is a further motion that may be necessary, and I don't know if the committee can deal with the others, but the Clerk informs me that what has happened in the past is that the redacted copies are made available to the public through the library, and he ships those off. The unredacted copies sit in the Clerk's office, and the office is getting very, very full. He has requested a motion—and he has prepared one, if somebody would be prepared to move it—that the Clerk be authorized to hold the unredacted documents until the dissolution of this Parliament, after which time he would return them to the ministry—

Interjection.

The Chair (Mr. Michael Prue): Well, okay—because he doesn't want to gum up the works of the Clerk's office. Pretty much, that's what it is. You can understand, I think, all of you. Mr. Miller has I don't know how many boxes in his office—

Mr. Paul Miller: A few.

The Chair (Mr. Michael Prue): A few, and I'm sure that other members have a few as well, or have them in some place. That is his request, but I leave it in the committee's hands.

Mr. Miller.

Mr. Paul Miller: Certainly I relate to his problem of moving around in the office, obstructions and probably a safety hazard too; I'm not sure. I have no problem with that. The only problem I have is that if he's returning it to the ministry after whatever happens, I'm not sure that's advisable, because we may have gotten through a third of them or not even, and we may not have gotten to those boxes. Once they're returned to the ministry, how are we going to access that stuff at the ministry when we need to get—if I finish box 5 and I need box 6 and it's already gone back to the ministry, what are we going to do there?

The Chair (Mr. Michael Prue): No, no. As I understand it, the NDP gets to keep, the Conservatives get to keep—

Mr. Paul Miller: Oh, it's just your office?

The Chair (Mr. Michael Prue): It's just his office.

Mr. Paul Miller: Oh. You're okay, but I'm not? Oh, I've got to trip over them.

The Chair (Mr. Michael Prue): Each caucus has those documents and can keep them forever, if you wish. The thing is that the Clerks—what would they do with them? So they simply want to return them to from whence they came. That's my understanding. And it would be at the dissolution of the Parliament. If the

budget passes in the next few weeks, then he would continue to hold on to them until we actually go to the polls.

Mr. Paul Miller: That's fair. I have no problem.

The Chair (Mr. Michael Prue): Mr. Leone.

Mr. Rob Leone: Just so I'm clear on exactly what's happening, the redacted copies that are now public remain such; they're going to the library.

The Clerk of the Committee (Mr. Katch Koch): Correct. The redacted copy will be archived at the end of the Parliament.

Mr. Rob Leone: The unredacted, which we also have a copy of in our caucuses and you have in your office—we are still able to keep those documents.

The Clerk of the Committee (Mr. Katch Koch): Yes. They are the property of the caucuses now.

Mr. Rob Leone: The unredacted copies that you have would be returned to the ministry.

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

Mr. Rob Leone: Now, we have several motions, and we just passed one, that state that if we want to make unredacted documents public, we'd have to come back to the Standing Committee on Estimates to do that, to have a discussion about a potential release. Can a future Parliament, a future Legislature, a future session make that request—the Standing Committee on Estimates? Is that going to carry through to the next session or the next Parliament, should we have an election or should there be a prorogation? Does this motion carry forward forever, as such?

The Clerk of the Committee (Mr. Katch Koch): At the dissolution of Parliament, this business item would be dead. If future committees decide to bring the business back, you can do that as a committee.

Mr. Rob Leone: So my question, then, becomes: Does that mean, at dissolution, that the unredacted documents—there's no control over them, essentially? They are public?

The Clerk of the Committee (Mr. Katch Koch): No. You're still bound by the motion that was passed by the committee, that the unredacted be kept confidential by the caucuses. You're still bound by that.

Mr. Rob Leone: Okay. I'm just trying to be clear on what we're doing here. Should we decide to bring another item back in a future Parliament, how would that be verified by the committee and the Clerk, if the Clerk no longer has access to the documents that we're asking to be made public, if that's what we want to do?

The Clerk of the Committee (Mr. Katch Koch): I guess if we look at the previous example, where Mr. Fedeli had brought back three documents, he provided the documents to the committee. He's asking the committee to consider making these three documents public. The documents will originate from the member.

For me to go back and check to see whether it's something that came from the redacted pile or the unredacted—I still have the redacted, because they are exhibited; they are public documents. I would not look into the unredacted documents.

Mr. Rob Leone: Right, and do you have all these documents on an electronic USB or some—

The Clerk of the Committee (Mr. Katch Koch): No. It depends on the original request of the committee. In this case, for the Ministry of Tourism, Culture and Sport, the committee did not ask for any documents in an electronic format. This is why the ministry is providing the documents in hard copies.

Mr. Rob Leone: Okay.

Mrs. Laura Albanese: I'm just looking at you.

Mr. Rob Leone: Sorry?

Mrs. Laura Albanese: At MPP Miller. Sorry.

The Chair (Mr. Michael Prue): Mr. Miller.

Mr. Paul Miller: I dare to ask, but why wouldn't we have requested them in electronic discs? It would have been a lot less cumbersome.

The Chair (Mr. Michael Prue): If I can speak, as the Chair: For the life of me, I have no idea.

Mr. Paul Miller: Can we still do it?

The Chair (Mr. Michael Prue): I don't know. I don't think so.

Mr. Paul Miller: No?

The Chair (Mr. Michael Prue): No, I don't think so.

Mr. Paul Miller: Boy, a lot of trees gave up their lives for this.

The Chair (Mr. Michael Prue): Yes. The mandate of this committee has expired, save and except to deal with past administrative issues and past motions and requests that have been made. This would be a new request, and we are beyond our time frame to do so. In fact, this is the longest, I am absolutely confident, that an estimates committee has ever lasted in the history of this House.

Mr. Paul Miller: Okay. It's the unredacted and redacted copies that we possess in our offices—

Interjection: Yes.

Mr. Paul Miller: We eventually get to the end of the trip here. Where does our stuff—because obviously it's confidential, half of it—who takes it out of our office, where does it go, and how do we get at it in the future, if we want to?

The Clerk of the Committee (Mr. Katch Koch): They are properties of the caucus, and you're still bound by the motion passed by the committee to keep it confidential.

Mr. Paul Miller: They did this to really give us a hard time, I think. This is starting to really be vindictive.

Interjections.

Mrs. Laura Albanese: Sorry; I have a question. If, at one point, a caucus would like to dispose—I have two questions, actually. The first one would be: If a caucus does not want to have them anymore in their possession, would they be brought to the archives?

The Clerk of the Committee (Mr. Katch Koch): No, because if you send it to the archive, it becomes public documents.

Mrs. Laura Albanese: Okay. So the question is: Where would they be brought?

Mr. Paul Miller: We'll have to borrow your shredders.

Mrs. Laura Albanese: Shredders.

The Clerk of the Committee (Mr. Katch Koch): I guess that's one possibility.

Mrs. Laura Albanese: The second question that I had is: Upon the dissolving of the Legislature—

The Clerk of the Committee (Mr. Katch Koch): The dissolution of Parliament, yes.

Mrs. Laura Albanese: Yes, the dissolution of Parliament. When a new government comes back and the Standing Committee on Estimates sits again, other items would be brought forward. At that point, if a caucus is still in possession of these documents, could they still ask that they be made public, or, because the matter is not in front of the committee any longer, could that not happen?

The Clerk of the Committee (Mr. Katch Koch): Yes, it is the will of the committee. If the committee still wants to revisit something, if the committee was—

Mrs. Laura Albanese: It would be the will of the majority of the members of the committee.

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

Mrs. Laura Albanese: Thank you.

The Chair (Mr. Michael Prue): If I might state that, the committee has to be re-struck de novo, starting again, within—what is it, 12 sessional days after the budget is read? Something like that. Ten or 12 days after the budget is read, the Standing Committee on Estimates must be reformatted, re-struck, and starts with a new round. The committee always exists; it always exists. However, the new members are chosen, and then the Chair and everything. It all starts.

The Clerk of the Committee (Mr. Katch Koch): That would be after a Parliament.

The Chair (Mr. Michael Prue): Yes.

The Clerk of the Committee (Mr. Katch Koch): Ten sessional days following the commencement of Parliament, committees should be struck, according to our standing orders. That's when they figure out the membership for the committees. The membership for a committee would be struck for the duration of a Parliament, but from time to time the House can change the membership of a committee.

The Chair (Mr. Michael Prue): Okay. I had that a little wrong, but there is a provision here, something that occurs at 10 or 12 days—

The Clerk of the Committee (Mr. Katch Koch): Consideration of estimates.

The Chair (Mr. Michael Prue): Consideration of estimates, with a new round and new ministries being called and those kinds of things, will happen within 10 or 12 days or so after the budget is read.

Mrs. Laura Albanese: So if the committee is reconstituted with the same members—

The Chair (Mr. Michael Prue): It could be.

The Clerk of the Committee (Mr. Katch Koch): The committee exists.

Mrs. Laura Albanese: The committee exists in its present form until the future—

The Clerk of the Committee (Mr. Katch Koch): Correct. By the third Thursday of November, the committee is required by the standing orders to report the estimates back. Once you report the estimates back to the House, the committee can no longer discuss the estimates.

What the committee has been doing is meeting to deal with administrative matters, anything that's outstanding. In this case, it is about documents that the committee has requested during the consideration of the estimates of ministry X, Y, Z, and because those documents are trickling in at a different time, the committee can still meet to decide what to do with it and how to handle it. You could not talk about estimates, but you could talk about what to do with documents that you receive.

The Chair (Mr. Michael Prue): Okay. We have a proposed motion. I think we should speak to a motion. Enough questions have been asked here. I think Mr. Clark would like to move it.

Mr. Steve Clark: I'll read it first and then move it.

The Chair (Mr. Michael Prue): Okay. If you would wait so that all members have a copy in front of them

before you read it. Mr. Clark, I believe you wish to read the motion.

Mr. Steve Clark: Yes, Chair. I move that the Clerk of the committee return all confidential documents received during the review of the 2013-14 estimates that have not been made part of the committee's public record to the senders at the dissolution of the 40th Parliament.

Mr. Steven Del Duca: I'll second that.

The Chair (Mr. Michael Prue): Okay. We have a mover and a seconder. We don't require a seconder, but we have one anyway. Any discussion on the motion? No discussion on the motion? All those in favour? Opposed? That carries.

Is there any other business? I didn't have any others. Is there anything else related to this? Seeing none, we will adjourn, at 4:12 p.m.

The committee adjourned at 1612.

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