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**Official Report  
of Debates  
(Hansard)**

**Tuesday 21 October 2014**

**Journal  
des débats  
(Hansard)**

**Mardi 21 octobre 2014**

**Standing Committee on  
Government Agencies**

Organization

**Comité permanent des  
organismes gouvernementaux**

Organisation

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## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES  
ORGANISMES GOUVERNEMENTAUX

Tuesday 21 October 2014

Mardi 21 octobre 2014

*The committee met at 0903 in committee room 1.*

## ELECTION OF CHAIR

**The Clerk of the Committee (Ms. Sylwia Przewdziecki):** Good morning, honourable members, and welcome to the Standing Committee on Government Agencies.

It is my duty this morning to call upon you to elect a Chair. Are there any nominations?

**Mrs. Marie-France Lalonde:** Good morning. It gives me great pleasure, actually, to nominate Mr. John Fraser as Chair, please.

**The Clerk of the Committee (Ms. Sylwia Przewdziecki):** Mr. Fraser, do you accept the nomination?

**Mr. John Fraser:** I do.

**The Clerk of the Committee (Ms. Sylwia Przewdziecki):** Are there any further nominations?

There being no further nominations, I declare the nominations closed and Mr. Fraser duly elected Chair of the committee. Mr. Chair, if you would like to take your chair, and congratulations.

**The Chair (Mr. John Fraser):** All right. That was easy.

We'll get ourselves organized here.

## ELECTION OF VICE-CHAIR

**The Chair (Mr. John Fraser):** Good morning, everybody. It's my first duty as Chair to ask for a motion for Vice-Chair. Are there any motions? Ms. Wong.

**Ms. Soo Wong:** Mr. Chair, I move and nominate Mrs. Martins to be the Vice-Chair of government agencies.

**The Chair (Mr. John Fraser):** There has been a motion by Ms. Wong. Is there any debate? Are the members ready to vote?

**Ms. Soo Wong:** Yes.

**The Chair (Mr. John Fraser):** Shall the motion carry?

**Interjection:** It carries. Congratulations.

**Mrs. Cristina Martins:** I accept.

**The Chair (Mr. John Fraser):** There we go. Anybody opposed? No? Okay.

## APPOINTMENT OF SUBCOMMITTEE

**The Chair (Mr. John Fraser):** The second order of business is a motion for subcommittee appointment. Mr. Pettapiece.

**Mr. Randy Pettapiece:** I move that a subcommittee on committee business be appointed to meet from time to time at the call of the Chair or at the request of any member thereof, to consider and report to the committee on the business of the committee;

That the presence of all members of the subcommittee is necessary to constitute a meeting; and

That the subcommittee be composed of the following members: the Chair as Chair, Mr. Rinaldi, Mr. McDonnell and Mr. Gates; and

That substitution be permitted on the subcommittee.

**The Chair (Mr. John Fraser):** Thank you very much, Mr. Pettapiece. There's a motion on the floor that Mr. Pettapiece has moved for subcommittee. Any discussion or comments? Are we ready to vote?

All those in favour? Motion is carried. Thank you very much.

## BRIEFING

**The Chair (Mr. John Fraser):** Since we have some new members here this morning, and new members to this committee, we will have, with the indulgence of the committee, a briefing by staff. Are we all good with that? That's great. Sylwia?

**The Clerk of the Committee (Ms. Sylwia Przewdziecki):** Thank you. Good morning again. I should just formally introduce myself. My name is Sylwia Przewdziecki, and I am the Clerk of the Committee. I am here to provide impartial procedural advice to all members and to the Chair. I'm also here to ensure that the administrative workings of the committee are carried out on a day-to-day basis.

My office will inform your offices of any upcoming meetings; I will provide you with materials for each upcoming meeting as soon as I possibly can; and I'm here to answer any questions and be of any assistance. You can call my office any time. My assistant, Trish Sarnicki, and I share a line, and either one of us will be happy to help you.

Given that we do have a number of new members, both to the Legislature and to this particular committee, I did want to talk a little bit about this committee because it has a very specific mandate. So I've put together a little package for all of you; it's at your desks.

Our committee has a dual mandate. First of all, it has the authority to undertake the review of any agencies, boards and commissions—or, as we refer to them, the

ABCs—that the committee wishes. Second, it has the mandate to review intended appointments to those ABCs that are made by order in council.

You will have before you a document that was prepared by our research officer—and I will be sharing my time with her this morning—and this document, which is entitled *Mandate of the Standing Committee on Government Agencies*, also provides a list of all of the agencies that are reviewable by the committee. These are agencies to which the Lieutenant Governor in Council makes some or all of the appointments, or it's an agency which is a corporation in which the crown in right of Ontario is a majority shareholder. You have a list before you of all of the ones that can be reviewed.

The research officer, Carrie Hull, participates in the meetings every week and prepares background materials for the committee, and she will speak to her role a little bit more specifically, and also maybe even more specifically, how it relates to the agency review aspect of the mandate.

#### 0910

But I would like to talk about the appointments review process because this is something that the committee does on a near-weekly basis. This committee deals with selections of intended appointees for review and adopts subcommittee reports on a regular, almost weekly, basis. So I just wanted to explain for the benefit of the members how this all comes together.

We just appointed a subcommittee this morning. I will be in close contact with the subcommittee over the coming session.

Just to back up a little bit about the package now, I have distributed to you a copy of standing order 108, which is quite a lengthy standing order. It is the standing order that sets out the terms of reference for the committee. It is quite detailed and provides direction for the execution of our mandate.

The way this committee has operated is governed by the standing order, but a lot of it is also rooted in practice. Of the documents that you have, I've started with the certificate. I've traced the documents that relate to any given certificate, and I'll talk about how the committee deals with these documents. I'll talk about what the practice has been. I'll need your directions as to, "This is how the committee wishes to continue its practice."

You'll see a sample certificate and subcommittee report from the last session as well as the attending documents. The certificate, signed by the Premier on behalf of the cabinet, was tabled to indicate any appointments made at the most recent cabinet meeting. These certificates are for new appointments of more than one year. So the certificate is the starting point for all the work of the committee.

Once a certificate is tabled with the Clerk of the House, I receive a copy of it and forward it to subcommittee members. All subcommittee members will receive it on a Friday. I've also included in your package, for those visual learners, a little calendar. It's just a

randomized month, but it does visually trace the steps that the committee goes through.

I receive a copy and forward it to subcommittee members. As per the standing orders, the subcommittee members select from the certificate those individuals that they would like to call before the committee for review of their intended appointment. There is no obligation to select anyone and no minimum or maximum number of selections. The subcommittee makes its selections known to the full committee by way of a subcommittee report. That's on the calendar as well.

Now here's where the practice comes in. The standing orders state that the subcommittee shall meet at its own initiative to make the selections and that, upon receiving the report of the committee, it shall determine the date for the review of the selected individuals as well as the time that will be allocated for each interview.

However, the committee has established a practice to streamline this process. The practice was adopted in 1998 and has been adhered to by the committee in subsequent Parliaments, including the most recent. It was found to be cumbersome to set up subcommittee meetings, often on a weekly basis, and coordinate the schedules of all the subcommittee members so often. So the practice was developed whereby the subcommittee members receive the certificate by email on a Friday, as per the calendar, and then are required to get back to the committee Clerk with their selections, again by email, by 5 p.m. the following Thursday. Subcommittee members, you would have just under a week to get back to me with your caucus's selections.

I then proceed to notify the Public Appointments Secretariat as well as the affected ministries as to who has or has not been selected. The appointments of individuals who are not selected will proceed without the committee stage, and my office will be in touch with those who have been selected to schedule their appearance before the committee.

Rather than having to determine in each instance how much time to allocate to the review of an intended appointment, the committee adopted the practice whereby each interview was scheduled for 30 minutes. These 30 minutes are divided equally among the caucuses so that each party has up to 10 minutes to ask questions in a single round. The intended appointee is offered the opportunity to make opening remarks. Any time used for those remarks has customarily been deducted from the government's 10 minutes.

The House has authorized this committee to meet on Tuesday mornings from 9 a.m. to 10:15 a.m. It will be up to the committee to determine how best to use that time. If we continue with the practice of allowing 30 minutes per intended appointee, we will be able to schedule two interviews per meeting and have 15 minutes for any other business, such as considering subcommittee reports.

I can add here that, as per the standing orders, this committee without any additional authority may meet to consider intended appointments when the House is in an extended adjournment, so during, for example, the sum-

mer or winter recess, up to three times per month, with the subcommittee choosing those days. To meet for any other reason during the adjournment—for example, to conduct an agency review—the committee would need permission from the House.

Once an intended appointee has been selected for review, we receive biographical background on that person from the Public Appointments Secretariat. In addition, the research officer will provide a background paper for the committee. In the package that you've received, you will see that, from the sample certificates, there was a subcommittee report indicating one name and then you have a sample research document that we receive.

Yes?

**Mr. Lou Rinaldi:** If I could just back up: When the subcommittee is choosing an appointment after they got the certificate from cabinet, how do we—does it have to be unanimous from the subcommittee or can I or one of the other members say, “We want to interview so-and-so”? Does that become effective or do we have to have consensus within the subcommittee?

**The Clerk of the Committee (Ms. Sylwia Przewdziecki):** If you look at the sample subcommittee report, you'll note the way—there's a standard format. You will note that the following intended appointees from the certificate received on such-and-such a date be selected for review, and then it's broken down by party. So we will note who the selections of the official opposition were, of the third party and of the government. If there is overlap—if, for instance, two parties selected the same individual—we would simply indicate “selection of the”—for instance—“official opposition and third party.”

But the practice has been for the committee to adopt all selections from the subcommittee.

**Mr. Lou Rinaldi:** All selections. Okay. Thank you.

**The Clerk of the Committee (Ms. Sylwia Przewdziecki):** The research officer will prepare background information for the committee, and she can speak a little bit more to how that is prepared. Once I receive all these documents, I will forward them to you, in most cases, the week prior to the committee meeting so that you have time to review the materials. In my sample calendar, I have indicated that this will be on a Friday. If I'm able to provide them to you sooner, I will. As soon as I have them, I will provide them to you.

Only the intended appointee may be called as a witness; that is the person that you will be interviewing. At the end of the interview, the committee will vote on whether or not it concurs in the appointment. The committee must table its report with the Clerk of the House on the same day it votes on concurrence, and the report is deemed to be adopted by the House. If the House is in session, as it is now, in the afternoon following a committee meeting at which the committee voted on intended appointments, during routine proceedings in the House, during reports by committees, the Speaker will announce to the House that he has received the committee's report. I've included in your package a

sample committee report that stemmed from that appointment review that you have before you, and you'll note that it's signed by the Chair or the Vice-Chair, as the case may be.

Once the committee tables its report, then the government may proceed with the appointments of the individuals contained in the report. There are certain deadlines that we have to pay attention to. In its oversight role, the committee is certainly not trying to hinder in any way the appointments process. If no report has been made on the selected person within 30 days of their being selected, that person will be deemed to have been concurred in. However, the committee can, by unanimous consent, extend this deadline. With the two that we're dealing with per week, if we're not able to deal with all the ones that we have in the 30-day period, if the committee wishes, by unanimous consent they may extend it for a period of time of your choosing, perhaps for another 30 days, to be able to hear from those individuals.

I'll stop here and I'll ask if you have any questions. Otherwise, I will turn it over to Carrie Hull to say a few words about her role.

Mr. Rinaldi?

**Mr. Lou Rinaldi:** If we interview an individual for the appointment, there will be a vote, obviously, after. Is that strictly by majority?

**The Clerk of the Committee (Ms. Sylwia Przewdziecki):** Yes.

**Mr. Lou Rinaldi:** It is, whether we go ahead with the appointment or not?

**The Clerk of the Committee (Ms. Sylwia Przewdziecki):** It's not whether we go ahead. It's whether the committee concurs in the appointment, so whether the committee agrees with you.

**Mr. Lou Rinaldi:** All right. Thank you.

**The Chair (Mr. John Fraser):** Any other questions for Sylwia? No.

Carrie?

**Ms. Carrie Hull:** Hi. I'm Carrie Hull. I'm the research officer assigned to the committee. I will usually be appearing on a weekly basis with you folks, but in instances where you decide to do an agency review that's in a subject area that there's a specialist in my office, that person might help you instead.

What research officers normally do for this committee is, if you have decided to interview some appointee, we'll prepare a short background memo for you that summarizes the mandate of the agency, discusses perhaps their finances and any pressing issues that the agency is dealing with, and we also draft a few questions that you may or may not want to ask when the appointee appears.

If you decide to go ahead with the other aspect of the mandate and conduct some agency reviews, we'll prepare a much more detailed background document for you on the various agencies that you may be reviewing. That will just provide more information and discuss more issues, perhaps provide a media overview of what's going on at the agency. Then, following any hearings that you conduct regarding that agency, we'll prepare a

summary document for you and then help you to draft the report.

We're also available to answer any research questions that might come up regarding any of the agencies that you are looking at.

**The Chair (Mr. John Fraser):** Do you have any questions for Carrie? Seeing as we have no more questions, I'm going to adjourn the meeting. We'll have our first meeting after we get the intended public appointments.

*The committee adjourned at 0922.*



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### STANDING COMMITTEE ON GOVERNMENT AGENCIES

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#### **Vice-Chair / Vice-Présidente**

Mrs. Cristina Martins (Davenport L)

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

Mr. John Fraser (Ottawa South L)

Mr. Wayne Gates (Niagara Falls ND)

Mrs. Marie-France Lalonde (Ottawa–Orléans L)

Ms. Harinder Malhi (Brampton–Springdale L)

Mrs. Cristina Martins (Davenport L)

Mr. Jim McDonell (Stormont–Dundas–South Glengarry PC)

Mr. Randy Pettapiece (Perth–Wellington PC)

Mr. Lou Rinaldi (Northumberland–Quinte West L)

#### **Substitutions / Membres remplaçants**

Ms. Soo Wong (Scarborough–Agincourt L)

#### **Clerk / Greffière**

Ms. Sylwia Przewdziecki

#### **Staff / Personnel**

Ms. Carrie Hull, research officer,  
Research Services