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**Official Report
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(Hansard)**

Wednesday 19 May 2010

**Journal
des débats
(Hansard)**

Mercredi 19 mai 2010

**Standing Committee on
the Legislative Assembly**

Members' privileges

**Comité permanent de
l'Assemblée législative**

Privilèges des députés

Chair: Bas Balkissoon
Clerk: Tonia Grannum

Président : Bas Balkissoon
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
THE LEGISLATIVE ASSEMBLY**

**COMITÉ PERMANENT DE
L'ASSEMBLÉE LÉGISLATIVE**

Wednesday 19 May 2010

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The committee met at 1306 in room 228.

SUBCOMMITTEE REPORT

The Chair (Mr. Bas Balkissoon): I call this meeting of the Standing Committee on the Legislative Assembly to order. It's a continuation of our previous meeting. We were in the middle of a vote on the subcommittee report. Shall the subcommittee report carry? Carried.

Ms. Jones, do you want to move a motion?

Ms. Sylvia Jones: Yes.

The Chair (Mr. Bas Balkissoon): Do you have it written?

Ms. Sylvia Jones: Yes. Now I can try to read it.

Mr. Michael Prue: Is it in your own hand?

Ms. Sylvia Jones: No, which will be the challenge. I move that deputations by the two invited witnesses will be preceded by deputations from two Conservative MPPs, Ted Arnott and John Yakabuski, and one NDP MPP, Peter Tabuns. Each of these three deputations shall not exceed 10 minutes, following which each caucus may, at its option, ask questions for a period not exceeding five minutes.

The Chair (Mr. Bas Balkissoon): Any comments, debate?

Ms. Sylvia Jones: My only comment is that this will resolve the issue and concerns that we had last week where we wanted to hear from the individual MPPs affected prior to actually discussing the process.

The Chair (Mr. Bas Balkissoon): Can I take the vote on the motion?

Mr. Michael Prue: I think it's in order to thank my colleagues from the Liberal Party, particularly Mr. Delaney, for having the wherewithal to put forward this motion and to get some support for it from his caucus. This was important to me, and much as I said the other day, it will preface every question that we have of those who made the decision once we know the facts of what actually occurred, because other than the MPPs involved, we don't know that the police people who will be here or the chief of staff were actually present at the time the instructions were carried out. So I thank all sides for being very rational and reasonable here.

Mr. Norm Miller: I would also just like to thank Mr. Delaney for helping to draft the suggested motion and to assist in bringing it about. Thank you.

The Chair (Mr. Bas Balkissoon): Any further comments?

Mr. Yasir Naqvi: As the motion is being drafted, I think it would good to have it in writing as well.

The Chair (Mr. Bas Balkissoon): It's being copied.

Mr. Yasir Naqvi: I'd just ask for a 20-minute break, and then we can come back and deal with it.

Mr. Norm Miller: Do we need 20 minutes? Is five minutes enough?

Mr. Yasir Naqvi: Can we take 10?

Mr. Michael Prue: If we can, because I think part of the intention here is to call these witnesses, and I don't know whether they have been told of this. I certainly have not told Mr. Tabuns, so I'm going to have to go find him and tell him—

The Chair (Mr. Bas Balkissoon): So you want the 20 or the 10?

Mr. Michael Prue: Well, I don't know. I can't go tell him until after we vote.

The Chair (Mr. Bas Balkissoon): Do you want to wait and take the vote? The motion is just being copied; it will just take one minute.

Mr. Yasir Naqvi: Can we get a 10-minute break, please, before we vote?

The Chair (Mr. Bas Balkissoon): We'll be back here in 10 minutes.

The committee recessed from 1310 to 1320.

The Chair (Mr. Bas Balkissoon): I call the meeting to order. Does everybody have a copy of the motion? All in favour of the motion? That carries.

MEMBERS' PRIVILEGES

MR. TED ARNOTT

The Chair (Mr. Bas Balkissoon): We'll revert to the different deputation list. Mr. Arnott.

Mr. Ted Arnott: Should I go down there?

The Chair (Mr. Bas Balkissoon): Yes. You're officially a deputation.

Mr. Yasir Naqvi: We debated that ad nauseam last week.

The Chair (Mr. Bas Balkissoon): You know the rules. You'll state your name for the record, so we have it in Hansard. Committee agreed that we'll hear from you for 10 minutes, and then we'll have questions by each caucus, up to five minutes.

Mr. Ted Arnott: My name is Ted Arnott, and I'm privileged to represent the people of Wellington-Halton Hills in our Legislature.

First of all, I want to thank the committee members for giving me this opportunity to present to you today. I had the privilege of chairing this committee and sitting in that very chair, Mr. Chairman, from 1995 to 1996, and I recall Claude DesRosiers, the Clerk of the day, who informed me, after I was elected the chairman, that this was the pre-eminent committee of the Ontario Legislature, so you should all be proud of your service on this committee. I thank you, especially the government members, for allowing me to make my presentation this afternoon.

I believe that this is a very important matter that we're discussing, and I know all members of the committee are well versed in the Speaker's ruling and why this committee is studying this matter. But I think it does strike at the very heart of members' privileges, so I look forward to offering you my best recollection of what happened about two months ago on budget day, March 25.

At approximately 3:45 p.m. on March 25, many of my PC colleagues and I gathered at the door of the lock-up room, awaiting permission to leave and make our way over to the chamber for the tabling of the budget and the speech by the Minister of Finance. Wanting to be sure that I had adequate time to walk over to the building, I stepped out of the meeting room. My colleagues who were there with me and I were met by uniformed OPP officers in the corridor who were there to provide security. I asked for permission to leave, but the officer stated clearly that he could not allow us to go until he received the okay from the "minister's office."

I initially accepted this, but as the minutes lapsed and no okay was forthcoming, despite the officer's repeated attempts to obtain clearance by way of his two-way radio, I became increasingly insistent. I told the officer he simply had to let us go so that we could be in our seats by 4 p.m. He repeatedly replied that we could not go until the "minister's office" gave him the go-ahead. No earlier than 3:55 p.m., we were finally released.

I literally sprinted from Whitney Block to the Legislature, as did most of my colleagues. As we entered the chamber, some government members jeered and taunted us, in front of the many invited guests, for the fact that we were late. The consequences of our having been blocked until 3:55, therefore, were significant to us.

Let me be clear: In no way do I fault the OPP. The officers who were there providing security were simply doing their job.

However, I'm left with several questions in my mind. Who in the minister's office was responsible? Who has been held accountable, if anyone, and why? Why has no apology, or at least an explanation, been forthcoming?

My understanding is that there was a protocol in place for budget day, and it appears not to have been followed. What assurances do we have that the protocols will be reviewed to ensure that MPPs in lock-ups on budget day in the future will be released with sufficient time to make their way to the chamber for the start of the minister's

budget speech? This is, without question, part of our legitimate work as members.

I believe that it is incumbent on the committee investigating this breach to do more than simply assign blame. It must ensure the Legislature and its members are respected by governments. It must play a role in future protocols for such events, as well as offer recommendations for accountability when protocols are not followed. Such important matters cannot be delegated to the government alone, particularly when there is an open question as to its part in the breach.

I'm certainly happy to take any questions that members might have.

The Chair (Mr. Bas Balkissoon): Ms. Jones.

Ms. Sylvia Jones: Thank you, Mr. Arnott.

Mr. Michael Prue: On a point of order, Mr. Chair, if I could: It was my understanding that the witnesses were to be sworn in.

The Chair (Mr. Bas Balkissoon): Members have already taken oath of office, so they don't have to. I believe only the visiting witnesses do.

Mr. Michael Prue: All right. I just want to make sure of that. Okay, that's fine. I accept that.

The Chair (Mr. Bas Balkissoon): Ms. Jones.

Ms. Sylvia Jones: Thank you, Mr. Arnott. I'm not going to guess: You have been a member of the Legislative Assembly since—

Mr. Ted Arnott: Since 1990.

Ms. Sylvia Jones: Have you ever in that tenure heard of or been involved in another situation where members of the Legislative Assembly were not able to fulfill their duties because of a ministerial directive or letter from the minister's staff—whatever was the reason?

Mr. Ted Arnott: In terms of being able to leave a lock-up and be present in the chamber for the budget?

Ms. Sylvia Jones: Yes.

Mr. Ted Arnott: No, I have not. I've never heard of another example.

Ms. Sylvia Jones: Was there ever an example where the OPP officer or legislative security said you have to wait until a certain time or a certain phone call before proceeding?

Mr. Ted Arnott: That I don't know. This is the first time that I went to a budget lock-up in advance of the budget. It was the first time I've ever participated in a budget lock-up, let's put it that way, but I know that many members of our caucus have through the years, when we were in government and when we were in opposition going back to 1990, especially our finance critic and some of the other members who wanted to be prepped in advance of the budget. It is a tradition, and many members have availed themselves of that opportunity, but I personally have not until this past year.

Ms. Sylvia Jones: You cannot, in your recollection, recall another member of your caucus, or even another MPP, being late for a budget presentation as a result of delays at the lock-up?

Mr. Ted Arnott: It may be the case that members were late in the past, but I don't recall any member

feeling that they had to literally sprint to get from the room where the lock-up was taking place and still arriving late.

Ms. Sylvia Jones: Good thing you're in good shape.

Mr. Ted Arnott: Thanks.

The Chair (Mr. Bas Balkissoon): Mr. Miller.

Mr. Norm Miller: When you were waiting at the budget lock-up to come across the road to Queen's Park, what other members were nearby you? Were you at the front of the line close to the police officer, or were you midway down the line?

Mr. Ted Arnott: I wanted to be in the chamber at 4 o'clock, so, yes, I was probably the closest one to the door, and I actually stepped outside the room, knowing that the security staff were in the corridor. Our colleague Elizabeth Witmer was there. I believe our colleague John Yakabuski was close to the door. All of our members were close to the door because we knew that the briefing was done, the opportunity was concluded, and it was time that we started making our way over there in order to be in the chamber and in our seats at 4 o'clock.

Mr. Norm Miller: You said when you arrived at the Legislature, you were one of the first members of the opposition to arrive?

Mr. Ted Arnott: My recollection is Gerry Martiniuk, the member for Cambridge, was already in the chamber, but I don't think he came over to the lock-up. That's my recollection. I think John Yakabuski and I were the first of the members who had been in the lock-up to make it in. That's why I rose on a point of order: because it appeared to me that the government was making fun of our party for being late or not being in our seats. I thought it was important to point out why we weren't in our seats, and that's why I rose on the point of order.

Mr. Norm Miller: So when you were jeered, and since then, did you think this was something that was planned by the government to embarrass the opposition?

Mr. Ted Arnott: I don't know for sure what happened, but it certainly is plausible to imagine that someone thought that it would be perhaps amusing if we were late—someone in the minister's office, perhaps—but I have no firm evidence. It's just a possible explanation. If that were the case, certainly that person should be disciplined, as far as I'm concerned, and informed of the unacceptability of that kind of a trick.

Mr. Norm Miller: So the questions you asked, who's responsible for the obstruction of members so they couldn't—

Mr. Ted Arnott: Again, the OPP officer wanted to let us go, but he kept saying, "I need the okay from the minister's office."

Mr. Norm Miller: Do you recall how the okay came?

The Chair (Mr. Bas Balkissoon): I have to move on to the next party. Mr. Prue?

Mr. Michael Prue: I want to go on that same point, and I think this is key: Did the OPP officer indicate from whom he was seeking the permission in the minister's office?

Mr. Ted Arnott: The minister's office—he didn't say, by name, who in the minister's office. He said, "from the minister's office."

Mr. Michael Prue: How many times did he attempt to call?

Mr. Ted Arnott: I believe twice, at least.

Mr. Michael Prue: Twice, at least.

Mr. Ted Arnott: Yes.

Mr. Michael Prue: Was he doing this on a cellphone or on his walkie-talkie?

Mr. Ted Arnott: He had a radio system on his chest, like a two-way radio.

Mr. Michael Prue: So he pulled it off and he called somebody?

Mr. Ted Arnott: Yes.

Mr. Michael Prue: Whoever was at the end of the radio system, whoever had the radio, that would be the person?

Mr. Ted Arnott: We would assume.

Mr. Michael Prue: So we'll perhaps try to determine who had that radio. Also, he tried twice. Did anyone attempt to simply go past the OPP officer. If not, why not? Members have privilege—

Mr. Ted Arnott: I was at the front. I thought it was important to respect his role as an OPP officer providing security pre-budget. I didn't feel it was appropriate to literally walk over him or around him.

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Mr. Michael Prue: Because in common law no OPP officer can obstruct anyone unless they're under arrest. That's pretty clear. I'm just wondering—I need to know your frame of mind—

Mr. Ted Arnott: I respect the OPP. I respect the uniform. I respected the individual officer who had a job to do, and I didn't feel it was appropriate for me personally to flout that by walking around him and defying his authority, quite frankly.

Mr. Michael Prue: Did he let you go upon receiving information, or did he finally, in exasperation—

Mr. Ted Arnott: He finally said, "It's okay to go."

Mr. Michael Prue: So he got some information on his walkie-talkie?

Mr. Ted Arnott: And I believe that was at about 3:55, according to my watch, or even 3:55 and a bit—less than five minutes to get over from where we were to the chamber.

Mr. Michael Prue: So someone called him finally—

Mr. Ted Arnott: I believe so.

Mr. Michael Prue: —he answered his walkie-talkie and he said, "You're free to go"?

Mr. Ted Arnott: I wasn't listening to his walkie-talkie—

Mr. Michael Prue: No, no, I know.

Mr. Ted Arnott: —but I believe that he got the word that it was okay for us to go, because he seemed to—

Mr. Michael Prue: And did he indicate to you in any way who that person was on the other end?

Mr. Ted Arnott: He did not.

Mr. Michael Prue: So finally, you got to go. I think, just for the record, we need to know the approximate distance. I've walked it many times myself. It's a lot more than a five-minute walk.

Mr. Ted Arnott: You could estimate too. I don't know exactly what the distance is. It's across the road; there are some steps involved.

Mr. Michael Prue: Did anyone accompany you? Because that's usually part of the protocol, that the OPP officers walk with you right into the council chamber.

Mr. Ted Arnott: I don't know if there were—as I say, I literally sprinted as fast as I could go. In 1980, I was the senior boys' champion in the 100 metres at the Arthur District High School, which was my greatest athletic achievement in high school. I've slowed down considerably in the last 30 years—

Mr. Michael Prue: As, unfortunately, have we all.

Mr. Ted Arnott: —but I ran as fast as I could, so there was no OPP at my—

Mr. Michael Prue: But you did not go in a group? You went individually and ran as fast as you could?

Mr. Ted Arnott: I wanted to be in the chamber at 4 o'clock, as I—

Mr. Michael Prue: And was Mr. Yakabuski—I know he has recently had a knee operation—sprinting with you?

Mr. Ted Arnott: I wasn't looking over my shoulder to see where Yakabuski was.

Mr. Michael Prue: Okay, so you were alone out in front. Is that fair?

Mr. Ted Arnott: I guess so. I don't know.

Mr. Michael Prue: All right. Do I have more time?

The Chair (Mr. Bas Balkissoon): Yes, you still have about a minute and a half.

Mr. Michael Prue: Wow, okay.

When you got to the Legislature, you said you were greeted by jeers and things like that. I don't know how germane that is, but can you tell us how you felt as a result of what happened to you?

Mr. Ted Arnott: I was upset that this was happening in front of many invited guests who had come for budget day, that it appeared that we were coming in late as Conservative members and that the government members were audibly laughing at us for being tardy. We weren't tardy for any reason other than that we had been held back too long at the budget lock-up.

Mr. Michael Prue: Did you pass any government members on your sprint from the lock-up to the Legislature that were already free to go and—

Mr. Ted Arnott: The Conservative members were in our own separate room, so I don't know where the government members were: in their lock-up or—I have no idea where they were. I don't recall seeing any on the way over.

Mr. Michael Prue: There are—

The Chair (Mr. Bas Balkissoon): Time is up. We've got to move to the next questioner.

Mr. Michael Prue: I had one last quick point.

The Chair (Mr. Bas Balkissoon): Any further questions? Mr. Naqvi?

Mr. Yasir Naqvi: I just wanted to say to Mr. Arnott that we should go running some day together, since you're a good runner.

I just want to thank you for your deputation. I really appreciate it.

Mr. Ted Arnott: Thank you.

Ms. Sylvia Jones: Can we use his time?

The Chair (Mr. Bas Balkissoon): Those aren't the rules you gave me.

Mr. Yasir Naqvi: No, that's not the deal.

The Chair (Mr. Bas Balkissoon): I'm under strict rules when you make them.

MR. JOHN YAKABUSKI

The Chair (Mr. Bas Balkissoon): The next deputant is Mr. Yakabuski. Please come forward. State your name for the record, as you know the rules. The committee rules are that you have 10 minutes to present, and there'll be five minutes from each party as we go around the room.

Mr. John Yakabuski: John Yakabuski, member of provincial Parliament, Renfrew–Nipissing–Pembroke.

The Chair (Mr. Bas Balkissoon): Go ahead.

Mr. John Yakabuski: My story is not much different than Mr. Arnott's. I don't have my notes with me because I was rushing from another meeting.

At 3:45, after having been in the lock-up for several hours—and the protocol had been given to us that at some point after 3:45, around 3:45, we would be escorted back to the chamber for the hearing of the budget. Mr. Arnott, Liz Witmer and I were three of the first people out because, quite frankly, we'd been in the lock-up and ready to go long before 3:45. So when 3:45 hit, we were anxious. We were immediately advised by the OPP officer on duty that we would be allowed to go momentarily, but not just at this moment.

Time continued to pass. Mr. Arnott says that at least two—I would agree, at least two; I think I heard three communications with people. Again, as Mr. Arnott said, when we asked why—the first time we didn't ask a question, and then when he said, "You still can't go," we asked why, and it was because we didn't have the authorization from the minister's office.

He further volunteered, though, when we asked him again, "You can't go yet because the Liberal members are on their way from the lock-up." So they were released, and what I found peculiar about that was, did he think there was going to be a game of tackle football on the way? We're in the chamber together all the time. There was no reason for one party to be fully released before another party was released. But we didn't argue with the officer, as Mr. Arnott said, because we respected the role he was playing and he was only following orders.

That continued, and it was definitely well after 3:55 because we didn't get there on time. It's not a five-minute run to the Legislature. When we did get in we were greeted by some jeering from the members of the opposition. I couldn't identify it because it was just noise. I can tell you that the members of the public reacted.

They looked at us and the message of the jeering was a “What are the Tories up to now?” sort of thing. That’s the way I saw it or heard it. The members of the public would have wondered what the Tories were up to; it was embarrassing. I can tell you that at no time was an explanation given to the members of the public, many of them dignitaries and stakeholders, as to why the delay for the Conservative members in getting to that budget.

I certainly would be asking who is responsible, who made that call, who made that decision. There was never an issue in our protocol—I don’t have it in front of me, but I am quite confident in saying that it never said that you would be released when the minister’s office said you would be released. You would be released and escorted at 3:45 or sometime after 3:45.

I don’t recall any escort, because once we were released it was a mad dash. I can tell you, if Ted Arnott thinks he’s fast, you want to see Liz Witmer running in high heels. That was actually pretty impressive, quite frankly; I can’t even imagine standing in them. There was no escort at that point because the decision was made, clearly by somebody, that this has gone on way too long, let them go.

When we got into the chamber, I also rose on a point of order as the House leader because the Speaker was about to allow the Minister of Finance to start with the budget and he was about to allow the pages to deliver it. I asked for a delay in the proceedings because I just felt it was completely out of order that this proceeding would start before the members had an opportunity to get there, through no fault of their own, because they were being held in lock-up.

The Speaker agreed. It was delayed until our members were able to assemble. Also, I do recall Gerry Martiniuk in the House; I’m not sure if we had another member. We may have had another member in the House at that time. I’m not positive, but I do believe we had another member in the House at that time. Clearly it was not a boycott, which some members of the public may have thought, because we did have members there. I know that Gerry Martiniuk was not at the lock-up, so he was able to get there in time.

That is my recollection. I was also conversing with the officer. I was asking those questions directly, as was Mr. Arnott, and I distinctly remember asking the question, “Why are we not allowed to go?” In response to a question that Mr. Prue made to Mr. Arnott, I’ll just say that that thought of going ahead crossed my mind. I mused about it but I was also concerned that doing something like that under those circumstances could only further delay what was happening there if the OPP officer felt he had to in some way react to me not listening to his directives that we wait until such time as being released. So we didn’t want to create a greater scene than was already being created at that time.

1340

That’s my recollection of the events of the pre-budget lock-up and the trip over to the Legislature. I’ll take any questions.

The Chair (Mr. Bas Balkissoon): We’ll go to Mr. Prue first.

Mr. Michael Prue: First, I just want to make sure 100% that you were released but you were not accompanied—no police officer went with you or anybody who was with you. Did you travel alone? Did you sprint and you were the second-fastest? Or did you go as a group?

Mr. John Yakabuski: Well, now you’re going to embarrass me, but I was actually third. Liz in her high heels was actually ahead of me, but I passed her crossing the road. I think traffic might have slowed her down. Getting out of the—is it the Whitney Block? Is that the—

Ms. Sylvia Jones: Macdonald.

Mr. John Yakabuski: Getting out of the Macdonald Block, Ted Arnott and Liz Witmer were ahead of me.

Mr. Michael Prue: Was there any police officer with you?

Mr. John Yakabuski: They initially started, until we started going by where the Liberal lock-up was and there must have been 20 officers standing there. Once we got past that then we just tore.

Mr. Michael Prue: So they accompanied you as far as the Liberal lock-up?

Mr. John Yakabuski: That’s about it; that was the last I saw of a police officer.

Mr. Michael Prue: My next question is—and I think this is key, this is a very important point—the OPP officer told you, “You cannot go until the Liberals are on their way”? I think those were your exact words. I tried to write them down as you spoke.

Mr. John Yakabuski: I’m not sure how I said them exactly because I didn’t write them, but what he said was, “The Liberals are still making their way”—if I can paraphrase what I said myself, how I understood it—“We can’t release you because the Liberals are still making their way. They haven’t exited.”

Mr. Michael Prue: All right. As the officer would have understood it, the Liberals were allowed to go first and then you were allowed to go later? That’s the way I—

Mr. John Yakabuski: I can’t tell you what he understood. I can tell you what he said to me.

Mr. Michael Prue: Is that the way you understood it?

Mr. John Yakabuski: That’s the way I understood it.

Mr. Michael Prue: That the Liberals were allowed to go first and after they were safely gone then you could go?

Mr. John Yakabuski: That is exactly the way I understood it.

Mr. Michael Prue: So he differentiated, that officer, perhaps under his instruction—and we’ll find out—that the Liberals had the first opportunity to leave and you had a subsequent, either the second or the third, opportunity to leave?

Mr. John Yakabuski: You’d have to ask him that, but that’s the way I understood it, because what he said to me was that the Liberals had not exited, to that effect, that they were still on their way, and once they had cleared they were going to be releasing us.

Mr. Michael Prue: You also stated that Mr. Arnott had asked the question, and you were in the room to hear that he had asked the question, of the OPP officer, and then you reiterated that you agreed with what he said but also said that you had, as well, asked a question as to why you couldn't leave.

Mr. John Yakabuski: We were both talking, we may have been asking questions simultaneously, and he may have been answering both of us at the same time, but we were both speaking either simultaneously or at different times, because we were both there fairly close together.

Mr. Michael Prue: Were any of your questions different from Mr. Arnott's?

Mr. John Yakabuski: No, it was all about—well, I can't remember the exact conversation, but I may have said, "Look, why are we being held up? We were told we'd get out of here, get our BlackBerrys and go." There might have been exchanges, but I know I would've been talking more than Mr. Arnott.

Mr. Michael Prue: In terms of the BlackBerry, did you have to wait to retrieve that after you were told you could go or did they give that back to you first?

Mr. John Yakabuski: I didn't actually have my BlackBerry there; I was just talking about people in general. I never took my BlackBerry there; I left it in my office, so I never actually had to hand in my BlackBerry, but other people did. They were getting their communications devices. I didn't have mine with me.

Mr. Michael Prue: There are press conferences during the budget lock-up. You were either present in the room, I guess, with Mr. Hudak, who would have addressed—or you would have been able to watch it on television, because I've been in those lock-ups. Were there other Liberals present with the finance minister and/or the Premier when that lock-up took place?

Mr. John Yakabuski: I never saw the Liberals' press conference.

Mr. Michael Prue: You never saw their press conference?

Mr. John Yakabuski: No. I saw ours and I saw Andrea Horwath's.

The Chair (Mr. Bas Balkissoon): We'll move on to the next question. Mr. Naqvi.

Mr. Yasir Naqvi: Thank you, Mr. Yakabuski, for your deputation. How long have you been elected, sir? Since what year?

Mr. John Yakabuski: Since 2003.

Mr. Yasir Naqvi: Has something similar like this ever happened before, as it relates to budget lock-ups?

Mr. John Yakabuski: This is the first lock-up I've been to, but I don't ever recall budget day not having all our members in the House at the time, other than those we knew weren't going to be there, who maybe were away or whatever. I've never known of any member being detained or late because of being detained.

Mr. Yasir Naqvi: Great. Thank you.

Mr. John Yakabuski: You're welcome.

The Chair (Mr. Bas Balkissoon): Mr. Bailey?

Mr. Robert Bailey: On the record, I'd like to support both what the former deputant, Mr. Arnott, and also Mr. Yakabuski said—not in the form of a question but what they've testified to. I also stood adjacent to where Mr. Yakabuski and Mr. Arnott were. I also made the same request of the officer present. I saw him activate his radio, make the request and reply, "No, we can't let you go yet." I was there and I heard the assertions: "Why can't we go?" People were getting their BlackBerrys. Mr. Prue asked, "Did you think of just going?" The thought crossed my mind. I was tempted to do that, but I've got family who are members of the police force, the OPP, and I thought better of it. I know they were placed in a difficult situation. They were asked to do things and have to do—they were following orders. Those were their orders, so they had to do that.

My only question would be, I think there needs to be another thought about this for another time, because I don't think it's right that people have to rush to be there to do their job. Our responsibility was to be in the chamber. Would you agree with me, Mr. Yakabuski, on that point?

Mr. John Yakabuski: I wasn't the high school sprinting champion in 1980 or whatever; I was out of high school long before that. I don't mind having to sprint, but I don't think that was ever the design or the expectation for us as members, to have to go into a dead run to get to the budget. Case in point: Most of our people didn't get there. If we had not held up the proceedings, they would not have been there for the start. And how disruptive would that have been? I mean, then you're going to have to have members coming in during the presentation.

Mr. Robert Bailey: I agree. I thought it was very unprofessional the way that it was allowed to happen, that we were delayed and had to make a late entrance. It was disrespectful to our guests who were there. I blame whoever gave those police officers those orders. They need to be held responsible and they need to make an apology to the Legislature as a whole, to the members of our caucus and, I think, to all the assembly, because they embarrassed all of the assembly.

I'll cede the rest of my time to Ms. Jones or Mr. Miller.

The Chair (Mr. Bas Balkissoon): Mr. Miller?

Mr. Norm Miller: You mentioned in your presentation that there was no apology in the House. You also asked the question that you want to know who's responsible for this. What sort of apology do you think would be appropriate?

Mr. John Yakabuski: I never mentioned an apology. I think I mentioned an explanation as to how—even at the time, I think it would have been appropriate for the government to allow an explanation or to give an explanation, that "It is our information that the members of the opposition have been held up at the lock-up and are late not of their own accord but because of"—they could say whatever they wanted at that time. Call it a miscommunication; they could do that if they want. But I

think it would have been appropriate to all of those stakeholders and those dignitaries there that day that it be explained that this was not a designed thing on the part of the members of the official opposition.

The Chair (Mr. Bas Balkissoon): Ms. Jones, last question.

Ms. Sylvia Jones: You play another role, of course, as the House leader. Have there been any subsequent discussions about why it happened and how to ensure it's not going to happen again in future budget lock-ups? Have any of those discussions taken place?

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Mr. John Yakabuski: None.

Ms. Sylvia Jones: So we really have no resolution in terms of ensuring that this doesn't occur again?

Mr. John Yakabuski: Well, we've had no discussions. I hope that perhaps these hearings will precipitate a discussion among House leaders, leaders, whips or whoever the appropriate people would be.

Ms. Sylvia Jones: And a standard procedure?

Mr. John Yakabuski: To ensure that this never happens again.

The Chair (Mr. Bas Balkissoon): Thank you very much.

Mr. John Yakabuski: Thank you, Mr. Chair.

The Chair (Mr. Bas Balkissoon): Time is up, and I hate to cut you short, but thanks very much for your input.

Mr. John Yakabuski: Thank you.

MR. PETER TABUNS

The Chair (Mr. Bas Balkissoon): The next person is Tim Shortill—

Interjections.

The Chair (Mr. Bas Balkissoon): Oh, Mr. Tabuns, sorry; my mistake. Mr. Tabuns?

Mr. Peter Tabuns: Be nice to me.

The Chair (Mr. Bas Balkissoon): I didn't see you sitting there. I'm looking at my notes.

Mr. Peter Tabuns: I was trying to look small, I guess.

The Chair (Mr. Bas Balkissoon): Sorry about that.

You know the rules. State your name for the record. You have 10 minutes to make a presentation and then we'll allow five minutes of questions per party.

Mr. Peter Tabuns: Sure. My name is Peter Tabuns. I'm the member of provincial Parliament for Toronto–Danforth, and I'm here simply to relate my experiences the day of the lock-up. I'm the finance critic for the Ontario NDP.

I had gone into the lock-up at roughly 1 o'clock. I participated in the media conference with our leader, Andrea Horwath, and at approximately a quarter to four, Andrea and I talked and said, "You know, it's about time to get over to the House so we can get in, settle in, prepare to listen to the finance minister and after that, prepare to deal with the media."

At about a quarter to four, Andrea and I tried to leave the lock-up room and the two women who were attending said, "No, I don't think you can do that." They, as I recollect, turned to the OPP guards, who said, "Yes, you can't leave yet." I thought, well, a quarter to four; surely at this point there isn't a problem. But we thought okay, we'll wait a few minutes. They said, "Just wait a bit."

At about 10 to four I asked again, and they said, "No, you can't go yet." My recollection was that it was about five to four, maybe a little bit past that when, on further questioning, they said, "Yes, you actually can now go over to the House." I think this was about the same time that the PC lock-up was opened as well. In a mass, all of us went with the OPP towards the Legislature at a pretty good clip. We didn't want to be late. The OPP escorted us out of the Whitney Block, ultimately across Wellesley Street.

My recollection is that as we got to the top of the stairs on the second floor, I was told by one of the security personnel, "You'd better move fast. The Lieutenant Governor's coming and if you don't get in right now, you won't be able to get in." So we ran across, got in and got to our seats. My recollection is that the minister had started speaking at that point.

That's my memory of what happened that day.

The Chair (Mr. Bas Balkissoon): Okay, questions? From the government side, Mr. Naqvi?

Mr. Yasir Naqvi: Thank you, Mr. Tabuns, for your deputation. Just a couple of quick questions. You've been elected since what year?

Mr. Peter Tabuns: Since 2006.

Mr. Yasir Naqvi: Since 2006. And in your experience, has something, a delay of that nature as it relates to a budget lock-up, ever happened before?

Mr. Peter Tabuns: Well, it was the first provincial budget lock-up I'd ever been in. I was surprised that at a quarter to four we were not being allowed to leave and go to take our seats in the Legislature.

Mr. Yasir Naqvi: But from your previous experience from the budgets of 2007, 2008 and 2009, you were able to make it to your seat on time?

Mr. Peter Tabuns: When I was not the finance critic and not part of the lock-up, absolutely I was able to make it on time.

Mr. Yasir Naqvi: And perhaps could you recall maybe other members of your caucus who were part of the lock-up? Were they on time?

Mr. Peter Tabuns: I can't recollect exact individuals. My recollection has been that when we were in the House at the start of the finance minister's speech in the past, all or most of the members of the caucus were present when I sat down.

Mr. Yasir Naqvi: Okay. Thank you very much, sir.

The Chair (Mr. Bas Balkissoon): Thank you. We'll move to the opposition. Mr. Miller?

Mr. Norm Miller: Thank you, Peter, for your presentation.

The one thing I guess I wanted to question is that the Lieutenant Governor wasn't actually in the House for the

budget presentation; it was just the Minister of Finance making the speech itself. You mentioned that somebody said the Lieutenant Governor was—

Mr. Peter Tabuns: As we were coming up the stairs and getting to the top of the stairs in front of the legislative chamber, I was told, “The Lieutenant Governor’s coming. You’re going to have to move fast to get in ahead.”

Mr. Norm Miller: Okay, so maybe that was just what someone said. But he doesn’t actually come in for the budget presentation.

Mr. Peter Tabuns: Yes.

Mr. Norm Miller: On the timing, when you arrived in the Legislature, was the opposition there? You and Andrea arrived; were any of the PC Party there, the opposition?

Mr. Peter Tabuns: I couldn’t name any individuals, Mr. Miller. When I cast back to my memory, I think there were some there, but I can’t say who was there and who wasn’t.

Mr. Norm Miller: I think Mr. Yakabuski stated that Mr. Martiniuk was there because he didn’t go to the lock-up. I think—I was personally arriving shortly after Mr. Yakabuski and Mr. Arnott and there were none of our members there, and I believe you were, at that time, already in your seats.

So you think, in terms of time, that it was 3:55 or a little past 3:55 that you were released from the lock-up, and you say you were escorted by the OPP right across—did you walk across the street?

Mr. Peter Tabuns: From Macdonald Block through Whitney and then across Queen’s Park Crescent with the OPP officer stopping traffic.

Mr. Norm Miller: That’s different from certainly what Mr. Yakabuski and Mr. Arnott said. They said the OPP escort stopped somewhere before crossing the street, and that also jibes with—I’m not saying that you’re—

Mr. Peter Tabuns: Sorry, different people—there was a long line of people. There was a crowd. I walk fairly fast. I think I was fairly close to the head of the crowd. At that point, the OPP officer who was with us went out onto the street to stop traffic.

Mr. Norm Miller: I suspect that you, then, because you got to the Legislature in front of the PC members, you were ahead of the PC members, because certainly by the time I came along, which was behind Mr. Arnott and Mr. Yakabuski, there was no OPP escort or any political staff.

Mr. Peter Tabuns: I can’t speak to that.

Mr. Norm Miller: So you left at 3:55 or later. That means the PC Party or the opposition was released at virtually 4 o’clock or very close to 4 o’clock, and that’s probably why they weren’t there when the budget presentation started.

Go ahead, Sylvia.

Ms. Sylvia Jones: Have you ever been in a situation where you were precluded from leaving a lock-up previously?

Mr. Peter Tabuns: I haven’t been at a provincial budget lock-up before. I took part in the federal lock-up

in 2005 for the Martin budget. No—that was 2005, that year’s budget. But I was on staff then, not an MP. There were restrictions on circulation, without a doubt.

Ms. Sylvia Jones: Were you surprised when you were told by the OPP officer that they had to wait for instruction as to when they would release you and your leader?

Mr. Peter Tabuns: Yes, very surprised. If it had been 2 o’clock, I could have understood that. At quarter to four, we were all in a position where we had to go over to the Legislature. I was quite surprised.

Ms. Sylvia Jones: Going into the lock-up, you certainly did not anticipate, either through instructions from your House leader or discussions with the OPP going in, that you would be precluded from leaving at the appropriate time to get to your seat for the 4 o’clock presentation.

Mr. Peter Tabuns: I never expected, from anything I’ve been told, that I would not be able to get to the House in good time on an orderly basis.

Ms. Sylvia Jones: Thank you.

The Chair (Mr. Bas Balkissoon): Mr. Prue?

Mr. Michael Prue: Yes, a couple of questions. First of all, you identified two women who said you couldn’t go. Who were they?

Mr. Peter Tabuns: They were staff who were looking after the BlackBerry’s when we went into the lock-up. I don’t know who employs them; I don’t know which ministry. They obviously were on a working relationship basis with the OPP officers who were there, because they were all addressing each other by name.

Mr. Michael Prue: I would take it, then, as staffers they were wearing their ID tags.

Mr. Peter Tabuns: Mr. Prue, I cannot remember.

Mr. Michael Prue: Okay. But you took them to be staffers.

Mr. Peter Tabuns: Well, they were sitting at a table. They had bulletin boards. They had boxes with BlackBerry’s in them. They signed me in. So I assumed, given the OPP were there as well, that they were officially connected to the process.

Mr. Michael Prue: They were the first ones to tell you “no.”

Mr. Peter Tabuns: Yes.

Mr. Michael Prue: The second one to tell you “no” was an OPP officer.

Mr. Peter Tabuns: Correct.

Mr. Michael Prue: Was that a male or a female officer?

Mr. Peter Tabuns: Male.

Mr. Michael Prue: A male officer. Did he give you any rationale? Did he tell you why he was not letting you go?

Mr. Peter Tabuns: “Can’t go yet,” I think was the sum total of it, “but soon. Just wait.”

Mr. Michael Prue: Did he attempt to contact anyone on his cellphone or a walkie-talkie or any other communications device?

Mr. Peter Tabuns: I can't remember clearly enough to give you clear evidence on that.

Mr. Michael Prue: Did he get any instruction before he let you go?

Mr. Peter Tabuns: Yes, he did.

Mr. Michael Prue: Who did he get the instruction from? Somebody physically, or on a phone or a walkie-talkie?

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Mr. Peter Tabuns: I believe he got the instruction by phone or another telecommunications device just before they said, "Fine, you can go."

Mr. Michael Prue: So someone called him.

Mr. Peter Tabuns: Yes.

Mr. Michael Prue: You don't remember him calling out? He was waiting for that phone call?

Mr. Peter Tabuns: I do not remember.

Mr. Michael Prue: Okay. Now, you said that you all went together and the Conservative caucus was meeting, as I understand, in a separate room. They were in—

Mr. Peter Tabuns: I think it was the next room over.

Mr. Michael Prue: Do you remember whether you proceeded out ahead of them or whether you proceeded after them?

Mr. Peter Tabuns: We were mixed in together fairly quickly, but as I say, I'm a very fast walker and I think I was getting towards the head of that crowd fairly quickly.

Mr. Michael Prue: The OPP officer was definitely with you as you crossed the street and he held up the traffic?

Mr. Peter Tabuns: Yes.

Mr. Michael Prue: Was that the same OPP officer who told you that you couldn't go and then finally said you could? Or was it a different—

Mr. Peter Tabuns: No. There were a number of OPP officers. The one who held up traffic was not the one who had initially said, "No, you can't leave."

Mr. Michael Prue: Now, when you got to the Legislature, someone told you, "You had better hurry. The Lieutenant Governor is on his way." Was that an OPP officer or one of the legislative officers, or someone else?

Mr. Peter Tabuns: I think it was one of the legislative officers, but I can't remember which one.

Mr. Michael Prue: Someone who was inside the precinct here said, "You'd better hurry."

Mr. Peter Tabuns: Yes.

Mr. Michael Prue: Okay. You got in in time. The minister had already started to speak—

Mr. Peter Tabuns: That's my recollection.

Mr. Michael Prue: Was there any difficulty that you had getting into the room after?

Mr. Peter Tabuns: No. Once I got into the lobby, getting into the chamber was no problem.

Mr. Michael Prue: I think those are my questions. Thank you.

The Chair (Mr. Bas Balkissoon): Thank you very much, Mr. Tabuns.

Mr. Peter Tabuns: Thank you, Chair.

The Chair (Mr. Bas Balkissoon): Thanks for giving us your input. Mr. Naqvi?

Mr. Yasir Naqvi: Mr. Chair, I'm just mindful of the time, and I'm really conscious of the time put in by the OPP officer who's here. I really want to make sure that he gets the chance to answer all of our questions, so I was suggesting that perhaps I could put forth a motion, and my friend agrees, that he can testify before Mr. Shortill. That way, we can ensure that his testimony is in, just in case we run out of time before 3 o'clock. Is that—

The Chair (Mr. Bas Balkissoon): If I have agreement from all sides. I'm in your hands as—

Mr. Michael Prue: Since the OPP officer who sat here the last time had to leave, and who has since retired—

Mr. Yasir Naqvi: Yes, and his home is far away from Toronto, so he has travelled a great distance.

Mr. Michael Prue: Given the distance he has travelled and the fact that he was here before, I would accede to that.

The Chair (Mr. Bas Balkissoon): So we have agreement on all sides? Okay.

Mr. Yasir Naqvi: Thank you.

MR. NICOLAAS CLITEUR

The Chair (Mr. Bas Balkissoon): We'll call Mr. Knox and Mr. Cliteur. If you could both come forward. This is a hearing of the Legislative Assembly committee, so we need you to take an oath. You can sit down. The clerk will do one at a time.

Mr. Michael Prue: We're only going to hear one witness at a time?

The Chair (Mr. Bas Balkissoon): Yes.

Mr. Michael Prue: Okay.

The Clerk of the Committee (Ms. Tonia Grannum): Do you solemnly swear 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, so help you God?

Mr. Nicolaas Cliteur: So help me God.

The Chair (Mr. Bas Balkissoon): Can you state your name for the record?

Mr. Nicolaas Cliteur: Yes. My name is Nicolaas Cliteur. I'm a sergeant with the Ontario Provincial Police stationed at Queen's Park detachment.

The Chair (Mr. Bas Balkissoon): Okay. You can sit and then we'll do the other oath. Go ahead, the next oath.

The Clerk of the Committee (Ms. Tonia Grannum): Do you solemnly swear 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, so help you God?

Mr. Daryl Knox: So help me God.

The Chair (Mr. Bas Balkissoon): Can you just state your name for the record?

Mr. Daryl Knox: My name is Acting Inspector Daryl Knox. I'm the acting detachment commander for Queen's Park OPP.

The Chair (Mr. Bas Balkissoon): Okay. We're going to have questions from all sides, so I will start with the opposition.

Mr. Michael Prue: I do not think you can have two people giving testimony at the same time under oath. That flies in the face of every statute I know in Canada, including the inquiries act. Only one person can be examined at one time. You can't examine two of them at the same time.

The Chair (Mr. Bas Balkissoon): Okay. I'll have to go based on my subcommittee report. I didn't have names. Which one would you prefer first, committee?

Mr. Michael Prue: I think the one who is retired and has travelled a great distance should go first.

The Chair (Mr. Bas Balkissoon): Okay; Mr. Cliteur. All in agreement? All right. We'll start with the opposition. Mr. Miller.

Mr. Norm Miller: Thank you for your time coming today and last week as well. We appreciate you coming in.

To begin with, what was the role and responsibility that you had on budget day, March 25?

Mr. Nicolaas Cliteur: I had been the officer designated in charge of the entire budget lock-up, from when we went into lockdown with the Minister of Finance at the end of February right through to budget release day. I was the officer in charge of the entire unit on March 25, budget release day.

Mr. Norm Miller: Where were you physically at close to 4 o'clock on March 25? Were you either at the door of the opposition lock-up or the third party lock-up? Where were you physically on that day?

Mr. Nicolaas Cliteur: All the reference made to an officer doing all the communication to get the clearance was me.

Mr. Norm Miller: So you were physically at the door?

Mr. Nicolaas Cliteur: Yes, sir.

Mr. Norm Miller: At which door?

Mr. Nicolaas Cliteur: I was situated probably right in the middle between where the Progressive Conservatives and the New Democratic Party were in lock-up. I was probably right in the middle, waiting for the okay to go.

Mr. Norm Miller: I was obviously in the Progressive Conservative lock-up, but I don't remember seeing any of the NDP anywhere nearby. I thought there was an officer who was right at the front of our lineup and another different officer at the front of the third party's—

Mr. Nicolaas Cliteur: The rooms were side by side, sir, and I would say that I was right smack in the middle between the two doors as both sets of party members started coming out at about quarter to four.

Mr. Norm Miller: Did you have a copy of the protocol, then, that was established for the budget lock-up?

Mr. Nicolaas Cliteur: Sir, I had a time frame of when events were to happen. I don't know if you want to call that protocol, but I had a time frame of events that was

giving me guidelines as to when things should happen, yes.

Mr. Norm Miller: Okay, well, there was a specific protocol, which I have a copy of in front of me—the clerk is saying that you have a copy of it, too—that goes through things we were told: that you can't take laptops in to the lock-up and that you can't take cellphones in. Probably one of the key ones is “Shortly before 4 p.m. MPPs will proceed to the Legislature (escorted by a member of the minister's office and OPP officers) to be present when the minister tables the budget.” What was the meaning, to you, of “shortly before” 4 o'clock “p.m.”?

Mr. Nicolaas Cliteur: Sir, the timetable that I was following—I was at the Liberal lock-up probably closer to 20 to 4 when the Premier, the Minister of Finance, the Liberal caucus and my security team left to start heading over to the Legislature to continue their work there. I waited for the vast majority of the Liberal members to make sure that they got out of the room successfully and were under escort to head over.

As soon as I left that, I walked directly over to where the PCs and NDPs were waiting. I arrived there probably close to quarter to 4 when, almost right away, members started coming out of the rooms. That's where I waited for the next phase to start.

Mr. Norm Miller: So the Liberals were let go first, roughly around 3:40, to make their way over to the Legislature. You then went to in between the NDP and PC caucus rooms. From the testimony we've had, there seems to be agreement that it was some time between 3:55 and 4 o'clock that the PCs and NDPs were released. From the testimony we've heard, members asked to leave and were told they couldn't leave and that you were awaiting instructions. Is that correct?

Mr. Nicolaas Cliteur: I was waiting for instructions and the escort to start to bring the other members over to the Legislature.

Mr. Norm Miller: Who were you waiting for instructions from?

Mr. Nicolaas Cliteur: More importantly, sir, I was waiting for the escort. There were two things that I said twice to members who were outside there. I said, “For security reasons, I have to wait for the Premier and the Minister of Finance to clear the walkway. Number 2, once the escort”—

Mr. Norm Miller: Excuse me, to clear the walkway in front of the rooms?

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Mr. Nicolaas Cliteur: No, the walkway that goes from the Macdonald Block into the Whitney Block.

Mr. Norm Miller: Can I ask why you have to wait for—every day of the week we are mingling amongst each other all the time, so I don't quite understand the security concern with opposition, third party and government members walking together over to the budget.

Mr. Nicolaas Cliteur: Sir, I'm not going to speculate. All I know is that we set up a security process so that I had a team of OPP officers bringing the Liberal caucus over and I had a team of officers to bring the PCs and

NDPs over. I wanted to make sure there were at least a couple of minutes in between that so that, if you think about it, sir, the Liberal team—my security team—doesn't see suddenly a group of people they're not familiar with coming up behind them. There should be—

Mr. Norm Miller: Unfamiliar with?

Mr. Nicolaas Cliteur: I'm sorry, sir; from a security point of view, that's how I envisioned organizing it.

Mr. Norm Miller: Okay. It reminds me of when I used to coach hockey teams and one hockey team had to leave the ice before the other hockey team was allowed to leave the ice at the end of the game.

So you escorted the Liberal Party over first and then you were waiting for your escort to come back before you would release the PCs and the NDPs.

Mr. Nicolaas Cliteur: I'm not waiting for them to come back, sir. I had two separate teams set up. I'm waiting for an escort from either the minister's office or from Larry Till, who was in charge of the budget lock-up. According to all things, he is the only person authorized to release people from the lock-up.

Mr. Norm Miller: Sorry, can I ask you to repeat that name?

Mr. Nicolaas Cliteur: Larry Till.

Mr. Norm Miller: Larry Till?

Mr. Nicolaas Cliteur: He's in charge—

Mr. Norm Miller: Can you spell his last name for me, please?

Mr. Nicolaas Cliteur: I think it's simply T-i-l-l.

Mr. Norm Miller: Okay, thanks. What's his position?

Mr. Nicolaas Cliteur: He was the person I reported to.

Mr. Norm Miller: Is he an OPP officer?

Mr. Nicolaas Cliteur: No, he is a member of Ministry of Finance communications. Sorry, is it CCAB?

Mr. Norm Miller: We'll find out who he was, but he's a member of the minister's staff?

Mr. Nicolaas Cliteur: He's over—

Mr. Norm Miller: I'm getting shaking of heads from behind you there, but—

Mr. Nicolaas Cliteur: He's a member of the Ministry of Finance.

Mr. Norm Miller: Ministry of Finance, okay.

Mr. Nicolaas Cliteur: He's on the third floor, Frost North, and he's the person I went to several meetings with to set up the necessary security protocol.

Mr. Norm Miller: So the Liberals came across. The second team—you were waiting for them to escort the NDP and PC Party. Did the NDP then go before the PCs, because it seems—

Mr. Nicolaas Cliteur: Because of the time frame, sir, they all went together.

Mr. Norm Miller: Because from testimony we've had, the NDP made it across before the great majority of the PC Party did, so they're either in better shape or they left earlier. When do you think they were released from—

Mr. Nicolaas Cliteur: Sir, I did not notate any time. I know we were getting—my best recollection is some-

where between 10 to 4 and five to 4. That's the best I can tell you.

Mr. Norm Miller: So you were waiting for the okay from Larry Till. Was it via two-way radio that you were communicating with him?

Mr. Nicolaas Cliteur: That day, sir, I had three means of communication. I did the best I could to receive that authorization.

Mr. Norm Miller: We heard from a couple of members that they asked two or three times. They weren't sure about when they could leave, and then you communicated with, I assume, Mr. Till. You communicated by radio, and how else did you communicate?

Mr. Nicolaas Cliteur: No. I have two different radio systems on me as well as a cellular phone. Which one actually finally gave me the green light, sir, the okay to allow the members to leave, I can't recall.

Mr. Norm Miller: So to your first couple of calls you made, was the response, "No, we're not ready yet," or "It's too early"?

Mr. Nicolaas Cliteur: My first response was that the members of the Liberal caucus were still in the walkway, "Stand by."

Mr. Norm Miller: And finally it was just, "Okay, go"?

Mr. Nicolaas Cliteur: "Go."

Mr. Norm Miller: By that point, you had your team to escort the members. I wasn't at the front of the lineup—I've been in many lock-ups; I'm the finance critic for the PC Party. Probably in the past seven or eight years I've in the lock-up. Actually, in past years I have been escorted. It's usually been only myself and the leader and maybe one other person, and we have been escorted by a police officer all the other times. This time, I personally was not escorted by a police officer. I didn't see a police officer from leaving the lock-up to getting across into the Legislature. You think the NDP and the PCs were released at about the same time, and it was close to 4 o'clock.

I'll pass it on to Sylvia for a second to ask some more questions.

Ms. Sylvia Jones: Thank you for appearing today. As you can tell, we're just trying to figure out where the challenges came from. You mentioned that you had three forms of opportunities or ways to communicate with Mr. Till at the Ministry of Finance to get the release of the members. Is that accurate?

Mr. Nicolaas Cliteur: I told you that on that particular day, I had three forms of communication on me. I did the best I could to contact somebody authorized to release the members to attend.

Ms. Sylvia Jones: Was it your understanding that the only individual who could authorize the release of the PC and the NDP members was Mr. Till?

Mr. Nicolaas Cliteur: He is arbitrarily in charge. That can be passed on any number of ways. In this particular case, a member of the minister's staff—I only know him as Dan—appeared at the same time that I got the okay to release the members.

Ms. Sylvia Jones: Appeared in person to the lock-up?

Mr. Nicolaas Cliteur: Yes.

Ms. Sylvia Jones: And at that point you had the sign-off or the ability to release the PCs and NDP.

When you were asked by various members, “When can we leave?” and “Why can’t we leave?”—those things—did you attempt to contact Mr. Till?

Mr. Nicolaas Cliteur: Yes.

Ms. Sylvia Jones: How many times?

Mr. Nicolaas Cliteur: I would say that I was probably trying two or three times, if not four or five times. I don’t recall. All I know is, I was doing everything in my ability to allow the process to continue.

Ms. Sylvia Jones: And did you ever successfully connect with Mr. Till in the multiple times that you attempted to contact him?

Mr. Nicolaas Cliteur: Yes. When I got the green light, it was Mr. Till who finally came on the air and told me, “Escort the members over.” At the same time, a member of the minister’s staff was there to assist in that escort.

Ms. Sylvia Jones: How many other budget lock-ups have you been involved in previously?

Mr. Nicolaas Cliteur: I have been in charge of four of the last five budget lock-ups that I have attended.

Ms. Sylvia Jones: Based on that experience with your four or five previous budget lock-ups, were the instructions similar or consistent?

Mr. Nicolaas Cliteur: They have been consistently the same for the last five years that I’ve been involved.

Ms. Sylvia Jones: Have you ever had, in those four or five times, a situation where the MPPs did not have sufficient time to get to the chamber?

Mr. Nicolaas Cliteur: I can’t answer that because I don’t know what time they have to be there. This is the first time I’ve heard that there’s a specific time. All I know is that I’m given a schedule that will allow the members to continue to do their job, and I follow that schedule to the best of my ability and with the proper authorizations and escorts available.

Ms. Sylvia Jones: So the schedule does not have times, per se, laid out. Is that correct?

Mr. Nicolaas Cliteur: No, there are time frames of when—I know, if anything, according to mine, we were running about five minutes late with the Liberal caucus having left. I thought it was around 3:30 or 3:35, somewhere in that time frame, we were expecting the Liberal caucus, and shortly thereafter should be followed by members of the PC and NDP.

Ms. Sylvia Jones: So the Liberal caucus protocol actually allows the government members to be released from their lock-up prior to the opposition?

Mr. Nicolaas Cliteur: Yes.

Ms. Sylvia Jones: And that’s laid out in the protocol as set out by Larry Till from the Ministry of Finance?

Mr. Nicolaas Cliteur: Again, I’m sorry, just so that I’m clear: You keep calling it a protocol; I keep telling you it’s a calendar of times that are laid out that give me

a rough idea of when things should happen. That schedule gives me a rough idea.

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Ms. Sylvia Jones: Probably part of the reason why I’m calling it a protocol is that the various House leaders, the three House leaders from the NDP, the government and the PCs, would have been given a copy that sets out the expectations of what our roles and responsibilities would be in the budget lock-up, and I am assuming that it would coordinate fairly closely with what you were given in terms of your schedule of expectation of timelines and events. But again, just to confirm: There are no times on that, but it did specify that the government—Liberal—members were to be released from their lock-up prior to the opposition members. Is that correct?

Mr. Nicolaas Cliteur: One of my biggest concerns, raised by the OPP, is that there’s always security when we are bringing our members over from one area to another. To try and allow security a chance to do its job properly, there has always been a momentary separation of time of these two groups, yes.

Ms. Sylvia Jones: But someone along the line must have made a decision that government caucus was released before PC and NDP caucus. Is that a decision that was made by Larry Till in finance to ensure that security perimeter?

Mr. Nicolaas Cliteur: You’re going to have to ask Larry Till—

Ms. Sylvia Jones: Excellent question.

Mr. Nicolaas Cliteur: —or other members how the timetable—all I’m saying is that just a day or two before budget lock-up, I receive this timetable of events and it gives me guidelines of when things should happen.

Ms. Sylvia Jones: Thank you. I appreciate it.

The Chair (Mr. Bas Balkissoon): Just one second, committee. Based on Mr. Naqvi’s suggestion that we have a time clock today—I have no instructions in the subcommittee report about timing the questions, so if you want to deal with this member, I would have to time it at about 20 minutes each, or maybe 15—probably 15. Mr. Prue?

Mr. Michael Prue: The timetable that you were given said that the Liberals should be leaving at approximately 1535 hours?

Mr. Nicolaas Cliteur: Sir, I don’t have that information in front of me. I’m going by my best recollection, because all documents afterwards, from my perspective, were purged. All I remember is that somewhere around 3:35 or 3:40, the members actually left to head over to the Legislature. As to what time they were expected to leave, I can’t remember that.

Mr. Michael Prue: You’re not a rookie. You’ve done this four of the last five years.

Mr. Nicolaas Cliteur: Yes, sir.

Mr. Michael Prue: Did you meet with Mr. Till each one of those four out of the last five years, or did you meet with other people?

Mr. Nicolaas Cliteur: We had security meetings weekly.

Mr. Michael Prue: With?

Mr. Nicolaas Cliteur: Larry Till and other members associated with this lock-up.

Mr. Michael Prue: Did the instructions come from Mr. Till? Did the guidelines you were given come from Mr. Till and were they in written form?

Mr. Nicolaas Cliteur: Yes, I did have a written timetable in front of me.

Mr. Michael Prue: Was that provided by Mr. Till?

Mr. Nicolaas Cliteur: I received an email. To tell you the truth, sir, I'm not sure who I got that email from, but it would have been a member of the ministry staff. Whether it would have been Mr. Till or somebody within the minister's or deputy minister's office, I'm sorry, sir, I don't know.

Mr. Michael Prue: All right. So you got some documents. You're not sure from whence they came, but you had those. Then you said they were purged. Did you have to hand them in for shredding or something else at the end?

Mr. Nicolaas Cliteur: No, I did that, sir.

Mr. Michael Prue: You purged them.

Mr. Nicolaas Cliteur: Yes, sir.

Mr. Michael Prue: Can you tell us why you purged those documents?

Mr. Nicolaas Cliteur: I purged the documents that I had.

Mr. Michael Prue: Yes. Can you tell us why you did that?

Mr. Nicolaas Cliteur: Because I'm retiring, sir, and I don't want to leave any documents lying around that I had control over.

Mr. Michael Prue: Do they exist in any other form? Do you know of anyone else who might have those documents?

Mr. Nicolaas Cliteur: No, I don't.

Mr. Michael Prue: So as far as you are aware, you are the only person who had those documents, and you have destroyed them.

Mr. Nicolaas Cliteur: Sir, I received an email with guidelines. I printed them off so I could have them available as I did my duties. Upon completion of those duties, I destroyed that document. If other people have got copies of it, I just don't know.

Mr. Michael Prue: All right. You were awaiting the instructions from Mr. Till. Was this the agreement that you had with him following your meetings in the Frost building?

Mr. Nicolaas Cliteur: Yes. If there were any concerns about releasing people from the room, I was to contact him.

Mr. Michael Prue: And what concerns did you have for releasing the opposition members at 3:45?

Mr. Nicolaas Cliteur: No, I wanted to communicate the question that was being raised by the members as to when they could leave. That was the question being put to me, that was the question I was putting to Mr. Till or trying to put to Mr. Till, and I dealt with it once I got the okay to go ahead.

Mr. Michael Prue: Who instructed you that the members of the Liberal caucus were to be treated in a manner different from members in opposition? That is, who instructed you that the Liberals and all the Liberal caucus could accompany the Premier and the finance minister, but members of the Conservative caucus and the NDP for security reasons could not? This I find a little bizarre, but if you can tell me who instructed you that Liberals were safe to be with the Premier and the finance minister, but Conservatives and New Democrats were not. This I don't understand.

Mr. Nicolaas Cliteur: I don't have an answer to that question, sir.

Mr. Michael Prue: Why were two caucuses treated differently than the other? Why could they not all leave together?

Mr. Nicolaas Cliteur: I had one security team join with a rather large Liberal caucus and I had one security team set up to help out with the other part of the legislative members go over.

Mr. Michael Prue: Why couldn't the two teams accompany the three caucuses?

Mr. Nicolaas Cliteur: I waited for the okay and the escort to allow the members to leave.

Mr. Michael Prue: Was their discussion with Mr. Till of why the two groups could not leave together?

Mr. Nicolaas Cliteur: That question was never asked.

Mr. Michael Prue: You never asked it and he never instructed that they couldn't leave together?

Mr. Nicolaas Cliteur: Sir, I repeat myself: I was waiting for Mr. Till's authorization and an escort to allow the members to leave.

Mr. Michael Prue: You said that you were part of the process, and you had several meetings to set up the security process. This was never discussed? This had to have been discussed if you were treating it as one group would go in advance and the second one would go later. Or did you just think this up on the day?

Mr. Nicolaas Cliteur: No. I told him that I would have two security teams deal with the two different groups going over. As to the timing of when they were released, it's not my job to make that decision. Mine was to follow the instructions. I set up the two security teams.

Mr. Michael Prue: When the Liberals were allowed to be released, did they have to go with a member of the Ministry of Finance? Did they have somebody from the Ministry of Finance accompany them as well as OPP officers?

Mr. Nicolaas Cliteur: Absolutely.

Mr. Michael Prue: And were arrangements made to have the same or a different person from the Ministry of Finance accompany?

Mr. Nicolaas Cliteur: I was expecting a different person from the Ministry of Finance.

Mr. Michael Prue: Was it a different person or was this Dan the same person who accompanied both and came back?

Mr. Nicolaas Cliteur: No. Dan was not part of the team that went with the Liberal caucus.

Mr. Michael Prue: Were any questions asked of Dan why he showed up 15 minutes or 20 minutes after the Liberals left?

Mr. Nicolaas Cliteur: Not by me, sir.

Mr. Michael Prue: So would Dan have that information? If we were to call Dan, whoever Dan is, would he have the information on what instructions he had to show up 20 or 25 minutes after his counterpart showed up to escort the Liberals?

Mr. Nicolaas Cliteur: It's not a question I can answer, sir.

Mr. Michael Prue: All right. You said that you had two radio systems and a cellphone, but you're not sure which method was ultimately successful in finding Mr. Till. Cellphones can be accessed as to exact times and dates and where the calls were made. Do you still have your cellphone bills, in case it was the cellphone, and what time and date, so we can verify the exact time that you finally connected with Mr. Till or the exact time that he called you on that cellphone?

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Mr. Nicolaas Cliteur: The telephone is supplied by the budget secretariat for the times that I'm in charge of the lock-up. The phone has been returned to them. Any and all phone calls and bills go through their office.

Mr. Michael Prue: So the phone was returned to them, it was their phone, so they should have, if it was in fact the phone that you finally got him on, the exact time at which the call came in from Mr. Till saying, "Release them."

Mr. Nicolaas Cliteur: Yes, sir, if a cell was used.

Mr. Michael Prue: All right. Then I think we should get that.

You went on to say that you were told that the Liberals were still in the walkway and that the Conservatives and NDP had to stand by. The walkway is a good distance from the lock-up rooms. It's about halfway or perhaps a little more than halfway to this Legislative Building. Why did you consider that that wasn't sufficient distance? I'm not even sure they had to be kept apart, but why did you think it wasn't enough distance that you held them further until the Liberals had cleared the walkway?

Mr. Nicolaas Cliteur: First of all, if I remember right, from where the lock-up is for the members of the PC and NDP, we're talking halfway down a hallway to where the walkway starts and then into the Whitney Block. All I wanted to do was wait that short distance to clear the members from the walkway before I sent another security team across with the members. That's all I asked.

Mr. Michael Prue: But why? I don't understand. They were at least a five-minute walk apart at that point. It took at least five minutes to walk from the lock-up room that the Liberals were in to the walkway. Why was that not a sufficient distance between the two groups? I don't understand why there had to be a distance at all, but why was that not a sufficient distance? Why were the NDP and Conservative members made to wait longer?

Mr. Nicolaas Cliteur: I'm going back to one point: I was waiting for the authorization to release the members. I was in charge of security. Once I received that authorization for them to leave, it was done expeditiously.

Mr. Michael Prue: You used the word that it was a protocol that the government would leave first—or somebody used the word "protocol." I think the Conservatives used that, that the government would leave first. I think this is quite key to me. Who made the determination that the government would leave first? Did you make that, or did Mr. Till make that?

Mr. Nicolaas Cliteur: I did not make that.

Mr. Michael Prue: You did not make that? So you had instructions that the government would leave first and the opposition would leave later.

Mr. Nicolaas Cliteur: That was what was on the timetable.

Mr. Michael Prue: All right. Were you given any explanation whatsoever as to why this was to be the case?

Mr. Nicolaas Cliteur: No.

Mr. Michael Prue: Is it reasonable that a government member who was so inclined would be able to leak information every bit as easily as an opposition member who was so inclined? They were both in a lock-up; they both saw the document. Is there any difference between the two as to how a leak might occur? Because I think that's why they were in the lock-up and that's why there was security: so that no leaks occurred. Is there any difference between a government member, in your mind, and an opposition member in terms of leakage?

Mr. Nicolaas Cliteur: You're asking me to speculate, sir, on what people would do.

Mr. Michael Prue: No, but you treated them differently. You treated one group to be allowed to go first in plenty of time and another group not to, and the second group couldn't even travel with them. So I'm trying to figure out: What was the rationale for this? You said it was security. Was it the security of the leak? The security of the personage of the Premier? What was the security?

Mr. Nicolaas Cliteur: Sir, I was asked to provide two security teams to provide an escort over to the Legislature. You're asking me about the rationale. I don't have an answer for you, sir.

Mr. Michael Prue: So you didn't question what security you were providing. Was it personal security? Safety-of-documentation security? You don't know?

Mr. Nicolaas Cliteur: I was asked to provide two security teams.

Mr. Michael Prue: You also said that security would provide a momentary separation. I wrote down "momentary separation."

Mr. Nicolaas Cliteur: Yes. From a security point of view, sir, I saw the viability in allowing a bit of a gap from one group my team was bringing up to a second team coming up within a few minutes after. I could see the viability from a security point of view of that following through.

Mr. Michael Prue: I've only got one more question.

The Chair (Mr. Bas Balkissoon): Okay, because we would need a couple of minutes to decide the next step.

Mr. Michael Prue: Okay. Mr. Till provided the timetable. That's what I wrote down. Mr. Till provided you with the timetable and, when you looked at that timetable, was it any different than timetables in past years when you provided security?

Mr. Nicolaas Cliteur: No, sir.

Mr. Michael Prue: Okay, thank you very much.

The Chair (Mr. Bas Balkissoon): The government side?

Mr. Yasir Naqvi: No questions. Thank you very much.

The Chair (Mr. Bas Balkissoon): Mr. Miller has a question.

Mr. Norm Miller: I just want to read something and get you to verify it for me. I'll read this:

"I have been able to confirm that the OPP officer positioned at the door of the room being used for the PC lock-up was instructed at approximately 3:50 p.m. to let the members of the PC caucus leave for the chamber. Unfortunately, the OPP officer did not acknowledge the authority of the staff person who gave the instruction and a more senior staff person had to be directed to the room to ask the OPP officer to let the members leave for the chamber. The minutes lost finding a more senior staff person account for the delay in giving all members time to get to the chamber. I would like to make it clear that at no time did the government prevent or obstruct any member from arriving in the chamber for the presentation of the budget."

So my question is: Is that correct? Is that accurate? I know I just read it once; I'd be happy to read it again or read the key parts again.

Mr. Nicolaas Cliteur: Sir, my testimony right from the start was that my best recollection is, somewhere around 10 to four to five to four I was given the authorization to release the members from the lock-up. Immediately upon receiving those instructions, the escort had arrived literally at exactly the same time and all members left under police escort.

Mr. Norm Miller: So the key, though, this is from—I'll tell you who it's from. It's from the government House leader, defending the point of privilege in the Legislature. But the key thing is, she says that the officer did not acknowledge the authority of the staff person who gave the instruction to release us. Is that correct?

Mr. Nicolaas Cliteur: I don't know which OPP officer they were talking to, sir.

Mr. Norm Miller: Well, you were the only OPP officer at the door, weren't you?

Mr. Nicolaas Cliteur: No, sir.

Mr. Norm Miller: Or you were the only one communicating.

Mr. Nicolaas Cliteur: I was the officer in charge of the security detail for the day.

Mr. Norm Miller: You told me previously that you were between the NDP and the PCs and you were the one communicating to the members.

Mr. Nicolaas Cliteur: Correct.

Mr. Norm Miller: Correct. So I assume this means that this is directed towards you. I'll read it again. It says, "Unfortunately, the OPP officer did not acknowledge the authority of the staff person who gave the instruction and a more senior staff person had to be directed to the room." Is that correct?

Mr. Nicolaas Cliteur: Sir, I waited for the communication—

Mr. Norm Miller: But is this correct? It's fairly straightforward.

Mr. Nicolaas Cliteur: I don't recall anybody coming to me and telling me that they are released.

Mr. Norm Miller: So nobody came, and then you didn't—so you're saying it's not correct, because you didn't have a person come and you didn't challenge their authority and then another person came.

Mr. Nicolaas Cliteur: No, sir.

Mr. Norm Miller: I think that's what you're saying, and that's based on what you said previously. I would agree that's what you're saying. So, okay. Thank you for that.

Ms. Sylvia Jones: One quick question, and thank you for trying to clarify this whole short mess. You were instructed to wait to release the opposition members. Were you also instructed or did you get instruction from Larry Till or Dan to release the Liberal members? How were you allowed to release the Liberal members from their lock-up?

Mr. Nicolaas Cliteur: In exactly the same manner. Each section of persons who were required to leave the lock-up prior to the minister releasing the document had to follow—I had to wait for that authorization to come. So whether it be the—sorry.

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Ms. Sylvia Jones: Government members or the opposition?

Mr. Nicolaas Cliteur: Before any of the members of the Legislature went over, there was also a group of people representing key people. You have a specific—

Ms. Sylvia Jones: Stakeholders, lobbyists.

Mr. Nicolaas Cliteur: Stakeholders; thank you. Stakeholders were under the same—I was there as all the stakeholders who had permission to leave were given the authorization, escorted and taken over. I went over to the Liberals: All the persons who were authorized were given the release and escorted over. I went over to the PC and NDP rooms: They were given the authorization, released and escorted. The same process was followed all the way through.

Ms. Sylvia Jones: Perfect. So what was the order of releasing individuals from the lock-up? Was it stakeholders, Liberals, opposition members, or Liberals, stakeholders, opposition members?

Mr. Nicolaas Cliteur: No, stakeholders went much earlier, then the Liberals, then the PCs and NDPs.

Ms. Sylvia Jones: And in each situation, each of those three individual lock-ups, you waited for the approval, the release, from either Larry Till or Dan?

Mr. Nicolaas Cliteur: No, from Larry Till or a member of the minister's staff in charge of the escort.

Ms. Sylvia Jones: Thank you.

The Chair (Mr. Bas Balkissoon): Mr. Hardeman?

Mr. Ernie Hardeman: Just quickly, I want to go back a little bit to what it is the security was for. Was it to protect the people or to protect the information?

Mr. Nicolaas Cliteur: Both, sir.

Mr. Ernie Hardeman: It would seem to me that if it's to protect the information, it would make absolutely no difference who was going where when, as long as they weren't going in such a way that they could leak the information. It takes me back to the comments of my colleague here. What's the difference between what party you are as to whether you are likely to leak information? Why would a security approach to protecting that information be dictated by the size of the party or the position of the party? Why would there be a different approach to protecting that security in my hands as opposed to protecting it in the hands of Mr. Delaney? Maybe we should say Mr. Dickson, because Mr. Delaney would never spill the beans, would he?

I think this is rather serious. Why would it be different?

Mr. Nicolaas Cliteur: Sir, you asked me a question: Are we there to protect the people and/or the document? I said we're there to protect both. You specifically now have asked me questions concerning the document only. That's not fair, sir, because, in fact, the purposes that I see of the security teams going there are twofold: to protect the people going over, out of the lock-up area, into a different area altogether and the integrity of the document that they've had the ability to see. That's what I tried to provide as best I could on that day, under the guidance that I have followed all the way through this.

Mr. Ernie Hardeman: I accept your criticism that it's not fair to split the two, so I'll bring the other one. I guess my question really is about the security of the person—protecting the Premier from me, and me from my friend from the NDP. If you are in charge of security and you are in charge of my security every day for whatever reason around the precinct, why, when this is for a budget lock-up, do we have someone in the Ministry of Finance deciding how you should provide that security? Wouldn't it still be based on you putting forward the proposal on how best to protect everyone under these circumstances, and then you go about doing your job, as opposed to having the Ministry of Finance decide how that should be done and what time I should be allowed to leave? Wouldn't the security of the person be totally in your hands?

Mr. Nicolaas Cliteur: Is it totally in my hands, sir? No.

Mr. Ernie Hardeman: Thank you.

The Chair (Mr. Bas Balkissoon): Mr. Prue, do you have further questions?

Mr. Michael Prue: Yes, I have some additional questions.

The Chair (Mr. Bas Balkissoon): We've got about five minutes, I think.

Mr. Michael Prue: Yes, about five minutes, and maybe that's all it's going to take. Did you receive instructions on what to do if and when a member wanted to leave without the permission of Mr. Till?

Mr. Nicolaas Cliteur: Did I leave—I'm sorry.

Mr. Michael Prue: No, no, did you get any instructions on what you were to do if one of the members insisted, "I'm leaving. I want to be over there to do my job"? Did you have instructions on what to do with that member if they decided to leave before you gave the okay?

Mr. Nicolaas Cliteur: Was I given instructions? No, sir.

Mr. Michael Prue: What would have been your role: just to let him go?

Mr. Nicolaas Cliteur: You're asking me to speculate, sir, and that is not something that I am going to do at this hearing.

Mr. Michael Prue: All right. So if a member wanted to leave, could they leave?

Mr. Nicolaas Cliteur: Sir, you're asking me to speculate, because I've never had that happen in the five years that I've been in charge.

Mr. Michael Prue: I witnessed it. I witnessed it myself, when a member said, "I'm leaving and you're going to have to arrest me if you try to stop me." I witnessed that two budgets ago. The officer let him go, and I went with him. I want to know: Has there been any instruction on what to do if a member decides to leave? Do you just let him or her go?

Mr. Nicolaas Cliteur: Sir, again, I'm going to say that in the five years that I've been in charge, nobody has ever challenged the ability to leave prior to release being given by Mr. Till or the person in charge of the lock-up.

Mr. Michael Prue: You've said that this has never happened, not in the five years—nobody has ever left in advance.

Mr. Nicolaas Cliteur: Not while I've been in charge, sir.

Mr. Michael Prue: All right. I think those are my questions. Thank you.

The Chair (Mr. Bas Balkissoon): Thank you—

Mr. Norm Miller: I just wanted to clarify a point of what Mr. Prue was talking about, because he talked to me about it previously. He said that Howard Hampton, the leader of the NDP at the time—I assume that was two years ago—wanted to leave, and I assume that's who Mr. Prue was talking about in saying that he said that he was going to leave, was asked not to and then actually just did leave. Do you have any recollection of that?

Mr. Nicolaas Cliteur: I recollect my time with Mr. Hampton. Mr. Hampton left the room under escort, and I believe where he was going, sir, was to do his time with the media. That is the only time—my career as a police officer started in Fort Frances. Mr. Hampton and I knew each other very well during my time up there in Fort Frances. Mr. Hampton challenged me at one point concerning going to the media, and I actually had a ministry staffer there and said, "We'll go now," and he was under

escort. That is the only time Mr. Hampton has ever challenged leaving that lock-up, to the best of my recollection, while I have been in charge.

Mr. Norm Miller: Thank you. I understand that that very well may be the incident that Mr. Prue was speaking of from a couple of years ago. I just thank you for helping to clarify things. I appreciate it. We weren't trying to interrogate you, but we do appreciate you providing information today for us to help us understand the events of the budget lock-up.

Mr. Nicolaas Cliteur: I'm glad I could help, sir.

The Chair (Mr. Bas Balkissoon): Before I let Mr. Cliteur go, I just want to make sure all parties are happy.

I understand Mr. Knox is really just here accompanying him, and you really don't have much—

Mr. Daryl Knox: That's correct, sir. I was the overall officer in charge of security for Queen's Park that day.

The Chair (Mr. Bas Balkissoon): Okay. Does anybody have any questions?

Mr. Michael Prue: I have questions.

The Chair (Mr. Bas Balkissoon): You do? Okay. We will have to ask—

Mr. Norm Miller: Just one question, and that is: There's Dan and there's another reference to a member of the minister's staff; do you know who they are, any fuller names—a last name for Dan or who this member of the minister's staff is?

Mr. Nicolaas Cliteur: I'm sorry, sir. It's one of my downfalls, trying to remember names. I'm excellent with faces and details, but terrible with names.

Mr. Norm Miller: No problem. Thanks.

The Chair (Mr. Bas Balkissoon): Mr. Knox, would you be able to return at the next scheduled meeting?

Mr. Daryl Knox: On June 2?

The Chair (Mr. Bas Balkissoon): It will probably be June 2, but the clerk will let you know.

Mr. Daryl Knox: That's fine; yes.

The Chair (Mr. Bas Balkissoon): Okay. I just want to thank both of you for taking the time to be here with us today.

Committee, we just have a couple of minutes left, so rather than call the next witness, I'm just wondering if we could discuss what the next steps are. After the next witness, would you like to have a subcommittee meeting to lay out the next set of steps?

Mr. Michael Prue: We can, or I would want to put on the record that at this point, at this juncture, having heard the testimony, I would like to hear from Mr. Till and Dan, whoever Dan is, and I would like the ministry to provide the cellphone records for the cellphone, to show exactly what time the call came in to the officer saying that the members could be released.

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Ms. Sylvia Jones: If I could add to that: not only the cellphone records for releasing the opposition members but for releasing the Liberal members and the stakeholders, because he did make reference to "three separates."

Mr. Norm Miller: And the member of the minister's staff in charge of budget lock-up who was referred to, other than Mr. Till.

The Chair (Mr. Bas Balkissoon): We've got Larry Till and Dan.

Mr. Norm Miller: There was another reference. What was the reference to the minister's staff person who—

Ms. Sylvia Jones: The officer said "a member of the minister's staff related to budget lock-up," so there must have been a team, under Larry Till, with Dan and someone else.

The Chair (Mr. Bas Balkissoon): Can we pursue that after we hear from Mr. Shortill?

Ms. Sylvia Jones: The only other thing that I would ask: The officer made reference to an email that he had received as a result of his meeting with Mr. Till, and he subsequently destroyed it because he left, which is fair enough. Could we get a copy of that email from the sender—presumably Mr. Till, but I would not want to make an assumption at this point.

The Chair (Mr. Bas Balkissoon): Mr. Naqvi.

Mr. Yasir Naqvi: I was just hoping, before we start doing our shopping list—and that's appropriate—that if we still had some time, we could hear from Mr. Shortill.

The Chair (Mr. Bas Balkissoon): We only have five minutes and I can't go a full round, so I didn't want to start.

Mr. Yasir Naqvi: Okay.

The Chair (Mr. Bas Balkissoon): That's the only reason. I don't want to start and then it's left in the middle of a witness's—

Mr. Yasir Naqvi: So he'll be called back on June 2?

The Chair (Mr. Bas Balkissoon): We would have to request him to come back also. The committee meets on June 2. We will send a request out—

Mr. Michael Prue: I wonder, since it seems to me unlikely—given that I have questions of Mr. Knox, we have questions of Mr. Shortill and we may have questions of Mr. Till and Dan, and there is some documentation—that we could possibly expect to finish on June 2, since we are charged to do this in an expeditious manner, would it not be appropriate, before we meet again, to seek instruction from the House as to when we would continue? If we are to continue on a date when the House is not sitting, which we cease on June 3, we are going to have to have the permission of the House to meet in the summer. We don't have to necessarily set the dates, but I think we do have to get that permission in the event we don't finish on the next date, which is highly likely.

The Chair (Mr. Bas Balkissoon): I'm in the hands of committee. I would have to get your agreement on which direction you want to go with, and then I'll just take the request. I need all parties to agree.

Mr. Michael Prue: I'm putting that forward, because that's the instruction from the Speaker, that this be dealt with as expeditiously as possible, and the order of the House is that this committee deal with nothing else until we finish this. Therefore, I am desirous, if we don't finish on the second, that we do so with expediency.

Mr. Yasir Naqvi: I would argue that while I agree with Mr. Prue that this matter has to be dealt with as expeditiously as possible, because that's what the Speaker has ruled, we should try to deal with this as expeditiously as possible, not try to drag it out over the summer, and try to get this done.

Mr. Norm Miller: We have two hours left.

The Chair (Mr. Bas Balkissoon): We only have two hours left, because we're scheduled, by House instructions, every Wednesday between 1 and 3, unless you're asking to start at noon on June 2.

Mr. Yasir Naqvi: Which is fine with me, if you want to start at noon on June 2.

Mr. Michael Prue: That's a start, but I think we also need to seek the authority of the House, if we don't finish by 3 o'clock on June 2, that we have authorization to meet again at some point, preferably in the month of June, to finalize this. We can set perhaps one day aside to finalize it.

Mr. Yasir Naqvi: I was going to suggest that we try to get as much done on June 2, starting at noon, and if we fail to do so, then we can go to the House for that approval.

The Chair (Mr. Bas Balkissoon): I'm being told by the clerk, because that week is a short week, that if we need to make a request, we need to make it as soon as possible.

The Clerk of the Committee (Ms. Tonia Grannum): Before the House rises, because they have to move the motion in the House.

Mr. Yasir Naqvi: June 3 is the last day of the House.

The Clerk of the Committee (Ms. Tonia Grannum): They have to move the motion in the House, so—

The Chair (Mr. Bas Balkissoon): June 4 is—

Mr. Yasir Naqvi: So we still have time.

The Chair (Mr. Bas Balkissoon): June 2 we're meeting; June 3 is the last day.

Mr. Yasir Naqvi: So we still have until the third to get the approval of the House.

Ms. Sylvia Jones: I'm sorry. I know that you did make reference to a noon start, and unfortunately, I cannot do that; I've already got a commitment.

The Chair (Mr. Bas Balkissoon): We'll leave it at 1 to 3. The clerk will notify Mr. Shortill and Mr. Knox, and we will attempt to find the other individuals and the email and the—

Ms. Sylvia Jones: Could I make an alternative suggestion, in that we ask the House leaders to put forward the motion so that we can sit for a full day in June when the House has risen—

The Chair (Mr. Bas Balkissoon): I'm in your hands as a committee.

Ms. Sylvia Jones: —and then phrase it in such a way that if we don't need it, then we won't? At least it's there and we won't get caught if the House rises early.

The Chair (Mr. Bas Balkissoon): Do I have agreement on all sides?

Mr. Yasir Naqvi: So we'll ask House leaders to—

The Chair (Mr. Bas Balkissoon): To put forward the request that if we don't finish on June 2—

Mr. Michael Prue: But I think the committee has to make the request. Might I suggest that—

The Chair (Mr. Bas Balkissoon): I think that's what she's saying.

Mr. Michael Prue: If I might suggest that the clerk prepare such a motion for our use, if we need to do so, on the second, so that we can do that—

The Chair (Mr. Bas Balkissoon): I understand, Mr. Prue. I just want to make sure I have all sides' agreement.

Mr. Yasir Naqvi: No. I still feel that we should try to finish this on the second; if not, then we go to the House.

The Chair (Mr. Bas Balkissoon): I don't have all sides' agreement.

Mr. Yasir Naqvi: We still have one day of the House left to—

Mr. Ernie Hardeman: If you don't ask for it now, you will have to wait until the fall.

Mr. Yasir Naqvi: We still have one day.

Mr. Ernie Hardeman: Because you can't sit during the summer recess.

The Chair (Mr. Bas Balkissoon): No. We will have the third—

Mr. Yasir Naqvi: We have the second and the third, because routine proceedings start at 3 o'clock on the second.

Ms. Sylvia Jones: It is a risk, because there are examples—and I've only been here for two and a half years—where the House rises earlier than the Thursday.

The Chair (Mr. Bas Balkissoon): Okay. We're adjourned, and the clerk will attempt to get all the information you've requested.

The committee adjourned at 1457.

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