



ISSN 1180-436X

**Legislative Assembly
of Ontario**

Second Session, 40th Parliament

**Assemblée législative
de l'Ontario**

Deuxième session, 40^e législature

**Official Report
of Debates
(Hansard)**

Wednesday 25 September 2013

**Journal
des débats
(Hansard)**

Mercredi 25 septembre 2013

**Standing Committee on
the Legislative Assembly**

Financial Accountability Officer
Act, 2013

**Comité permanent de
l'Assemblée législative**

Loi de 2013 sur le directeur
de la responsabilité financière

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Room 500, West Wing, Legislative Building
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Toronto ON M7A 1A2
Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



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

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
THE LEGISLATIVE ASSEMBLYCOMITÉ PERMANENT DE
L'ASSEMBLÉE LÉGISLATIVE

Wednesday 25 September 2013

Mercredi 25 septembre 2013

*The committee met at 0901 in committee room 1.*FINANCIAL ACCOUNTABILITY
OFFICER ACT, 2013LOI DE 2013 SUR LE DIRECTEUR
DE LA RESPONSABILITÉ FINANCIÈRE

Consideration of the following bill:

Bill 95, An Act to establish a Financial Accountability Officer / Projet de loi 95, Loi créant le poste de directeur de la responsabilité financière.

The Chair (Mr. Garfield Dunlop): Good morning, everybody. We'll call the meeting to order. We're here today on Bill 95, An Act to establish a Financial Accountability Officer.

Today, we have clause-by-clause consideration. The way the motion reads is that we have the opportunity to go between 9 a.m. this morning and 12 noon, and then from 1 o'clock to 5 o'clock this afternoon if, in fact, we need that kind of time.

I'm going to ask each caucus if they'd like to open with an opening—yes?

Mr. Steven Del Duca: Chair, sorry, if I could just request that the committee consider breaking for question period at 10:30 so that members can be in the Legislature, in the House, in the chamber itself for question period today.

The Chair (Mr. Garfield Dunlop): Does anybody have a problem with that? We have a request to recess for question period.

Mr. John O'Toole: Totally.

The Chair (Mr. Garfield Dunlop): Then we'll do that. So that's agreed by everyone?

Mr. Steven Del Duca: Thank you.

The Chair (Mr. Garfield Dunlop): Okay. I wondered if that would come up. We all like to be in question period.

I'd like each caucus to have an opening statement, if they'd like to have the opportunity.

Mr. John O'Toole: Yes, I'm going to start very quickly and just say that we'd like to get this done, clean the deck and get on to serious business.

I also want to recognize my colleague Doug Holyday, who is the accountability critic. I'm his assistant. We're the team to be feared—but we will be moving forward.

The Chair (Mr. Garfield Dunlop): Thank you for your opening statement, Mr. O'Toole. We now go to the third party. Go ahead, Ms. Fife.

Ms. Catherine Fife: Thank you, Chair. We do consider this to be serious business. We consider financial accountability to be pivotal to a successful and responsible government, and that's one of the reasons that we brought forward this idea through last year's budget process.

I'd also, at this point, like to thank the research staff, who are actually here in the room. They've done extensive work and provided a comprehensive briefing on financial accountability and budget officers across the country. We're very fortunate to have this resource at Queen's Park. I think that if you took the time to read through the research, you would see that this is an evidence-based model that actually does work in the best interests of the people of this province, and there isn't a person in the province of Ontario who doesn't understand that a greater level of financial accountability and a forward-thinking financial analysis are needed as policy is developed and as decisions are made through this Legislature.

We're looking forward to a good debate on the Financial Accountability Office, but more importantly, we're concerned with making sure that the integrity of the original act is upheld and that the Financial Accountability Officer has the powers to do what they were originally set out to do, which is ensure and protect the taxpayers and citizens of the province.

The Chair (Mr. Garfield Dunlop): Thank you, Ms. Fife. To the governing party: Mr. Del Duca.

Mr. Steven Del Duca: Thank you very much, Mr. Chair. I listened with interest to both of the members from the opposite parties talking about how they feel about the bill that we are considering today. I think that Ms. Fife is 100% right: This is very serious business. I think Mr. O'Toole is also right in saying that the people of Ontario expect us to roll up our sleeves and get down to the work, to the task at hand that we have in front of us this morning. I know that people in my community of Vaughan are very eager to make sure that this place is operating in the most accountable and transparent way. I think that's why inviting both other parties back in the spring regarding the budget—but working with, of course, the NDP, on this—we saw fit to move forward to bring this measure into the budget itself.

I think we have come up with a proposal that makes a lot of sense and would set a bit of a precedent in terms of what's happening in the provinces. Being the first province to move forward in this direction, we had fantastic questions and answers from Mr. Page last week, and I believe that as we go through the proposed amendments over the course of the hearings today, we will, I'm sure, all work very, very hard in the best interests of trying to pursue that accountability, to make sure that we produce a final product that the people of Ontario deserve. Thank you very much.

The Chair (Mr. Garfield Dunlop): Thank you, Mr. Del Duca.

We'll go right into the clause-by-clause considerations. For the first 1 to 9, we have no amendments. Would there be any questions—would you like to go over each one individually, or would you like to do debate? Is there any debate on sections 1 to 9?

Mr. Steven Del Duca: I'd like to go through it.

Interjections.

The Chair (Mr. Garfield Dunlop): Okay. Ms. Fife.

Ms. Catherine Fife: Thank you, Mr. Chair. It's my understanding that there are no amendments from sections 1 to 9, so I would recommend that we just deal with those as a whole, as a package, and then begin with section 10.

The Chair (Mr. Garfield Dunlop): Mr. Del Duca, are you saying that you'd like to vote on each one separately?

Mr. Steven Del Duca: I'd like to vote on each one separately.

The Chair (Mr. Garfield Dunlop): Okay. Because we have that request, we must follow that rule.

Any debate on section 1? All those in favour of section 1? That's carried.

On section 2: Is there any debate on section 2? No debate? All in favour of section 2? It's carried.

On section 3: Are there any questions or any debate on section 3? Mr. O'Toole.

Mr. John O'Toole: On section 3, it talks about the term of office, and I think some of the amendments in the package indicate that the term should be reviewed annually.

The Chair (Mr. Garfield Dunlop): Okay. Any other comments on it? All those in favour of section 3? That's carried.

Section 4: Any questions on section 4? Seeing none, all those in favour of it? It's carried.

Section 5: Any questions on section 5, any questions or debate? Okay, I'd say none—

Mr. John O'Toole: —got into too much of what it was going to cost for this office. We didn't think of it as an amendment, but I suspect in debate, we should know and set a budget. I would assume that in your research or analysis, you've determined—is it \$5 million or is it \$50 million? Do you have any idea? For the record.

Mr. Steven Del Duca: For the record?

Mr. John O'Toole: Yes.

Mr. Steven Del Duca: None. At this point, no.

Mr. John O'Toole: You have no idea what it's going to cost. Okay, very good. But that's the whole point of this—

Interjections.

The Chair (Mr. Garfield Dunlop): Hold on. One at a time.

Mr. John O'Toole: I'd make my argument. This office is to be set up for financial accountability. I think a good foundation for that would be to know what it's going to cost, because we already have an Auditor General—

Mr. Steven Del Duca: I say to the member opposite that this is going to be set by the Board of Internal Economy.

The Chair (Mr. Garfield Dunlop): Ms. Fife, any questions?

Ms. Catherine Fife: I was going to say the same thing. And the member is not proposing an amendment, which is what we're doing; we're doing clause-by-clause right now.

The Chair (Mr. Garfield Dunlop): All right, then. All those in favour of section 5? That's carried.

Section 6: Any questions on section 6? Questions or debate? Seeing none, all those in favour of that? That's carried.

Section 7: Are there any questions or debate on section 7? Seeing none, all in favour? That's carried as well.

Section 8: Are there any questions or debate on section 8? Seeing none, all in favour of section 8? That's carried.

Section 9: Any questions or debate on section 9? Seeing none, all those in favour of section 9? That's carried.

On section 10, we have a number of amendments. The first one would come from the NDP and Ms. Fife.

Ms. Catherine Fife: I move that clause 10(1)(a) of the bill be amended by striking out "provide an independent analysis" at the beginning and substituting "provide, on his or her own initiative, an independent analysis".

The Chair (Mr. Garfield Dunlop): Ms. Fife, would you proceed with any comment?

Ms. Catherine Fife: Okay. This amendment actually ensures that the Financial Accountability Officer can do work on their own initiative. This will also ensure that, just like the Auditor General, the Financial Accountability Office has the freedom to investigate things on their own initiative. And we heard very clearly from Mr. Page last week that autonomy and independence are incredibly important.

0910

The Chair (Mr. Garfield Dunlop): Questions from any of the other caucuses on this?

Mr. John O'Toole: I'll be consistent. I suspect most of this stuff—I cannot disagree with the concept of accountability; it's fundamental to Conservative principles. That being said, we have the opportunity to examine the Auditor General's role and have them look forward—not just do reviews of performance but to look forward—which, by the way, is part of a bill. It's the pre-election—the necessity of the Auditor General to go looking at the

forecasts of revenue and expenditures in advance of an election, which he did in 2011. In that report, he indicated that the then McGuinty and now Wynne government had a structural deficit. They still do. So he's already doing the work. Expanding the terms of reference of the current Auditor General without creating a whole new LHIN—pardon me, Financial Accountability Office, I mean—and layer of bureaucracy is questionable.

It's a coalition between the NDP and the Liberals in the budget. We understand that, and we're being bullied.

The Chair (Mr. Garfield Dunlop): Any questions from the parliamentary assistant on the amendment?

Mr. Steven Del Duca: I'm not quite sure that I understand or accept the premise the member opposite mentions with respect to bullying. I'm not sure that that's really germane to the conversation we're having today. I was sincerely hopeful at the outset of today's committee hearings that we would find a way to work constructively on this, so I'm going to do my best to avoid taking the bait that's being thrown down.

Just out of curiosity—conceptually, I don't think there's an issue with respect to this particular suggested amendment. I'm just wondering if, in terms of the language itself, this is not a bit redundant. Just so I can understand from Ms. Fife if it's just because you want to make sure it's very clearly understood?

The Chair (Mr. Garfield Dunlop): Go ahead, Ms. Fife.

Ms. Catherine Fife: For us, this is just an issue of clarity. You're hearing some noise about people being confused about the role of the officer. For us, this very clearly sets out that there is a level of autonomy and independence on the part of the Financial Accountability Officer. The research actually supports the amendment as well. It's not redundant; it's just clear.

Mr. Steven Del Duca: Thanks very much.

The Chair (Mr. Garfield Dunlop): Okay. Are there any further questions? Because I'm going to call the vote on the amendment, then.

Those in favour of the amendment made by Ms. Fife? Those opposed? The amendment is carried.

The second amendment, number 2: This is a PC motion. Mr. O'Toole.

Mr. John O'Toole: Yes, thank you. A motion to the committee:

I move that subclause 10(1)(b)(i) of the bill be amended by adding at the end "and make recommendations to the assembly concerning where the government and the Lieutenant Governor in Council can reduce spending".

The Chair (Mr. Garfield Dunlop): Any explanation at all on that?

Mr. John O'Toole: It's a friendly amendment.

The Chair (Mr. Garfield Dunlop): A friendly amendment. Ms. Fife?

Ms. Catherine Fife: It's actually not that friendly. We oppose this amendment. This would actually ask the Financial Accountability Office to make specific policy recommendations. We do not want the Financial Accountability Office to have any partisanship. The role of

the FAO is to provide information about financial costs or financial benefits. This is redundant. If the PCs want the FAO to examine cost savings, then they can propose this and the FAO could examine their proposals. Certainly the FAO can examine proposals by any MPP, as the legislation clearly runs out.

It's redundant, and it's already in the mandate of the Financial Accountability Office. Just to review, the FAO is to provide information about financial costs or financial benefits. It is up to politicians, MPPs, to use that information to propose policy. So there's a very clear distinction here, Mr. Chair.

The Chair (Mr. Garfield Dunlop): Any questions from the—Mr. Del Duca?

Mr. Steven Del Duca: To echo some of the comments that we've heard from Ms. Fife around this, I want to believe that this is coming from a place of goodness on the part of the PC caucus in terms of wanting to further the discussion and debate. I think that, unfortunately, perhaps inadvertently, Ms. Fife is correct. What this would actually end up doing is taking a position that is designed to provide analysis and take the scope of the position far outside what's contemplated and what takes place in other jurisdictions where this kind of position exists, because it would essentially transform the Financial Accountability Officer into a policy-maker, as Ms. Fife said, which is really the role of those of us who are sitting around this committee table and not the role of someone who is designed and given the mandate to review, analyze and provide advice back. So I think this is inconsistent with what existed, with respect to the Parliamentary Budget Officer in Ottawa, and it's also inconsistent with what we see in other places like, for example, Australia. It goes beyond, as I said earlier, what was contemplated for the position, and it's unnecessary.

I don't think anyone here, even if it's for the best of intentions, would want to inadvertently usurp the role of policy-makers—those of us who have that direct link back to our communities by being elected—and vest the policy-making abilities or powers in someone who is supposed to have that independent analysis and research, and provide advice back to folks. So I would agree with Ms. Fife on this one, and we will be moving from there.

The Chair (Mr. Garfield Dunlop): Mr. O'Toole.

Mr. John O'Toole: If I may, I thought this was quite friendly—just that there was the opportunity by the proposed officer of the Legislature to bring forward recommendations. I'll give you a good example. In Ottawa, the budget officer, during the discussion on the F-35, was actually leading the policy discussion. In fact, he was using different risk assessment models etc. to look at the cost of servicing the F-35 and all that. I followed that very closely, and I thought he was trying to get rid of Peter MacKay, basically.

This is what I'm saying: I don't want the officer to not have the authority to look beyond sort of a framed mandate, if we're going to have one. It's really going to be independent and be able to look at the past, the present and the future. When you're doing that, you are bumping

into Premier Wynne in terms of, you're spending too much on new drugs, because I have constituents of mine that don't have access because she won't approve drugs that are approved by Canada. They're going to die. Those people are going to die of IPF, idiopathic pulmonary fibrosis. They were here; they had a protest. Why wouldn't the Auditor General, if I inquired—why aren't they funding that medication? He could then—anyway. Do you see my point?

I'm surprised and disappointed that you're already putting controls on this proposed officer. There you go. The coalition is in force, and they want to increase spending at every opportunity.

The Chair (Mr. Garfield Dunlop): Okay. Ms. Forster?

Ms. Cindy Forster: I'd like to call the question.

The Chair (Mr. Garfield Dunlop): Any other comments—sorry, we have to call the question.

Mr. Steven Del Duca: I'd like to make a request for a 20-minute recess, Mr. Chair.

Mr. John O'Toole: I'd like to record the vote on this.

The Chair (Mr. Garfield Dunlop): We're recessed for 20 minutes.

The committee recessed from 0919 to 0939.

The Chair (Mr. Garfield Dunlop): I'll call the meeting back to order. We left with the PC motion, a request for a recorded vote on motion number 2, so I'm going to call that motion.

Those in favour of motion number 2?

Ayes

Holyday, O'Toole.

Nays

Balkissoon, Crack, Del Duca, Dhillon, Fife, Forster.

The Chair (Mr. Garfield Dunlop): That motion is defeated.

We'll now go to the third motion, ladies and gentlemen, and that's an NDP motion. Ms. Fife.

Ms. Catherine Fife: I move that subclauses 10(1)(b)(iii) and (iv) of the bill be amended by striking out "financial costs or benefits" wherever it appears and substituting in each case "financial costs or financial benefits".

This makes the English consistent with the French version. It clarifies that the role of the FAO is to provide quantitative cost information.

The Chair (Mr. Garfield Dunlop): Any questions from the parliamentary assistant?

Mr. Steven Del Duca: No questions for the member opposite. I think this amendment does provide the consistency she referenced a second ago, and I think that's in keeping with moving this forward in the right direction.

The Chair (Mr. Garfield Dunlop): Mr. O'Toole or anybody in the third party? Okay. I'm going to call the vote. Those in favour of it? That's carried.

We now have government motion number 4, but I believe it's the same—

Mr. Steven Del Duca: We can withdraw that.

The Chair (Mr. Garfield Dunlop): So number 4 has been withdrawn?

Mr. Steven Del Duca: Yes.

The Chair (Mr. Garfield Dunlop): The fifth one is a PC motion. Mr. O'Toole.

Mr. John O'Toole: I move that clause 10(1)(b) of the bill be amended by adding the following subclause:

"(v) undertake research and conduct a cost-benefit analysis of any proposed contracts or wage deals to be entered into by the government, or any proposed grants or loans to be given to private corporations by the government or by a government agency."

The Chair (Mr. Garfield Dunlop): Mr. O'Toole, would you like to—

Mr. John O'Toole: Yes. Well, it's pretty evident that what we're trying to do here is have them, in the accountability framework, make public the cost of the implementation of a program, across-the-board wage increase or bonusing system, which, I think, seems appropriate for this role—also, giving out money to the southwestern Ontario and southeastern Ontario economic development funds. I think that those are just transparency requests, and I would humbly ask for your support.

The Chair (Mr. Garfield Dunlop): Ms. Fife?

Ms. Catherine Fife: Chair, we're opposed to this amendment. We feel that it's redundant. There is nothing stopping the Financial Accountability Officer from doing this. If the member from the PC Party would look at the mandate as it's spelled out in the bill, it's already consistent. While we do share some concerns around how the money from the southwest development fund is being distributed, currently, as the legislation is written and crafted, the FAO would have the right, based on any member coming forward and requesting clarification and a financial analysis. The amendment, as proposed by the PCs, is redundant.

The Chair (Mr. Garfield Dunlop): Okay. Anybody from the government? Mr. Del Duca?

Mr. Steven Del Duca: Ms. Fife keeps beating me to the punch on some of this stuff so far this morning. To reinforce what was said, I think the idea or the concept put forward that this is a bit redundant is accurate and valid. I think, beyond that, there may also be concerns with the way this amendment is specifically written that may affect issues relating to commercial sensitivity and issues related to the sanctity of the collective bargaining process.

There's a whole series of issues that theoretically, depending on how this might be interpreted if it were to be included in this legislation going forward, could cause perhaps unforeseen challenges or dilemmas as we go forward on this. That, combined with the fact that it is redundant—because we believe there is enough substance in the proposed legislation to provide the degree of accountability that the PC members are looking for on these kinds of issues without taking this particular

approach, which, as I said a second ago, may inadvertently cause more problems than it might actually solve.

The Chair (Mr. Garfield Dunlop): Mr. Holyday, then Ms. Fife.

Mr. Douglas C. Holyday: I think that if you look at this, you might conclude, by the logic used by the government and the third party, that the whole thing could be redundant. Really, the accountability lies with the MPPs themselves, I'd say, and then there are already systems in place that look after accountability. But it seems that, for some reason, things have gone so far wrong here that we need to have even more accountability.

I don't see anything wrong with trying to take this as far as we can take it. To say that it's redundant—I think perhaps the whole thing could be redundant.

The Chair (Mr. Garfield Dunlop): Ms. Fife?

Ms. Catherine Fife: Call the question.

Mr. John O'Toole: Recorded vote.

Mr. Steven Del Duca: I'd like to request a recess before the vote.

The Chair (Mr. Garfield Dunlop): Is there no further debate other than the recorded vote request right now?

Mr. Steven Del Duca: I'd like to actually request a recess, please.

The Chair (Mr. Garfield Dunlop): A request for a recess?

Mr. Steven Del Duca: Yes, please.

The Clerk of the Committee (Mr. Trevor Day): Before the vote.

Mr. Steven Del Duca: Before the vote now, right. Yes. Sorry, I thought the question was being called.

Ms. Catherine Fife: I called the question.

Interjections.

Mr. John O'Toole: Here's how I understand it: For the record, this committee is charged with—by a management motion, whatever you call that—it's time-allocated, more or less. As such, because it's timed and there are two hours of debate when it goes back to the House, it's going to go back tomorrow, which is going to put private members' business after 6 o'clock.

The Chair (Mr. Garfield Dunlop): Okay—

Mr. John O'Toole: Now, look, I'm telling you, you're going to win all the votes; I understand that part. Do you understand?

The Chair (Mr. Garfield Dunlop): Okay, I think—

Mr. John O'Toole: If you're doing recesses, I want an explanation. It's a delay mechanism by the government itself.

The Chair (Mr. Garfield Dunlop): Mr. O'Toole, he has the right.

Mr. John O'Toole: I know he has the right. So did I.

The Chair (Mr. Garfield Dunlop): Are you asking for a recorded vote when we come back? Okay. So we've asked for a recorded vote. We're going to recess for 20 minutes.

Interjection.

The Chair (Mr. Garfield Dunlop): Further debate? Sorry.

Ms. Catherine Fife: Further debate. Mr. Chair, this is clearly just an effort to delay the FAO.

I'm referring to your efforts to filibuster the debate of this committee. I'm not sure why you are being so flip-pant about the nature of the work that's before us. The people of the province of Ontario expect us to put their needs first, not the needs of our individual parties. So the games that are being played right here, right now, are completely unacceptable.

The Chair (Mr. Garfield Dunlop): Any further debate after that? Okay; we're recessed for 20 minutes.

The committee recessed from 0946 to 1004.

The Chair (Mr. Garfield Dunlop): I'll call the meeting back. We'll now have the recorded vote on the PC motion.

Ayes

Holyday, O'Toole.

Nays

Balkissoon, Crack, Del Duca, Dhillon, Fife, Forster.

The Chair (Mr. Garfield Dunlop): That motion fails. We'll now go to the next PC motion, number 6.

Mr. John O'Toole: I move that clause 10(1)(b) of the bill be amended by adding the following subclause:

“(vi) undertake research and make recommendations to the assembly concerning where the government and the Lieutenant Governor in Council can reduce spending.”

The Chair (Mr. Garfield Dunlop): Explanation at all?

Mr. John O'Toole: It's self-explanatory: encouraging the role of the new officer of the Legislature to make recommendations with respect to spending choices.

The Chair (Mr. Garfield Dunlop): Ms. Fife.

Ms. Catherine Fife: The FAO can already examine proposals by any MPP. This amendment is, again, redundant and it's already in the mandate of the office.

The Chair (Mr. Garfield Dunlop): Any questions from the—Mr. Del Duca?

Mr. Steven Del Duca: From my perspective, from our perspective, taking a look at this particular proposed amendment, I think part of the concern is in keeping with what I said a little bit earlier regarding another PC-proposed amendment in that this strikes me as moving beyond the role of providing advice and starts to potentially move into the world of policy-making, that responsibility that falls to members of the Legislature—and a concept that isn't really in keeping with what this particular position is supposed to provide, again, when taking a look at what exists with respect to the Parliamentary Budget Officer in Ottawa, what exists with other jurisdictions.

From my perspective, this moves beyond the scope of what we are trying to propose, the concept of what we're trying to propose, and it's not necessary in order for the Financial Accountability Officer to conduct his or her

responsibilities and fulfill his or her mandate in order to make sure that the level of accountability the people of Ontario deserve is provided.

Mr. John O'Toole: Recorded vote.

The Chair (Mr. Garfield Dunlop): Any further debate? Recorded vote.

Ayes

Holyday, O'Toole.

Nays

Balkissoon, Crack, Del Duca, Dhillon, Fife, Forster.

The Chair (Mr. Garfield Dunlop): That motion does not carry.

We'll now go to the next motion by the New Democratic Party. Ms. Fife.

Ms. Catherine Fife: I move that subsection 10(3) of the bill be struck out.

This is housekeeping. It removes 10(3). Refusal of request is already addressed in subsection 10(2).

The Chair (Mr. Garfield Dunlop): Any further comments on that, Ms. Fife? Any other comments on this one? I'm going to call the vote on this, then. All those in favour of it? It's carried.

That comes to the end of number 10. Shall section 10, as amended, carry? All those in favour? It's carried.

We'll now go to section 11. Any questions or debate on section 11? All those in favour of it? Carried.

Section 12: We have amendment 8 by the NDP. Ms. Fife.

Ms. Catherine Fife: I move that subsection 12(1) of the bill be amended by striking out "any financial or economic information" and substituting "any financial, economic or other information".

By way of description, this ensures the FAO will have access to information they need to complete their mandate. In Kevin Page's memo, on page 5, it outlines instances where the Parliamentary Budget Officer needed access to information that was not specifically financial or economic in order to meet their mandate. For example, in assessing F-35 fighter jets, the PBO required information that was not financial in order to complete its financial assessment—for example, plane requirements or production schedules or specifications. The FAO may need information that isn't specifically financial in order to do their job. This makes sure that the FAO can do their job.

I believe, actually, that the PCs, in their previous comments, have concerns about them having access. This amendment would ensure that the FAO has all the information to provide an accurate, forward-thinking fiscal assessment of any projects going forward.

The Chair (Mr. Garfield Dunlop): Any questions from anybody else? Mr. Del Duca.

Mr. Steven Del Duca: I think I do understand where the NDP is coming from on this one but I'm not sure that

I am necessarily in complete agreement. When I think about what sort of underpinning or the very foundation of what we are trying to accomplish with the creation of this position, adding in the word "other" and broadening the scope to include anything that could fall under that, again, kind of takes away from the primary focus of what this position is supposed to be accomplishing on the part of the people of Ontario. I think it's a very, very broad kind of sweeping thing to include. I think that the financial and economic analysis is exactly what this position is supposed to be doing. I'm not sure that I completely understand.

Maybe Ms. Fife can elaborate just a little bit with respect to exactly why we need to broaden it this way so I'm clear.

1010

The Chair (Mr. Garfield Dunlop): I'll let her elaborate first and then we'll go to the—

Mr. Steven Del Duca: Of course.

Interjection.

The Chair (Mr. Garfield Dunlop): Pardon me?

Mr. John O'Toole: I had my hand up—

The Chair (Mr. Garfield Dunlop): Ms. Fife did as well.

Mr. Steven Del Duca: I was just curious—

The Chair (Mr. Garfield Dunlop): No, I just want her to answer that question and then I'll go over to you, Mr. O'Toole.

Ms. Catherine Fife: I think, just to be clear, we don't want to tie the hands of the Financial Accountability Officer in any way. As my esteemed colleagues Mr. O'Toole and Mr. Holyday have already mentioned, the FAO needs access to any and all information in order to provide accurate physical assessments or economic projections. We want the FAO to have broad access. The mandate is still very clear about what they can provide information on, and that direction actually comes from individual MPPs.

So for us this is important because we know from previous experience that Mr. Page, at the federal level, ran into roadblock after roadblock in trying to access accurate information to actually do his job. We feel that this doesn't overstep any boundaries or any powers that we have. It simply gives the Financial Accountability Officer the mandate to look outside of just the numbers. And we heard that very clearly from Mr. Page when we asked him.

Mr. Steven Del Duca: Yes, we did. But if I can just—sorry, I don't mean to preclude Mr. O'Toole from speaking, but I just had one—

The Chair (Mr. Garfield Dunlop): Go ahead, and then I'll go to Mr. O'Toole.

Mr. Steven Del Duca: When Mr. Page was talking to the committee about the concerns that he had—and I think a lot of us do understand the challenges he faced in trying to execute his role. But when he felt that he was challenged or when he felt that there was an obstacle in his way, it was my impression that it was an obstacle or a challenge with respect to accessing financial and eco-

conomic information—not financial, economic and other information. I didn't have the impression—and certainly watching his career while he grappled with the federal Conservative government in Ottawa unfortunately many, many, many times—that he was looking for information that wasn't relevant to both financial and economic matters. So I'm just not 100% sure—

Ms. Catherine Fife: I can give you an example.

Mr. Steven Del Duca: Sure, that would be great.

Ms. Catherine Fife: Mr. Page, in his deputation and in his report, cited that as he was trying to—

Interjection.

Ms. Catherine Fife: Can I—

The Chair (Mr. Garfield Dunlop): Go ahead. Go ahead—

Ms. Catherine Fife: When he was trying to—

Interjection.

The Chair (Mr. Garfield Dunlop): No, wait. Let her finish up, and then you'll go. I'm just trying to get this one clarification between—

Mr. Steven Del Duca: Sorry; my apologies.

Ms. Catherine Fife: When he was trying to give a financial assessment specific to the F-35, he was looking for information around plane requirements, he was looking for information around production schedules, he was looking for specifications that were in line with the engineering of the jets in order to give an accurate financial assessment, and he was blocked almost on every front. This is an example of why we should craft legislation that doesn't inhibit the financial assessment. That's the example of the F-35s.

The Chair (Mr. Garfield Dunlop): Mr. O'Toole.

Mr. John O'Toole: I find it surprising but I do agree with the amendment because it reminds me, with these two chattering back and forth—what it reminds of is exactly the questions either by Mr. Bisson or Mr. Wilson in the House on the gas plants, and the manipulation by the Premier saying that all of the access on the information on the gas plants was available to the committee, and the House leader denying it's not within the scope. In that respect, the current information is such that that committee cannot get to the information, and they have been charged by the Legislature to find the truth.

I am in agreement with the motive here. I find that the government is in a position here—while talking about Mr. Page deflecting it to Stephen Harper's government, they should look internally to see how manipulative they are on Ornge, on the gas plants, on eHealth, on almost everything in this House, you can't find out—and there's not one answer that I ever hear that answers the question—on drug access, on access to information in the simplest forms.

So I think to take a lecture from the parliamentary assistant almost makes the hair on my neck stand up. Look, you can't have it both ways. You agreed with this. This is a collusion of the two of you looking for accountability, and it's anything but accountability. And if you want to chatter back and forth, I'll filibuster for the whole day. I'm not threatening; I'm saying that I find what

you're talking about is duplicitous. You're not agreeing with her that all the information should be available to the officer of the Legislature. That's what you said.

I will be supporting it, and I call the vote.

The Chair (Mr. Garfield Dunlop): Any further debate?

Mr. Steven Del Duca: I'm a little bit taken aback, I suppose, but I'm fairly thick-skinned, so I'm not quite sure references to hair on the back of one's neck, speaking as someone who's follicularly challenged—I'm not quite sure if that was a personal shot or not. I'm sure it wasn't.

Mr. John O'Toole: Well, it was.

Mr. Steven Del Duca: I'm just joking. I'm sure it wasn't.

I'm just asking. I wanted a clarification regarding exactly what the NDP was looking for with respect to this. I don't think there's anything wrong with asking for clarification. I don't think it's trying to be obstructionist or trying to be difficult. I listened with great interest to Mr. Page's testimony and commentary just a few days ago, as we all did.

I think we want to make sure that, whoever ends up taking on this role in an attempt to provide that level of accountability that you and the PC caucus do a great job—quite the theatrical job—of talking about frequently, we're vesting this power and this mandate in an individual who understands that if you're going to search for information, as Ms. Fife mentioned, like the stuff around fighter jets that Kevin Page had to go look for, it at least ties back and is relevant to the financial and economic analysis.

This is not a Financial Accountability Office that's being given a mandate to determine something that falls well beyond the scope of financial or economic information. I just wanted to make sure I had a clear understanding that it was at least, in some way, shape or form, tied back to the level of accountability that we are trying to provide to the people of Ontario that has been so missing in what's taken place with our federal Conservative government over the last number of years, and the same accountability that was completely absent the last time the Conservatives were in power here at Queen's Park, which is why we had problems with the sale of the 407 and a whole host of other really unfortunate scandals that still plague the people of Ontario today.

Having said that, I'd be happy to consider the question now.

The Chair (Mr. Garfield Dunlop): Any further debate on this? All those in favour of this motion? Those opposed? The motion carries.

We've got about another seven minutes. We'll go till 10:25.

The next motion is a motion by the NDP.

Ms. Catherine Fife: I move that subsection 12(3) of the bill be amended by striking out "financial or economic" in the portion before paragraph 1 and substituting "any information".

In many respects, this is housekeeping. It ensures consistency with amendment 8. This makes sure that the FAO can do its job. The FAO may need information that isn't specifically financial. This is something former Parliamentary Budget Officer Kevin Page explained to this committee was important if the FAO is going to do its job effectively.

The Chair (Mr. Garfield Dunlop): Further questions on it? All those in favour of the amendment? The amendment carries.

We'll now go to the next amendment by the PCs. Mr. O'Toole.

Mr. John O'Toole: I move that section 12 of the bill be amended by adding the following subsection:

"Notice re failure to comply with subs. (1)

"(3.1) The Financial Accountability Officer may notify the Speaker of the assembly and the Chair of the Standing Committee on Finance and Economic Affairs if the Financial Accountability Officer is of the opinion that a ministry or a public entity has failed to comply with a request under subsection (1)."

The Chair (Mr. Garfield Dunlop): Any explanation, Mr. O'Toole?

Mr. John O'Toole: No. I think this amendment is self-explanatory, if one reviews subsection 12(3.1).

The Chair (Mr. Garfield Dunlop): Any questions? Ms. Fife.

Ms. Catherine Fife: We'll be supporting the amendment. We concur with the intent of it in that this would ensure that members of the assembly are made aware of any attempt by the government or other entities to stymie or block the work of the FAO. The bill is clear that the government has to co-operate with the Financial Accountability Officer. If they don't co-operate, MPPs and the public need to know. So we're in complete agreement.

The Chair (Mr. Garfield Dunlop): Mr. Del Duca? Okay.

Those in favour of this motion? The motion carries.

That's section—

Interjection.

The Chair (Mr. Garfield Dunlop): There's one more NDP motion; I apologize. Yes, go ahead.

1020

Ms. Catherine Fife: I move that section 12 of the bill be amended by adding the following subsection:

"Same, redaction of information

"(3.1) For greater certainty, before giving information to the Financial Accountability Officer, a ministry or public entity shall take reasonable steps to redact personal information and personal health information."

By way of a description, in its current wording there are strong protections of personal and personal health information. However, this shouldn't stand in the way of the FAO getting information from which the personal information has been removed.

In the experience of Ottawa's PBO, ministries have used any personal information as a reason to not provide records. It's essential that we protect people's privacy. At the same time, this will ensure that personal information

is kept private but ensures that the FAO receives all other relevant information.

We're looking for support.

The Chair (Mr. Garfield Dunlop): You want to call the question, then? All those in favour of it? That carries.

Shall section 12, as amended, carry? That's carried.

Mr. John O'Toole: I would bundle 13, 14 and 15.

The Chair (Mr. Garfield Dunlop): Mr. O'Toole has moved we bundle 13, 14, 15—and 16.

Mr. John O'Toole: We have an amendment on 16.

The Clerk of the Committee (Mr. Trevor Day): Section 16.1 is a different section of the act.

Mr. John O'Toole: Okay. Section 16 then.

The Chair (Mr. Garfield Dunlop): Is that okay with everyone?

Mr. Steven Del Duca: That's fine.

The Chair (Mr. Garfield Dunlop): Okay. Shall sections 13 to 16 carry? Carried.

Section 16.1.

Mr. John O'Toole: Yes, this is a new section really.

I move that the bill be amended by adding the following section:

"Annual review of act, etc. by standing committee

"16.1(1) Every year, the Standing Committee on Finance and Economic Affairs shall conduct a review of this act and the legislative needs of the Financial Accountability Officer, with the first review to begin no later than the first anniversary of the date on which this act received royal assent.

"Same

"(2) The committee shall hear the opinions of the Financial Accountability Officer, of members of the assembly and of any other persons the committee considers appropriate.

"Report to assembly

"(3) The committee shall report the results of its review and its observations, opinions and recommendations to the assembly."

The Chair (Mr. Garfield Dunlop): Questions on that? Ms. Fife.

Ms. Catherine Fife: We're opposed to this amendment. In the current legislation the FAO can table an annual report and set out any issues they may have. There's no annual review of the legislation overseeing the Auditor General or the Ombudsman. If the FAO has issues, the annual report which reports on the work of his or her office creates an opportunity to report any issues that they have. So this amendment, in our opinion, is redundant.

The Chair (Mr. Garfield Dunlop): Mr. Del Duca?

Mr. Steven Del Duca: No comments.

Mr. John O'Toole: Very quickly: At one time, there was such a review of the Ombudsman's office. I had the privilege—I think in 1997 or something—of chairing a committee which eventually reduced and eliminated and struck further independence of the Ombudsman. So this is a new piece, a new office. Whether it's the LHINs or all these new bureaucracies they've formed, I think it's an appropriate review—certainly in the first year—to put

it on the books as a necessary way of doing business. It's part of accountability, and that's why it's moved.

The Chair (Mr. Garfield Dunlop): Further questions?

Mr. John O'Toole: Recorded vote.

The Chair (Mr. Garfield Dunlop): Okay.

Interjection.

The Chair (Mr. Garfield Dunlop): I'm sorry. Mr. Holyday; I apologize.

Mr. Douglas C. Holyday: The final act of accountability is always in the hands of the MPPs, and if the officer decides that they don't wish to report out or make some changes and they don't ever come forward with it, then the MPPs don't get to make the decision. So if you want to have the opportunity to make the decision, as you should have, then you have to have something in place that calls for this report. If it's mandated that it be brought forward, whatever action comes from that will be dealt with. But if the MPPs who have the final say don't ever get anything before them, they'll never make the decision.

The Chair (Mr. Garfield Dunlop): Further questions?

Shall section 16.1 carry?

Ayes

Holyday, O'Toole.

Nays

Balkissoon, Crack, Del Duca, Dhillon, Fife, Forster.

The Chair (Mr. Garfield Dunlop): Section 16.1 does not carry.

Section 17: a new PC section.

Mr. John O'Toole: Section 17—

The Clerk of the Committee (Mr. Trevor Day): Do 17; then we'll do the amendment.

The Chair (Mr. Garfield Dunlop): I apologize.

Mr. John O'Toole: All right. This is the amendment.

The Chair (Mr. Garfield Dunlop): Shall section 17 carry? It's carried? Okay.

Ms. Cindy Forster: I thought it was section 16.

Mr. John O'Toole: No, no; it's all done.

Interjections.

The Chair (Mr. Garfield Dunlop): Section 17 is carried, yes.

Interjection.

The Chair (Mr. Garfield Dunlop): Section 17.1 separately, yes. We did 16 and 16.1 separately.

Interjections.

The Chair (Mr. Garfield Dunlop): Just a second, everyone. I apologize, Mr. O'Toole. The bells are starting to ring for question period.

Mr. Steven Del Duca: It's the final amendment.

The Chair (Mr. Garfield Dunlop): Final amendment, then. Okay.

Mr. John O'Toole: I move that the bill be amended by adding the following section:

"Notice re obstruction by a member of the assembly, etc.

"17.1 The Financial Accountability Officer may notify the Speaker of the assembly if the Financial Accountability Officer is of the opinion that a member of the assembly or their staff has interfered with or obstructed, or has attempted to interfere with or obstruct, the Financial Accountability Officer in the performance of his or her duties."

It's self-explanatory. It should be independent and beyond any question that they can't be intimidated, as has recently been the case with our Speaker.

The Chair (Mr. Garfield Dunlop): Further debate?

Those in favour of this motion? That's carried.

We'll put 18 and 19 together. Shall sections 18 and 19 carry? Carried.

Shall the title carry? Carried.

Shall the bill, as amended, carry? Carried.

Shall I report the bill, as amended, to the House? Thank you very much. Carried, everybody.

We're recessed till next week.

The committee adjourned at 1027.

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